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2011

Capital Outlay
Charter Compliance Committee
Conservation Commission

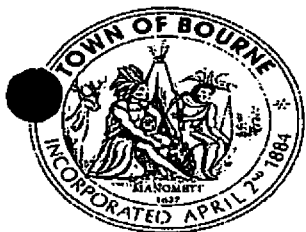
MEMORANDUM

TO: Town Clerk
FROM: Capital Outlay Committee
DATE: January 11, 2011
SUBJECT: Meeting cancellation

The Capital Outlay meeting that was scheduled for Wednesday, January 12, 2011 at 9:00 A.M. has been cancelled due to pending snow storm

TOWN CLERK'S OFFICE

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2011 JAN 7 8 58 AM '11
**CAPITAL OUTLAY
COMMITTEE**
TOWN CLERK'S OFFICE
Meeting Notice



Date

Wednesday
January 12, 2011

Time

9:00 AM

Location


Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

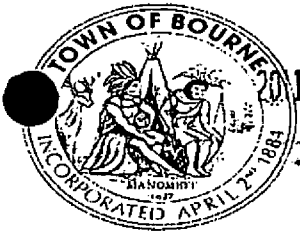
- 1) Approval of minutes: 12/6/10
- 2) Overview of FY12 Capital Requests and schedule for review
- 3) Task Updates
DPW – John Redman
Police Station – John O'Brien
Facilities Manager – Ken Legg
Fire Stations – Bill Ware
Long Term Plan – MJ Mastrangelo
- 4) Discussion of Building Consensus for the Long Term Capital Plan
- 5) Discussion of future agenda items
- 6) Adjourn

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: January 7, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



JAN 11 CAPITAL OUTLAY
TOWN CLERK'S OFFICE COMMITTEE



Meeting Notice

Date

Wednesday
January 19, 2011

Time

9:00 AM

Location

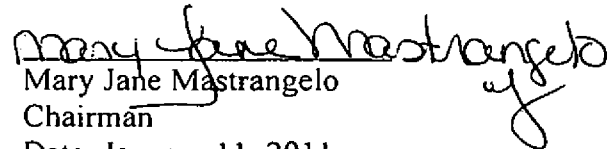
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

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- 2) Overview of FY12 Capital Requests and schedule for review
- 3) Task Updates
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Chairman
Date: January 11, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, January 19, 2011 / 9:00 A.M.
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and Bill Ware

Excused: Ken Legg

Others Present: Finance Director Linda Marzelli

Approval of Minutes:

None at this time

List of Documents:

Long term Debt Schedules FY12 – Thereafter
Bourne DPW Feasibility Study – Cost Estimate
Bourne DPW Feasibility Study – Cost Estimate – Revised
DPW Discussion – Capital Outlay Meeting

Chairman Mastrangelo called meeting to order at 9:10 A.M.

Chairman Mastrangelo said there was a joint meeting between the Board of Selectmen, Finance Committee and School Committee discussing whether there would be any monies available to fund any capital items.

Finance Director Linda Marzelli handed out the Long Term Debt Schedules FY12 – Thereafter spreadsheet. Reviewed the debt schedule, authorized borrowing and what is anticipated. It was suggested to include on the debt schedule numbers showing how the tax payers would be impacted on their Real Estate tax bill (per thousand).

General Debt is paid from the general budget; Exempt Debt is funded on the tax rate and Funded Debt is from other funding source.

Debt services budget for non-excluded debt shouldn't be less than 5% or more than 10% of the General Operating budget according to the Town of Bourne Financial Policy.

Chairman Mastrangelo asked Finance Director to include a column on the spreadsheet for FY11 debt for history purposes and this would help the committee.

Task Updates:

DPW – John Redman: Meeting was held on January 11, 2011 between Administrator Guerino, DPW Superintendent Rickie Tellier and Mr. Redman to review and discuss the re-bid from Gannet Flemming. Adding an additional 10,000 square feet for storage area and office space has increased cost by approximately \$1 million bringing the cost from \$7.8 million to \$9.8 million. Site work estimate costs were also increased. This is work that the DPW & ISWM could do work themselves. Issue with the connection of the DPW facility into the septic system at the Bournedale Elementary School hasn't yet been resolved.

Administrator Guerino is sending proposal to Weston & Sampson and to Wally Tomaszuck who was Clerk of the Works/Consultant for the Chatham Facility for second opinion to see if they concur with the numbers.

TOWN CLERK'S OFFICE
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Mr. Redman referenced a DPW Facility in the Town of Bedford that is similar to Bourne. They constructed a 35,000 square foot building that is 6 years old costing approximately \$5.5 million. A separate 5,000 square foot butler building for seasonal storage was constructed but unclear if it was included in the above cost.

Facility is similar to Bourne which houses 28 DPW employees and 13 administrative workers (DPW Director, Assistant, Administrative, town Engineer, Water Department and billing) compared to Bourne's 30+ DPW employees but without recyclables. Mr. Redman suggests looking at this building in the future.

Chairman Mastrangelo is looking at the process and needs to be determined how to approach Town Meeting with the DPW Facility plan.

Discussed having an independent group that wouldn't be challenged to do a Comprehensive Study from cost of facility down to what it will cost tax payers on their Real Estate tax bill. Suggest establishing a Fire Department Building Committee, Police Department Building Committee and DPW Building Committee. Recommend that each committee consist of: Department Head or his/her designee, Capital Outlay member, Finance Committee member and 2 members at large that has interest or construction expertise and keep membership at 5. Building Committee would report to the Capital Outlay Committee with their proposal and recommendation and also report to the Board of Selectmen. The Board of Selectmen need to be on board with the process.

Long Term Plan – MJ Mastrangelo: Attended the School Facility meeting and spoke with School Superintendent and there is a need to get clarification on SBAB's new process.

Fire Stations – Bill Ware: Toured Town of Mashpee's Fire Station which is all centralized between Fire Station, Police Station and Senior Center. Their satellite station was closed due to lack of manpower. Satellite station was extensive but building itself couldn't cost more than \$1 million. Discussed making Head Quarters a satellite station with more office space.

Discussion of building consensus for the Long Term Capital Plan

- Need to go before the Board of Selectmen to get their support on the committees
- Concerns that there is no building that the Capital Outlay Committee is ready to proceed with at the upcoming Spring Town Meeting.
- Chairman Mastrangelo to request meeting with the Board of Selectmen at a Workshop Meeting re: Long Term Plan to have discussion and come to an agreement on plan.

Discussion of future agenda items

Next meeting will be on Wednesday, February 2, 2011 @ 9:30 A.M. Will ask Administrator Guerino which committee's should come before the Capital Outlay to present their requests.

Meeting has also been scheduled for Wednesday, February 9, 2011 @ 4:00 P.M.

Bill Ware made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 10:30 A.M.

Respectfully submitted by,

Debbie Judge
Recording Secretary

CAPITAL OUTLAY COMMITTEE



JAN 28 PM 12 38
TOWN CLERK'S OFFICE



Date

Wednesday
February 2, 2011

Time

9:30 AM

Location

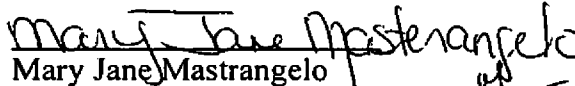
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

- 1) General Overview
 - Data Processing
 - DPW
 - ISWM
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes: 12/06/10; 01/19/11
- 4) Discussion of future agenda items
- 5) Such other business that may legally come before the Committee
- 6) Adjourn

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Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: January 28, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, February 2, 2011 / 9:30 A.M.
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay

2011 FEB 17 AM 9 28

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and Bill Ware TOWN CLERK'S OFFICE

Excused: Ken Legg

Others Present: Administrator Guerino, Finance Director Linda Marzelli, Cheri Campbell from Data Processing, DPW Superintendent Rickie Tellier and Brian Wilson

List of Documents:

❖ **Partners in Technology with Global Data Systems**

General Overview

❖ **Data Processing – Server Update - \$88,200.00**

Administrator Guerino explained that this is a 1 person department and if something goes down, there is nobody that knows how to get it back up. Global Data Systems would be available, if needed and they are a half hour away.

Bill Ware recused himself from discussion since Global Data Systems is his client.

Cheri explained that the current system has 5 servers and it costs more to update. Recommend replacing the 5 current services with Virtual Servers. Virtual Servers mean everything will be on site, more flexible and up to date. Rack Server is much easier to install and maintain.

Fire, Police and Council on Aging will now be kept on new server where currently they are on their own server. This will also eliminate the service contract on the Council on Aging server.

Administrator Guerino said in future we should incorporate IT equipment into the capital plan and not in the operating budget. It's the same idea as the Technology Equipment with the School Department.

Committee discussed the estimated cost of \$88,200 for the Server Update on the Capital Outlay Project Request Form. In Section V of the handout estimated the cost of Hardware & Software at \$60,000 and Labor at \$20,000 for a total of \$80,000. It was agreed to go with the figure of \$80,000 and spreadsheet will reflect same.

Committee requested Cheri to submit breakdown on cost.

Department of Public Works:

❖ **DPW Garage Repairs - \$50,000.**

Superintendent Rickie Tellier told the Committee that he understands that the numbers are tight and appreciates what the Committee has given his department in the past.

Heating System/doors in the Repair Shop need to be replaced. There are 2 bay doors in the Repair Shop that heat is escaping through gaps under the door. Need to replace with above ground radiator. Don't want to do a lot to keep, but only to keep at a minimum depending on what's going to happen with the new facility.

Chairman Mastrangelo requested a list of items included in the \$50,000 and an overview of the project. Mechanic Brian Wilson said the \$50,000 is a very conservative figure. Also requested is a list of repair cost that will be needed if the project doesn't go forward.

Administrator Guerino said he sent figures to Weston & Sampson for their review to see if the numbers are accurate on the new facility. It will take 30 months from the start to completion of a new facility.

❖ **Shop Truck - \$52,000**

Current shop truck is 18 years old and in poor condition. There is no trade-in value in the shop truck so it will be salvaged. Looking to purchase a Ford F250, 4-wheel drive with utility body, air compressor, welder generator and lift gate. Truck is used to rescue another vehicle if broken down, not only DPW vehicles but any town department vehicle. Useful life is 15 – 18 years.

Shop Truck will be called ST1 for accountability purposes.

Goal is to set up a replacement plan for all vehicles.

❖ **10 Wheel Dump Truck (T10) – \$150,000.00**

Current truck (T10) is a 1997 Ford, 14 years old and badly deteriorating. Used frequently for hauling and sweeping. Estimated cost for new truck is \$162,000 minus Trade-in cost of \$12,000 for a total of \$150,000.

Chairman Mastrangelo asked for out-of-pocket maintenance on a yearly basis, how this has changed over time and number of miles per year that vehicle is used. Brian will provide information to the committee.

❖ **Lawn mowing equipment - \$45,000**

Current mowers are aging – requesting 3 mowers. There will be a total of 6 mowers plus a brush cutter. Brian will provide more information breakdown on mowing equipment.

❖ **Copy Machine - \$12,000**

Administrator Guerino said he may have a copy machine for the DPW. Town Hall is getting a new copy machine and DPW can have the one from Town Hall and they just have to take over the lease.

❖ **Holiday Lighting - \$25,000**

Change Holiday Lighting to Electrical Upgrade on spreadsheet. Last year upgraded underground electrical wiring at both rotary circles and received LED bulbs thru the Cape Light Compact. This year need to upgrade wiring at the Buzzards Bay Park that is not in code.

Chairman Mastrangelo requested backup material on costs.

Priorities:

1. DPW Garage Repairs
2. 10 Wheel Dump Truck
- 3A. Lawn Mowing Equipment
- 3B. Shop Truck
4. Electrical Upgrade

Please note that code violations are the town's top priority

Task Updates:

Fire Station – Ware * No report at this time

Police Station – O'Brien/Redman *No report at this time (will speak with Chief Woodside when he comes before the Capital Outlay)

Long Term Plan – Mastrangelo: Need to change numbers on spreadsheet that the Capital Outlay Committee had voted to change. Need to meet and discuss whether to insert the 5% inflation numbers.

Discussed another possible location for a Police Facility located at the corner of MacArthur Blvd and Otis Park Drive. Site work could off-set the cost of a septic system. Suggest having new committee look at location and don't rule out combination Police/Fire Station.

Minutes:

John Redman made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes of December 6, 2010 as presented. **UNANIMOUS VOTE**

John Redman made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes of January 19, 2011 as presented. **UNANIMOUS VOTE**

Discuss future agenda items

Next meeting will be on February 9, 2011 at 4:30 P.M. and will have ISWM and Police Departments make their presentations..

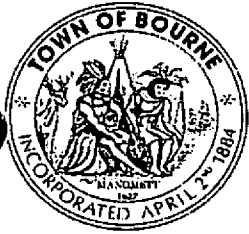
Following meetings will be held on February 16, 2011 at 4:00 P.M. and on February 23, 2011 at 9:30 A.M.

There is also a meeting scheduled on February 23, 2011 at 7:00 P.M. with the Board of Selectmen to discuss the Long Term Plan.

John O'Brien made a **MOTION** and **SECONDED** by Bill Ware to adjourn the meeting 11:10 A.M.

Respectfully submitted by:

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE

Meeting Notice



Date

Wednesday
February 9, 2011

Time

4:30 PM

Location

Bourne Veterans' Memorial
Community Building
239 Main Street
Buzzards Bay

AGENDA

- 1) General Overview
 - Police
 - DNR
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes: February 2, 2011
- 4) Discussion and possible vote: Capital Stabilization Warrant Article for Excess Host Community Fees
- 5) Discussion of future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

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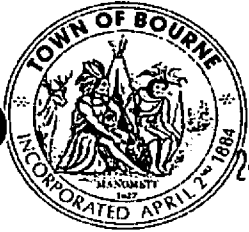
Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman

Date: February 4, 2011

TOWN CLERK'S OFFICE

2011 FEB 4 AM 11 12

Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



CAPITAL OUTLAY COMMITTEE



2011 FEB 7 PM 2 59

TOWN CLERK'S OFFICE

Meeting Notice AMENDED

Date

Wednesday
February 9, 2011

Time

4:30 PM

Location

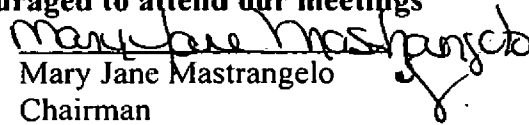
Bourne Veterans' Memorial
Community Building
239 Main Street
Buzzards Bay

AGENDA

- 1) General Overview
 - DNR
 - Shore & Harbor
- 2) Task Updates
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 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
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Mary Jane Mastrangelo
Chairman
Date: February 7, 2011

Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, February 9, 2011 / 4:30 P.M.
Bourne Veterans' Memorial Community Center
239 Main Street, Buzzards Bay

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and Bill Ware

Excused: Ken Legg

Others Present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, DNR Director Tim Mullen, Engineering Technician Michael Leitzel, James Mulvey and Paul Gately from the Bourne Courier

List of Documents:

- **Draft copy of the ISWM Host Community Fees article for the Annual Town Meeting 2011**

General Overview

- **Department of Natural Resources – Replace floats at Monument Beach Marina - \$45,000**

DNR Director Tim Mullen explained that monies for the first phase float replacement were appropriated last year and is available in this current year. First phase hasn't yet been started. There is a total of three (3) phases for a total of \$130,000. There are 9 main floats 6' x 20'; 2 finger floats 3' x 22'; and 2 finger floats 3' x 25' floats for a total square footage of 1,437. The existing floats have to be designed according to the location of the pilings, which are all different sizes. It would be almost better off with a design and build all floats that will be the same size.

Revenues from the marina go into the General Fund. Private and commercial revenues go into the Waterways Fund.

Chairman Mastrangelo asked Finance Director Linda Marzelli that instead of completing the replacement of floats in 3 separate phases, can there be an article for the whole project and allow to borrow and pay from Waterway Funds. You would only need to borrow money for the 2nd and 3rd phases since the 1st phase was appropriated last year. Linda will look into.

Improvements that need to be made to the marina:

1. ***FIRST PRIORITY:** Replace failing septic system (approximately \$85,000 – system was installed in 1984)
2. Parking lot needs repaving (last year's approximate cost was \$150,000 for main parking lot – all parking lot work)
3. Additional parking (field area has never been paved, update drainage at approximate cost of \$50,000)
4. Snack bar (replacement)

Applied for a re-configuration permit that is the biggest in the state. There would be 1 permit to include the marina expansion increasing slips from the current 67 to 99 slips; replacement of ramp that will include dock on either side for easy loading and unloading off their boats, improvements to the parking lot and snack bar facility. Shore & Harbor has been very involved in the permitting process. Anticipate receiving permit in March.

2011 FEB 17 AM 9 37

Capital Outlay Committee
Wednesday, February 9, 2011 / 4:30 A.M.
Bourne Veterans' Memorial Community Center
239 Main Street, Buzzards Bay

2011 FEB 17 AM 9 29
TOWN CLERK'S OFFICE

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and Bill Ware

Excused: Ken Legg

Others Present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, DNR Director Tim Mullen, Engineering Technician Michael Leitzel, James Mulvey and Paul Gately from the Bourne Courier

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It was discussed that in the early 1990's, the Board of Selectmen and the Shore & Harbor Committee spent a lot of money for an overview of the Monument Beach Marina. It wasn't looked at favorably and nothing was done for years. Mike Leitzel will submit background of the marina to the committee.

Chairman Mastrangelo asked Administrator Guerino to look into whether the town should have a policy that certain amount of revenue that is taken in at the marinas should be put aside for capital expenditures.

It would be beneficial to put all together instead of spreading it out over the years. Tim to provide committee with cost factors for all improvements at the marina.

Capital Outlay would like to have a call number for the Pump out boat where it is easier to follow on the spreadsheet. Other DNR vehicles have call numbers. Tim will provide call number to the committee.

Update from last year's capital appropriations:

- Getting quotes on replacing small work skiff
- Use 11 year old vehicle and wants to get through the winter. The vehicle is also being using by other departments. Will purchase through County bid.
- Phase 1 for the floats hasn't been started yet.

Shore & Harbor – Mike Leitzel - \$85,000

Permit process will begin for the next project on January 15, 2012 and should receive permit in 2015. Hen Cove is the next dredging project with cost between \$200,000 - \$225,000. There is 21,000 cubic yards to be removed and town will pay \$7.50 per cubic yard to the county, will use county dredge but will pay fuel cost for equipment, remove silt from site, repair damages around area and make improvements to drainage.

When this Hen Cove project is complete, next project will be will be Barlow's Landing and the mouth of the Pocasset River. Will take all permits and apply for a blanket permit that covers all projects and that will be good for 10 years once received. You can apply for an extension through the Corp of Engineers. Conservation Commission approval is only good for 3 years.

Tasks Updates:

Fire Station – Ware *No report at this time

Police Station – O'Brien/Redman *No report at this time

DPW – Redman *No report at this time

Approval of Minutes:

There are no minutes at this time

Discussion and possible vote: Capital Stabilization Warrant Article for Excess Host Community Fees

Chairman Mastrangelo handed out a copy of draft warrant article to committee members for discussion.

Bill Ware made a **MOTION** and **SECONDED** by John Redman to submit an article for the FY12 Annual Town Meeting to see if the town will vote to transfer any sums of money received from the ISWM Host Community Fees in excess of \$450,000 to fund entitled "Capital Expenditure Stabilization Reserve Fund" or take any other action in relation thereto. – Sponsor - Capital Outlay Committee. **VOTED 4-0**

Discussion of future agenda items

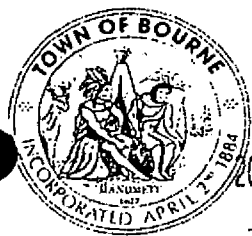
Next meeting is scheduled for February 16, 2011 at 4:00 P.M. Police Department and ISWM will be scheduled to come before the committee.

Meeting is scheduled for February 23, 2011 at 9:30 P.M. Fire Department and School Department will be scheduled to come before the committee.

Chairman Mastrangelo would like to meet with the Board of Selectmen at a workshop meeting to discuss the Capital Long Term Plan and then incorporate their thoughts prior to attending a scheduled Board of Selectmen's meeting.

Adjourn

John O'Brien made a **MOTION** and **SECONDED** by Bill Ware to adjourn the meeting at 6:05 P.M.



CAPITAL OUTLAY COMMITTEE



2011 FEB 11 PM 4 30 Meeting Notice

TOWN CLERK'S OFFICE

Date

Wednesday
February 16, 2011

Time

4:00 PM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

- 1) General Overview
 - Police
 - ISWM
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes: February 2, 2011, February 9, 2011
- 4) Discussion and possible vote: Inflation factors to be used in the Long Term Plan
- 5) Discussion of future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

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Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman
Date: February 11, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, February 16, 2011 / 4:00 P.M.
Bourne Town Hall
24 Perry Avenue, Buzzards Bay

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien, Bill Ware and Ken Legg

Others Present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Police Chief Dennis Woodside, ISWM General Manager Dan Barrett and Paul Gately from the Bourne Courier

Chairman Mastrangelo open meeting at 4:07 P.M.

List of Documents:

- **Police Station Overview**
- **Department of Integrated Solid Waste Management Fiscal Year 2012 Capital Outlay Request**

General Overview

- **Police Department – Police Cruisers - \$110,000**

Chief Woodside said he didn't prepare the original Capital Outlay Request but it was prepared by the former Police Chief Baldwin.

Cruisers have been on a replacement schedule each year and this year's request is to replace the following cruisers:

- Cruiser (Y-2) is a 2008 Ford Crown Victoria with current mileage of 92,797. Mileage will be over 100,000 miles at time of trade-in.
- Cruiser (Y-10) is a 2005 Ford Crown Victoria (unmarked) with current mileage of 65,304. Age is main factor for cruiser replacement. Unmarked cruisers cost more than marked cruisers.
- Cruiser (Y-12) is a 2008 Ford Crown Victoria with current mileage of 96,620. Mileage will be over 100,000 miles at time of trade in.
- Cruiser (Y-18) is a 2006 Crown Victoria with current mileage of 69,026. Age and repair history is primary factor for replacement of cruiser.

Request is for 3 marked cruisers and 1 unmarked cruiser per replacement schedule. The 3 marked cruisers will be a standard Crown Victoria and unmarked cruiser will either be a Ford Taurus or similar Ford product.

- **In-House Computer and Mobile Data Cards - \$23,000**

There is a need to replace 10 current laptops in cruisers. Current laptops are out of warranty and have been developing problems and are outside the scope of repair. Officer Brandon Esip has been repairing and keeping computers working to the point where he can no longer fix the problems. Request is to purchase 3 cruisers and 3 laptops. Chief Woodside said he is working on by-back with Panasonic for credit. Laptops were originally quoted at \$5,500 each, which cost should be lower with possible trade-ins on the un-repairable laptops and equipment that won't be replaced. Mounting for computers are included in the cost.

Request \$125,000 for 3 cruisers and 3 laptops with no laptops installed in unmarked cruisers. Chief Woodside said he would like to go on a schedule plan to replace cruisers and laptops (Panasonic notebooks) as a package deal. Finance Director said cost should be separate but will look into.

Discussed grants for radio service at the Police Department. Chairman Mastrangelo will contact former Capital Outlay member John Stoffa who had done research on grants for telecommunications and see if she can obtain information that he had gathered.

Task Updates:

Police Department (O'Brien/Redman)

While Police Chief is present, Capital Outlay members wanted to discuss their ideas on possible locations of a new Police Station and to get the Chief's input.

Mr. Redman handed out a Police Station overview for discussion purposes. Discussed the Police Stations in the towns of Dennis, Harwich, Yarmouth that he visited. Town of Chatham is breaking ground on their facility and will tour facility when completed.

Locations looked at: Coady School (not a workable site); MacArthur Blvd (behind Middle School – partial hook-up into the Wastewater Treatment Plant); MacArthur Blvd (driving range but need to purchase property); building located c/o MacArthur Blvd and Otis Park Drive (over 4 acres of property with advantage to convert building).

Chief Woodside said the Coady School is the best site due to its location and access. The cost to reconfigure the Coady School into a Police Station would include razing the building and reconstructing. Since the school is on one parcel, need to go to Town Meeting to formally separate parcel and give ball field to the School Department.

MacArthur Blvd not a good location due to traffic congestions. MMA have bid on the Buzzards Bay Armory, otherwise that would have been a good site.

Demographics show that the Buzzards Bay Station is the central part of town. They have many walk-ins and have business that involves coming to Town Hall. Chief Woodside wants to be accessible to the community.

We need the community and Police Chief on board with the new station since it is a need and not a want. Chief Woodside said he would support the committee's decision.

The Board of Selectmen will hold a workshop on March 8, 2011 with the Capital Outlay Committee to discuss setting up a Police Facility Building Committee, Fire Facility Building Committee and Department of Public Works Committee Facility Building Committee.

RFP has been received for the Coady School and will be distributed to the Board of Selectmen for their review and will come before the Board for discussion.

➤ ISWM

Update on last year's appropriations:

- Front Entrance Infrastructure and Road Realignment: Should be ready by June 2011
- Caterpillar: Out to bid
- 2A/3A North Slope Cap & 2A/3A Odor Mitigation Infrastructure: In progress

➤ **Phase 4 Liner - \$4,755,850**

Request is to fund engineering/design, project management and associated construction cost.

Phase 4 is located along the southern edge of the facility, which will overlay the southern edge of Phase 1 ABC, Phase 2A/3A and western edge of Phase 3, Stage 3. Phase 4 consists of approximately 1,468,000 cubic yards of air space.

Current cell is running out in October 2012. It is necessary that ISWM begin construction of Phase 4 in early spring of 2012 for adequate construction during part of the construction season. To meet timeline, working with SITEC Environmental, Inc. to prepare and submit application to DEP for an Authorization to Construct during late summer/early fall 2011. ISWM and SITEC will prepare bid specifications and advertise a bid for potential contractors.

Chairman Mastrangelo would like to see impact of project for post closure reserves. Dan will e-mail spreadsheet that Phil Goddard had put together. Also requested is a breakdown on the construction cost and what is included in the \$3,619,000 for double composite liner.

➤ **Skid-Steer Loader - \$46,000**

Current skid-steer loader is a 7 year old Bobcat S300 with 4,285 running hours. Used in the baling operation feeding product into baler, move and stack baled material land load product onto trucks for shipment. Loader is also used in moving recyclables from Residential area to storage area, cleaning out bay at the C & D transfer station and snow removal. Skid-steer loader has exceeded its 5-year life span. ISWM proposes to trade or sell the Skid-Steer Loader and keep the S300 for backup. The \$46,000 includes the Skid-Steer Loader and all appurtenances necessary to carry out its functions.

Chairman Mastrangelo requests a breakdown for future years on the 5-year plan.

Administrator Guerino told the committee that the town will have a Human Resources Director effective March 5, 2011.

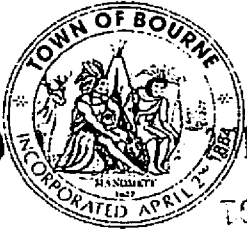
John O'Brien made a **MOTION** and **SECONDED** by John Redman to approve the minutes of February 2, 2011 with corrections (page 1 know to now and page 3 Greene to Woodside). **VOTED 4-0 with 1 abstention**

John O'Brien made a **MOTION** and **SECONDED** by Bill Ware to approve the minutes of February 9, 2011 with corrections (page 2 add voted 4-0 to motion). **VOTED 4-0 with 1 abstention**

John Redman made a **MOTION** and **SECONDED** by Bill Ware to adjourn the meeting at 5:50 P.M.
UNANIMOUS VOTE

Respectfully submitted by

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE

FEB 18 PM 3 20
TOWN CLERK'S OFFICE

Meeting Notice



Date

Wednesday
February 23, 2011

Time

9:30 PM

Location

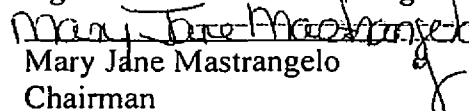
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

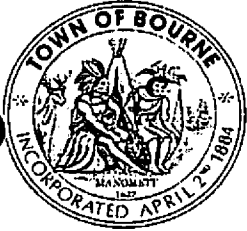
- 1) General Overview (including but not limited to)
 - Fire
 - Schools
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes: February 16, 2011
- 4) Discussion and possible vote: Inflation factors to be used in the Long Term Plan
- 5) Discussion of future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: February 18, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



CAPITAL OUTLAY COMMITTEE

2011 FEB 18 PM 3 52

TOWN CLERK'S **Meeting Notice**



Date

Wednesday
February 23, 2011

Time

9:30 AM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

- 1) General Overview (including but not limited to)
 - Fire
 - Schools
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
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Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman

Date: February 18, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, February 23, 2011 / 9:30 A.M.

Bourne Town Hall
24 Perry Avenue, Buzzards Bay

TOWN CLERK'S OFFICE

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and Ken Legg

Excused: Bill Ware

Others Present: School Superintendent Stephen Lamarche, Business Manager Ed Donaghue, Fire Chief Martin Greene and Deputy Fire Chief Joseph Carrara

Chairman Mastrangelo open meeting at 9:32 A.M.

List of Documents:

- **Capital Improvement Program – Project Request Form - School Department – Convert Oil Burner to gas**
- **Capital Improvement Program – Project Request Form – School Department – District Technology Plan**
- **Fire Department 2nd Floor Renovation Plan**
- **Fire Department – Site Plan for proposed new fire station location**

General Overview

- **School Department – Technology Plan - \$205,000**

Mr. Lamarche thanked the Capital Outlay Committee for their continued support on the infrastructure for the Town of Bourne.

Improvements and upgrades are needed on the technology. They are using some servers that were donated by the Coast Guard 5 years ago.

Bournedale Elementary School needs to overhaul all infrastructures, which is the greatest need at this time. There are no grants available and historically, this is in line with the past request.

Proposal is to upgrade network by investing in new servers and storage devices. With the upgrade, it will allow the Bourne Public Schools to:

- Control costs and licensing
- Application Delivery
- Manage Network OS
- Imaging
- Maintenance and Troubleshooting
- Data Security
- External Accessibility
- Power Consumption

Approximate Costs:

Licensing	\$ 82,000
Hardware	\$ 76,000
Server Implementation	\$ 3,000
Workstation Implementation	<u>\$ 3,000</u>
	\$164,000

System Inter-operability Framework (SIF) is a technology standard the Department of Elementary and Secondary Education (DESE) automatically exchange and update data. This is a very large network that requires a lot of support that they currently don't have. To update the system it would save time in redundant data entry and would be efficient and cost effective.

Approximate Costs:

Licensing	\$ 32,000
Hardware	\$ 6,000
Implementation	<u>\$ 3,000</u>
	\$ 41,000

Convert all boilers to natural gas and remove oil tanks - \$75,000

Convert four (4) oil fired burners to natural gas with related costs for ventilation requirements and removal of two (2) 10,000 gallon underground oil tanks at Bourne High School. There is a one (1) 1960 boiler and three (3) 1990 boilers. Approached National Grid for funding assistance to convert High School to natural gas and they have committed \$50,000, if approved. Monies will be rebated upon completion and verification of the installation. Section 44 allows the conversion and not replacement if cost is under \$100,000 to be done outside of bidding process. National Grid can provide list of venders and bidding documents for review.

There are two (2) 10,000 oil tanks that must be removed, which is mandated by state law. Verbal estimate for removal is approximately \$10,000 - \$15,000.

By converting from oil to natural gas the savings would be cut in half. Currently, heating cost for the High School is \$260,000; Middle School \$100,000; Peebles School \$105,000 and Bournedale Elementary is \$55,000 for approximate savings of \$165,000 per year based on \$3.00 per gallon.

Chairman Mastrangelo asked Mr. Donaghue to e-mail her the cost savings.

Depending on how the Town Meeting article was written last year, may have to appropriate full amount of conversion and when rebate is received, submit another article at the next Town Meeting transferring monies back to the general fund.

The original boiler at the Peebles School was installed in 1953 and needs to be replaced. The inside of the boiler has asbestos. Bids were received with a low bid of \$130,000 up to high bid of \$190,000. The sister boilers are approximately 12 - 13 years old. There are also chimney repairs that need to be made at the Peebles School. Estimated cost for repair is \$10,000.

Chairman Mastrangelo asked about the Security System upgrade at Bourne High School. Mr. Lamarche explained last year \$150,000 was appropriated to install a new security system with the final cost being \$100,000. All doors are tied into alarm system with new locks. The balance of \$50,000 can be spent elsewhere.

Last year Town Meeting appropriated \$26,000 for the HVAC unit compressor motor. There is part of the system not functioning and this will add an additional cost of \$6,000 - \$8,000. Cost will exceed the \$26,000 but can take balance out of existing budget. Chairman Mastrangelo will check with Finance Director to see if this can be done.

Information will be provided on Peebles School and High School as requested by the Chairman.

- **Fire Department – Station 4 repairs (Pocasset) - \$30,000**

Chairman Mastrangelo congratulated Fire Chief Greene on his new position

Repairs have been put off for the last 3 years. Trim work is in poor shape and you don't know what you'll find when you start getting into the rot.

- **Breaker 127 - \$75,000**

Breaker 127 is approximately 36 years old that was manufactured over by Station 2 fire fighters and holds only 400 gallons of water and engine has outlived its life expectancy. Looking for a replacement breaker that holds 800 gallons of water. Chassis is 15 years old and is in decent shape.

- **Ambulance 134 - \$170,000**

Ambulance 134 was purchased as a remount in 1996 with 91,300 miles as of this date. There have been problems in the past with wiring when you have a remount that is being installed on old bodies. Existing equipment (radios) will be installed in the new ambulance. If approved, won't see ambulance until the beginning of the year.

Chairman Mastrangelo requested an expectancy replacement schedule. Ambulances are purchased every other year to keep 4 ambulances; 3 being in use and 1 as a back-up.

There has been discussion on privatizing ambulance services but recommend moving forward until we hear otherwise.

Last year there was 3,800 ambulance calls. Revenue generated from ambulance service last year was \$1 million, which goes back into the General Fund. Chief Greene said the Town of Bourne has 3 ambulances that go around the clock and provide good service compared to other towns.

It has been agreed to stay with \$170,000 and not \$173,000 for installation or other costs

- **Station 1 rehab (Buzzards Bay) - \$100,000**

Plans have been drawn up for the second floor renovations bringing dormitories up to code for both men and women. Renovations to include but not limited to moving and replacing walls, new electric baseboards and individual thermostats and light switches, air conditioning at each individual room

and locker area and remove and relocate smoke detectors. There will be no negative impacts on Head Quarters.

When asked about moving Administration from Head Quarters to the Sagamore Fire station, Chief Greene explained that he depends on his duty staff, which each has separate duties they are responsible for and by moving the administration to Station 3 wouldn't work at this time but may work in the future.

Also discussed the location of the satellite station to be located on County Road combining stations 2 & 3 and Chief Greene is satisfied with the location except for Scraggy Neck and Wings Neck as far as the distance. Chief Greene submitted a site plan for this location with copies of similar fire stations that would be suitable for their needs.

- **Station 1 Roof - \$25,000**

Station 1 roof has been moved from FY2012 to FY2013

Capital Outlay Committee will meet with the Board of Selectmen during their Workshop discussion on March 8, 2011 at 7:00 P.M.

Minutes:

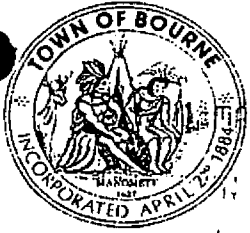
Defer until next meeting

Schedule a meeting with Administrator Guerino on Thursday, March 3, 2011 if he is ready with recommendations.

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 11:10 A.M. **UNANIMOUS VOTE**

Respectfully submitted by

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE



R 3 PM 12 37
CLERK'S OFFICE

Meeting Notice

Date

Tuesday
March 8, 2011

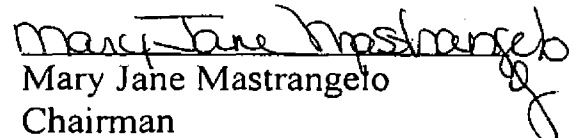
Time

7:00 PM

Location

Bourne Veterans' Memorial
Community Center
239 Main Street
Buzzards Bay

Workshop with the Board of Selectmen for discussion and possible vote the Long Term Capital Plan, Capital Project priorities and process for major capital projects.


Mary Jane Mastrangelo
Chairman

Board of Selectmen / **Capital Outlay Committee Meeting**
Minutes – March 8, 2011

Bourne's Veteran's Memorial Community Center
239 Main Street, Buzzards Bay, MA 02532

2011 SEP 8 PM 2 34

Attendance

Thomas M. Guerino, Town Administrator

TOWN CLERK'S OFFICE
BOURNE, MASS

John A. Ford, Jr., Chairman
Don Pickard, Vice Chairman
Mary Meli, Clerk
Jamie Sloniecki
Stephen F. Mealy

Capital Outlay Committee
Mary Jane Mastrangelo
Ken Legg
Other?
John O'Brien
Elinor Ripley

7:00 pm Call to Order

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, there is a need to acknowledge such at this time.

Stratford Capital Group, Rich Hayden– Coady School Proposal presentation
Stratford Group is the only company that took out a proposal.

Stratford specializes in the rehabilitation of historic schools into housing. Proposal is in conformance with Mass. Commission Restoration and Dept. of Interior standards, State and Federal credits to finance said project. DHCD financing will be used to create an affordable project for people ages 55+.

Proposing adding an addition on the back of the building without violating historic rules. Complete state-of-the-art restoration of the interior.

Michael Gardinier reviewed site plan, which plans to keep boundary line, creating a new layout for parking (90 total spaces), trash and recycling area. Footprint of existing school will stay the same. Creating two-story loft spaces in the gym by using the height and some secondary spaces where there are no historic windows. No basement in the addition.

Historic landscaping would remain. Green initiatives will be used in project (Energy Star requirements). Selectmen invited to visit and review current project in Weymouth.

Discussion

Copy of Stratford proposal is available at the Town Hall.

Total bedroom number is 145. Population is a 55+ open community property. 80% will be Bourne residents. Average age of 60. Professionally managed by a third party management community.

Construction period will be about a year and includes a third party GC to put work out to bid, most likely local subcontractors.

Discussion of baseballs hitting the school as it is near a baseball field. Stratford is comfortable with the risks.

The addition matching the existing façade will be based on the dialogue with the National Park Service.

Ms. Mastrangelo stated said project is what the Capital Outlay has been looking for.

Mr. Agrillo inquired about acreage, wastewater, airborne elements, etc. with the construction. Stratford stated that said proposal is only in the beginning stages and will be working with various Boards/Committees of Bourne.

Skip Barlow, President of Bourne Historical Society, stated that the whole thought behind said proposal was to preserve building on the outside.

Stratford will be the project owners from the beginning of construction. A management company will be used to manage the property.

Betsey Cavaro stated that she personally feels this is a good project.

Patty Debourne, abutter, inquired about why the addition, traffic, performance bonds, and septic treatment. (Addition is proposed to make project financially beneficial).

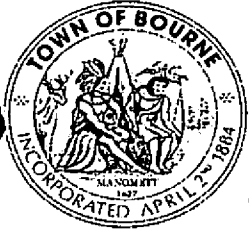
TA Guerino said a traffic study will be completed. Stratford commented on accessing subsidization. With regard to specific risks, Stratford doesn't buy the property until everything is in place. The Town will control the property until Stratford purchases it.

All mechanic systems will be removed.

Mealy MOVED and SECONDED by Meli that the Board endorses the Stratford Capital Group concept of residences at the Coady School as presented. tonight. VOTE 5-0.

Adjourn

Respectfully submitted – Lisa Groezinger, sec.



CAPITAL OUTLAY COMMITTEE



2011 MAR 14 AM 8:53 Meeting Notice

TOWN CLERK'S OFFICE

Date

Wednesday
March 16, 2011

Time

9:30 AM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

- 1) Discussion and Vote FY12 Capital Plan
 - Additional information DNR, DPW, Schools
 - Town Administrator recommendations
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes
- 4) Discussion Long Term Capital Plan
- 5) Discussion of future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Chairman
Date: March 14, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, March 16, 2011 / 9:30 AM
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

MAY 6 AM 9 15
TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, Ken Legg, Bill Ware and John O'Brien (arrived at 10:30)

Excused: John Redman

Others Present: Administrator Guerino, Finance Director Linda Marzelli and Finance Committee member Elinor Ripley

Chairman Mastrangelo open meeting at 9:30 A.M.

List of Documents:

- **Capital Outlay Program Request Updated Fiscal Year 2012 – 2016 spreadsheet**
- **Capital Outlay Improvement Budget Fiscal Year 2012 funding spreadsheet**
- **DNR – Cape Marine Contracting re: replacement floats at Monument Beach Marina**
- **DNR – Clover Paving Co., Inc. – Estimates for paving Monument Beach Marina**
- **ISWM: Updated FY2012 Five-Year Plan**
- **ISWM: Phase 4 Landfill Expansion Preliminary Construction cost estimate**

Discussion and vote FY12 Capital Plan and Town Administrator's recommendations:

IT:

Server Update \$80,000 from General Debt

Police Department:

Police Cruisers (4) \$110,000 from General Debt
Update in-house Computers \$ 26,000 from General Debt

Fire Department:

Station 1 – Rehab \$100,000 not recommended

Administrator Guerino needs to do more research on the reconfiguring of Station 1 and to see if it can be done for a lot less money. Monies have been put into Station 1 over the last several years.

Breaker 127 \$ 30,000 from General Debt

*Request reduced from \$75,000 to \$30,000.

Ambulance 134 \$170,000 from General Debt

Station 4 Repairs (Pocasset) \$ 30,000 Defer to next year

*There was some lighting work done last year and was funded through the Cape Light Compact.
Administrator Guerino recommends deferring this request to next year.

DNR:

Monument Beach Marina-Replace Floats \$45,000 Defer to next year
*Administrator Guerino recommends deferring this request to next year. There is still money that was appropriated last year that hasn't been touched.

Monument Beach Marina Septic Upgrade/Parking Lot Paving \$329,000 from Waterways Account
*Paving Option #2 = \$146,000 + Option #3 = \$83,000 for a total of \$229,000
*Septic System Upgrade for \$100,000

Submit as 1 project and not 2 separate projects since work should all be done at the same time.

Schools:

Technology Plan \$205,000 from General Debt

Bourne High School/Peebles School

*Convert all Boilers to Natural Gas \$100,000 from General Debt
Rebate for the conversion to be included as part of Town Meeting Article

Removal of 2 underground oil tanks \$ 25,000 from General Debt

Bourne Middle School

HVAC System \$ 8,000
*To be placed on the Special Town Meeting Warrant

Peebles Elementary School

Chimney repairs and upgrade \$ 10,000 from General Debt

DPW:

10 Wheel Dump Truck (T10) \$150,000 from General Debt

*Shop Truck (ST1) \$ 52,000 Defer to next year
Administrator Guerino recommends deferring this request to next year

*Lawn Mowing Equipment \$ 45,000 Defer to next year
Administrator Guerino recommends deferring this request to next year

Copy Machine \$ 8,000 from Free Cash
*Request reduced from \$12,000 to \$8,000. Copy machine from Town Hall will be transferred to the DPW and they'll continue with the lease

*Electrical Service Upgrade \$ 25,000 Defer to next year
Administrator Guerino recommends deferring this request to next year

DPW Garage Repairs \$50,000 from General Debt

*New DPW Facility \$7,900,000 Deferred to next year
Administrator Guerino recommends deferring this request to next year

ISWM:

Skid Steer \$ 42,000 from Enterprise Fund
Phase 4 Liner \$4,755,850 from Enterprise Debt

Shore & Harbor

Annual Dredging/Ramp Repair \$ 85,000 from Waterways Fund
and Improvement

Committee discussed the following items:

- ❖ List separately the requests for the School Department so voters can vote each item separately.
- ❖ Clover Paving submitted estimates for paving of the Monument Beach Marina parking lot and it was agreed to use Options 1 & 2 totaling \$229,000. It makes sense if you're going to install a new septic system, to pave parking lot and the grass area at the same time.
- ❖ New septic system at Monument Beach Marina would require the following: Grease Trap, pump chamber, leaching pit and pressurized system. Recommendation made on estimate numbers but request Director Muller to obtain better numbers.
- ❖ Change Station 2 and Station 4 from \$6 million to \$3.5 million
- ❖ Administrator Guerino would like to get roof at Station 2 done by the Upper Cape Tech School but needs to know what is going to happen to building
- ❖ Discussed Facility Manager position and hope to put on Town Meeting Warrant in October

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to approve the Fiscal Year 2012 Capital Plan as recommended by Administrator Guerino with the exception of the final estimate on the septic system, additional information on Breaker 27 and Station 4 repairs. **VOTED 4-0 with 1 abstention (John O'Brien)**

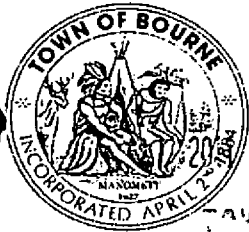
Chairman Mastrangelo requests another meeting to finalize the figures and to discuss what needs to be done for the handbook for Town Meeting.

Next meeting has been scheduled for March 23, 2011 @ 10:00 A.M.

Administrator Guerino said bids are due for Privatization/Haulers but need to wait to see what they come in as.

Bill Ware made a **MOTION** and **SECONDED** by Ken Legg to adjourn meeting at 10:55 A.M.

Respectfully submitted,
Debbie Judge
Secretary



CAPITAL OUTLAY COMMITTEE



MAR 18 PM 4 02

TOWN CLERK'S OFFICE

Meeting Notice

Date

Wednesday
March 23, 2011

Time

10:00 AM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

- 1) Discussion and Vote FY12 Capital Plan
 - Town Administrator recommendations
- 2) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 3) Approval of minutes
- 4) Discussion and Vote Long Term Capital Plan
- 5) Discussion of future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman
Date: March 18, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, March 23, 2011 / 10:00 A.M.
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

2012 JAN 6 AM 9 15

Members present: Mary Jane Mastrangelo, Ken Legg, Bill Ware and John O'Brien

TOWN CLERK'S OFFICE
BOURNE, MASS

Excused: John Redman

Others Present: Administrator Guerino (arrived at 11:00), Finance Director Linda Marzelli, Finance Committee member Elinor Ripley and Tim Mullen

Chairman Mastrangelo open meeting at 9:30 A.M.

List of Documents:

- **Capital Outlay Program Request Updated Fiscal Year 2012 – 2016 spreadsheet**
- **Valarie Proposal**
- **Memorandum from Department of Natural Resources Director Tim Mullen**

Chairman Mastrangelo called the meeting to order at 10:00 A.M.

Discussed DNR Director Tim Mullen's memorandum on his recommendations for future marina expansion and proposed septic system for a 20 seat food service operation. There were questions that the committee needed answers for and requested that Tim be contacted to see if he was available attend the meeting to address questions.

Director Mullen said you need to look 10 – 15 years down the road with an increase of less than 40 slips and a 20 seat snack bar (suggest not calling it a restaurant) in the building that is currently there. Make building more updated but not to increase in size. The new marina reconfiguration permit is expected this month. The difference between 62 slips and 99 slips won't be all that significant. Chairman Mastrangelo thought it would be good to have breakdown on items 1-14 for septic proposal on how they arrived at \$125,000 and suggested getting another quote on the septic replacement. Director Mullen said the project will still need to go out to bid and that will require 3-4 more quotes. Its difficult getting quotes in writing.

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to approve \$329,000 for paving of the parking lot and septic system replacement. **UNANIMOUS VOTE**

Committee voted to approve \$125,000 for the replacement of the septic system and \$229,000 (option 2 for \$146,000 and option 3 for \$83,000) for paving of the Monument Beach parking lot for a total of \$354,000 with no contingency. With a 10% contingency or \$22,000, the cost will increase to \$376,000. Need to transfer balance of \$37,000 from last year's article for the Monument Beach Marina-Replace Floats line item.

Committee also increased the Conversion of all boilers to Natural Gas at Bourne High School from \$75,000 to \$100,000.

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to approve the Capital Budget Project as amended. **UNANIMOUS VOTE**

Fire Station - Bill Ware

Discussion on the difficulty in obtaining funding for a communication system at Head Quarters Fire Station since property is located in a flood zone. Fire Department wants Head Quarters to remain in Buzzards Bay due to the response time. According to the Cecil Report, you can renovate the Buzzards Bay Station.

Discussed keeping the Bourne Middle School HVAV in the General Debt since work isn't going to be started until after July 1st.

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to amend previous motion to change Station 2 & Station 4 replacement from \$6 million to \$2 million. **UNANIMOUS VOTE**

Suggest having the new Building Facility Committee take a hard look at the \$7.9 million for the DPW Facility.

Committee agreed to remove Station 2 & Station 4 and the DPW Facility off the funding spreadsheet and to also remove these items from the 5-year plan. Police Station is not included on spreadsheet. Need to have a separate indication on large capital items.

In order of priorities:

- Police Station
- Department of Public Works Facility
- Pocasset Fire Station #4 & Monument Beach Fire Station #2
- Pebbles Elementary School

Deadline for submitting Capital Budget into the Voter handbook is April 12th.

Committee's will be working on the following for the large capital projects:

- Priorities
- Getting correct numbers
- Affordability

Request that Finance Director Linda Marzelli put together a 10 – 20 year spreadsheet plan outlining different scenarios. This will keep in prospective of debt to determine when the town can afford projects.

If the town receives 40% reimbursement for the Pebbles School project from MSBA (Massachusetts School Building Authority) then you need to vote the whole amount but only borrow 40% of the total project.

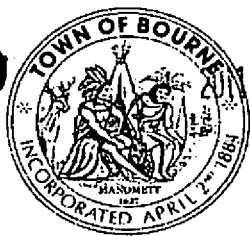
Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to amend the Monument Beach Marina – Septic Upgrade and Parking Lot Paving article to the amount of \$376,000. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes of February 16, 2011 as submitted. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes Of February 23, 2011 as submitted. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to adjourn meeting at 11:10 A.M. **UNANIMOUS VOTE**

Respectfully submitted
Debbie Judge, Secretary



APR 8 PM 12 57

CAPITAL OUTLAY COMMITTEE

TOWN CLERK'S OFFICE

Meeting Notice



Date

Tuesday
April 12, 2011

Time

7:00 PM

Location

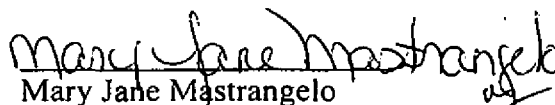
Bourne Veterans' Memorial
Community Center
239 Main Street
Buzzards Bay

AGENDA

- 1) Discuss and re-vote FY12 Capital Plan
- 2) Capital Outlay Committee meeting with the Board of Selectmen to discuss and vote FY12 Long Term Capital Plan
- 3) Such other business that may legally come before the Committee
- 4) Adjourn

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Mary Jane Mastrangelo
Chairman
Date: April 8, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Board of Selectmen & Capital Outlay
Workshop Minutes – April 12, 2011
Bourne's Veteran's Memorial Community Center
239 Main Street, Buzzards Bay, MA 02532**

Attendance

Thomas M. Guerino, Town Administrator

John A. Ford, Jr., Chairman (excused)
Don Pickard, Vice Chairman
Mary Meli, Clerk
Jamie Sloniecki
Stephen F. Mealy

Capital Outlay Committee
Mary Jane Mastrangelo, Chairman
John Redman
William Ware
Elinor Ripley

2011 OCT 7 AM 10 19
TOWN CLERK'S OFFICE
BOURNE, MASS

Final Report of Capital Outlay Committee

Fire Department priority. Discussion on ambulance 134 – original retro fit, but issues with rebuild. The earliest a new ambulance will be delivered is 1/2012. Pickard mentioned putting a committee together to discuss said item.

Sloniecki would like to move forward to the ATM. Consensus of the Selectmen is the agreement with the final report of the Capital Outlay Committee.

Capital Improvement Projects - \$50M - \$70M of buildings:

- DPW or Police Building \$7.5M – 0.14 impact on tax rate
- Pocasset Fire Station - \$2.5M – 0.05 impact on tax rate
- Buzzards Bay Fire Station - \$3.5M – 0.06 impact on tax rate
- Peebles School - \$43M – 0.31 impact on tax rate

Schedule 1 – Long-term debt schedules 2012 – 2019 reviewed. Increase of \$2.5M each year beginning next year.

Schedule 2 – total debt (kicks in 2014).

Schedule 3 & 4– before refunding complete, debt service falls below the policy mainly due to the Middle School (falls out next year). Leaves room for a smaller project and would fall within the limits.

Capital Outlay Committee would like to see a Capital Needs Committee established, which includes a member of the Capital Outlay Committee.

Committee relative to the ambulance may include discussion of Pocasset or Buzzards Bay Police stations. Mr. Ware (Capital Outlay) would be happy to serve on such committee. Looking at \$1.4M vs. in 2015 over \$2M, which would be a hit from the general budget.

Discussion of creative financing for the DPW as it needs to be moved for ISWM. Capital Outlay Committee has established a host community fee for the capital stabilization fund. Any access host community fee will be put towards the DPW, a shared cost, or any other capital project that is able to sustain itself. TA Guerino concurs the access should come out of the access community host fee. Ms. Marzelli will discuss with Mr. Goddard and report back to the Board.

Mastrangelo discussed having success with presenting two (2) different scenarios for Capital Outlay projects at ATM. Mealy would like to see this with all Capital Outlay projects.

Discussion of new ambulance cost. Ambulance supplies are set up the same in each vehicle. TA Guerino discussed the cost effectiveness of a rebuild vs. new. Bargains may be found with the fire apparatuses.

Capital Outlay Committee priority puts ISWM/DPW at the top of the list, then a new Police station. A subcommittee would be needed - BOS agenda item for future meeting. TA Guerino sees starting process at the end of May (5/24/11).

Mealy suggested that the Town has this much money to put into a capital program to undertake any project. If said project comes in higher, the Town can address at that time.

Future workshop with Capital Outlay Committee (Chief of Police and DPW) for membership of subcommittee to be defined for possible the 6/7/11 meeting. TA Guerino can draft Charges for separate committees (DPW, Police).

Mr. Mulvey suggested a consensus of the Selectmen, FinCom and Capital Outlay Committee on capital projects. Each department would plead their case. Once a project is agreed upon, a subcommittee would take over. Mealy would normally agree, but stated some projects have been on the books for several years. Pickard concurs and would like to see DPW and Police station projects run parallel, and would like to see an estimate on what time commitment and duration of study would be. TA Guerino suggested nine (9) months.

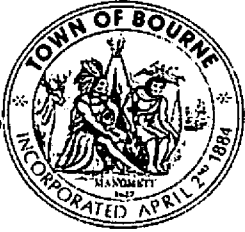
Sloniecki stated his priority pick would be ISWM/DPW. Mealy would like to see the Police Station. Mealy stated it would be a hard decision to make.

Capital Outlay Committee discussion on Police station being a priority as it is a number feeling comfortable with. Mastrangelo believes both are equally important, but it is a matter for the Town to decide. She would like to bring two projects to the ATM. Ripley concurs with Mastrangelo.

Pickard inquired about the use of Sagamore Station for administrative work. TA Guerino stated it was not brought forward at this time.

TA Guerino added both committees would need generic expertise, but each facility needs specific knowledge. Department Heads would be ex officio members. Charge will be developed with TA Guerino.

Sloniecki MOVED and SECONDED by Mealy for a five (5) minute recess. UNANIMOUS VOTE.



CAPITAL OUTLAY COMMITTEE

Meeting Notice



Date

Wednesday
September 28, 2011

Time

7:00 PM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

- 1) Committee Re-org – Discussion and Vote
- 2) STM Articles – Discussion and Possible Vote
 - a. Furnace for Library
 - b. ISWM – 8 new vertical gas extractors for 2A/3A stage 2
 - c. Public Works Facility Funding
 - d. Any other articles related to Capital Outlay
- 3) FY13 Capital Outlay Book
- 4) Task Updates
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan – (Mastrangelo)
 - Facilities Manager – (Legg)
- 5) Public Comment
- 6) Discussion of future agenda items
- 7) Adjourn

2011 SEP 26 AM 11 02
TOWN CLERK'S OFFICE
BOURNE, MASS

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Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman
Date: September 26, 2011

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Wednesday, September 28, 2011 / 7:00 P.M.
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

2012 JAN 6 AM 9 15

Members present: Mary Jane Mastrangelo, Ken Legg, John Redman and John O'Brien
TOWN CLERK'S OFFICE
BOURNE, MASS

Absent: William Ware

Others Present: Administrator Guerino, Finance Director Linda Marzelli and Paul Gately from the Bourne Courier

Chairman Mastrangelo open meeting at 7:00 P.M.

List of Documents:

- **Capital Outlay Committee Town ByLaw Article 1.5**
- **Capital Project Classification/Prioritization**
- **Capital Improvement Program – Capital Project Request**
- **Capital Improvement Program – Equipment Purchase or Rental Request**
- **Jonathon Bourne Library Conversion to Natural Gas**

Administrator Guerino called the meeting to order at 7:00 P.M.

Committee Reorganization – Discussion and Vote

John Redman made a **MOTION** and **SECONDED** by Ken Legg to nominate Mary Jane Mastrangelo as Chairman. **UNANIMOUS VOTE 4-0**

John Redman made a **MOTION** and **SECONDED** by Ken Legg to nominate William Ware as Vice-Chairman. **UNANIMOUS VOTE 4-0**

John Redman made a **MOTION** and **SECONDED** by Mary Jane Mastrangelo to nominate Ken Legg as Secretary. **UNANIMOUS VOTE 4-0**

STM Articles – Discussion and Possible Vote

- a. **Furnace for Library:** Request for \$20,000 to convert the Jonathon Bourne Library to Natural Gas. RISE Engineering submitted proposal in the amount of \$16,430 that provide labor and material to:
1. Dismantle and dispose of current boiler, capping all existing oil lines and re-piping existing building hot water loop to accommodate two new condensing gas boilers. The new boilers are two Burnham Alpine series; they will be furnished by others.
 2. New piping scheme will be a primary/secondary arrangement. Venting will be installed to the least obtrusive location in the rear of the building and shall comply with manufacturers guidelines.
 3. New gas line will be installed to the location of the new gas service (presumed to be from the front left of building).

4. Boilers will have lead lag automation and outdoor reset control with warm weather shutdown.
5. Includes all electrical control wiring, venting, gas fitting, near boiler piping and misc. materials for code compliant installation.
6. Also include commissioning of new system
7. Oil stored on location will remain.

Request for \$20,000 to cover any change orders issued or other items that might arise.

b. ISWM – 8 new vertical gas extractors for 2A/3A Stage 2 – \$375,000

Finance Director Linda Marzelli confirmed that there are sufficient funds in the Post Closure Account to fund this article.

c. Public Works Facility Funding: Board of Selectmen agreed to allocate the funds from the Tax Title properties and the sale of Coady School to the Department of Public Works Facility.

d. Any other articles related to Capital Outlay: There is a Special Town Meeting article to appropriate \$15,000 to fund the Energy Coordinator. He has been working with the Energy Advisory Committee and was paid for with grant monies.

Administrator Guerino said several years ago \$75,000 was appropriated for a generator at the Police Station that was never used. Monies went to bond, which doesn't make sense to borrow and not utilize. Department of Public Works requested 3-4 mowers but wasn't recommended. Request to use monies for the purchase of mowers. After discussion, it was recommended to put this off until spring.

Board of Selectmen agreed to put an article in the Special Town Meeting to take monies from the ISWM Host Community Fees in excess of \$450,000 and put into a fund called "Capital Expenditure Stabilization Reserve Fund".

Capital Outlay Committee met with the Landfill Business Model Working Group for update. Received approval on concept for utilization of land at ISWM for potential alternative sources.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the ISWM Host Community Fees excess of \$450,000 and put into a fund called "Capital Expenditure Stabilization Reserve Fund".
UNANIMOUS VOTE 4-0

Ken Legg made a **MOTION** and **SECONDED** by John Redman to support Special Town Meeting Articles 17 and Article 18 for Request for Proposals and building use. **UNANIMOUS VOTE 4-0**

FY13 Capital Outlay Book

Committee discussed the following forms that are to be used by the Department Heads when submitted their requests: Town ByLaw Article 1.5; Capital Project Classification/Prioritization; Capital Improvement Program – Capital Project Request and Capital Improvement Program – Equipment Purchase or Rental Request. There will also be blank forms in Committee books in case a department uses the wrong form.

Task Updates:

Invite Chief Woodside to speak with the Capital Outlay Committee to get his opinion on the best location for the proposed Police Station. He has spoken to Mr. O'Brien and Mr. Redman and Chief Woodside is no in favor of the MacArthur Blvd location.

After further discussion, the Committee would like to invite both Police Chief Woodside and Fire Chief Greene to speak with the Capital Outlay Committee and ask for their pros and cons on best location for new Police and Fire stations or possibly a joint facility.

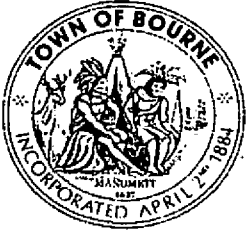
Department of Public Works Facility Building Committee has been set up by the Board of Selectmen and will be meeting next month.

Discussion on future agenda items

Schedule meeting with Police Chief and Fire Chief after November 11th.

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 7:45 PM.
UNANIMOUS VOTE

Respectfully submitted,
Debbie Judge
Secretary



CAPITAL OUTLAY COMMITTEE

2011 DEC 8 AM 10 51

TOWN CLERK'S OFFICE
Meeting Notice
BOURNE, MASS



Date

Monday
December 12, 2011

Time

3:00 PM

Location

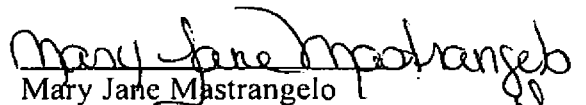
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

AGENDA

- 1) Approval of minutes: March 16, 2011, March 23, 2011, September 28, 2011
- 2) Discussion with Chief Woodside and Chief Greene on Police and Fire Facilities
- 3) Discussion and vote on the submission of statement on interest to be submitted to MSBA for Peebles School
- 4) FY 13 Capital Review Schedule
- 5) Such other business that may legally come before the Committee
- 6) Adjourn

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Mary Jane Mastrangelo
Chairman
Date: December 8, 2011

Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

Capital Outlay Committee
Monday, December 12, 2011 / 3:00 P.M.
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

2012 JAN 12 AM 11 59

TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, Ken Legg, John Redman and John O'Brien

Absent: William Ware

Chairman Mastrangelo open meeting at 3:00 P.M.

Chairman Mastrangelo gave an overview of our past work on fire stations and police station.

There was some general discussion about where we had considered as potential sites.

Ken Legg pointed out it is important to be realistic in our decisions and back them up with facts and data, as he anticipates difficulty in obtaining funding approval in these troubled economic times.

Police Chief Woodside discussed his generally negative view of the McArthur Blvd. site. He proposed several alternative sites but admitted they all have their own problems. He did bring up the possibility of using the ball field behind the Town Library. Access is good; it's town land and might be available. We will follow up on this interesting possibility.

Fire Chief Greene talked at length about the need for a new station, including headquarters being on the Buzzards Bay side of the Canal. He was in favor of a combined substation sited along County Rd to replace the Monument Beach and Pocasset substations.

School Superintendent Lamarche along with School Committee representatives and staff presented a Draft Statement of Interest for building a replacement for the Peebles School, which needs to be filed with the State by January 11. After some discussion:

Ken Legg **MOVED** and **SECONDED** by John O'Brien that the Committee support the filing of a Peebles Statement of Interest by the Town of Bourne School Committee. Motion Passed **UNANIMOUSLY**.

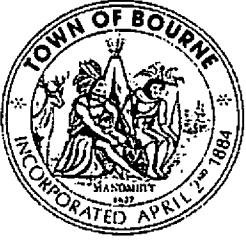
John O'Brien **MOVED** and **SECONDED** by Ken Legg to approve the minutes of the March 16, 2011 and March 23, 2011 meetings. **PASSED** 3 in favor 1 abstention.

John Redman **MOVED** and **SECONDED** by John O'Brien to approve the minutes of the September 28, 2011 meeting. **PASSED** unanimously.

The schedule for the next meetings will be at 3:00 PM on the following Wednesday's: January 11, 18, 25 and February 15, 22.

Meeting adjourned

Submitted
Kenneth D. Legg Secretary



Charter Review Committee Meeting Notice



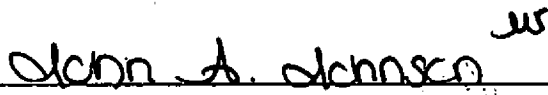
Date:
Thursday
January 6, 2011

Time:
7:00 p.m.

Location:
Bourne High School –Small Library
75 Waterhouse Road
Bourne, MA 02532

AGENDA

1. Call meeting to order.
2. Approve minutes of previous meeting.
3. Barry Johnson and /or Mary Jane Mastrangelo with history, comments, suggestions opinions re: Charter.
4. Discussion of all items Flagged for Future Discussion as of December 8, 2010.
5. Report on letters to Department heads and others.
6. Discuss report to Selectmen regarding progress.
7. Discuss Public Meeting (date, time, and place).
8. Discuss future agenda.
9. Adjourn.


John A. Johnson, Chairman
January 3, 2011

TOWN CLERK'S OFFICE

cc: Town Clerk
Selectmen

2011 JAN 3 PM 12 32

Committee: Conron, Ewell, Johnson, Langille, Loring, Lorman, Mahoney, McDowell, Rhatigan

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
January 6, 2011
Bourne High School Executive Library

2011 JAN 18 AM 9 34

TOWN CLERK'S OFFICE

Members in Attendance

Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring
William F. Rhatigan
Joyce Lorman

Also in attendance

Barry Johnson, Town Clerk
Mary Jane Mastrangelo
Diana Barth, Bourne Enterprise
Jim Mulvey

Mr. Johnson called the meeting to order at 7:05 PM with all members present.

Minutes of the Meeting of December 14, 2010 were unanimously approved on a motion by Ms. Conron, seconded by Mr. McDowell. Mr. Rhatigan, Ms. Loring and Mr. Langille abstained, as they were not present at that meeting.

Mr. Johnson introduced Mary Jane Mastrangelo, Vice Chair of the Bourne Finance Committee and Chair of the Capital Outlay Committee. Ms. Mastrangelo said she has been on the finance committee for five years and on the capital outlay committee for three. She said the bylaw committee changed the capital outlay committee membership three years ago. The purpose of this change was to encourage more long-range (five year) planning of budgets.

Ms. Mastrangelo said the selectmen are still in flux regarding their role, and are too much mired in day to day functions. She said policy defines what is to be done; then the administrator figures out how it's to be done. She said when the state reformed the school systems, school board members were given training in how to set policy and to let the superintendents administer their policies. She said the selectmen could use similar training, as they are not quite comfortable with their policy role yet.

Ms. Mastrangelo said she feels strongly that the town administrator should appoint the police and fire chiefs. She said the selectmen should define what kind of person they want in those positions and specify the skills that should be emphasized.

Mr. Ewell asked whether the chiefs should have the authority to hire and fire personnel in their departments. Ms. Mastrangelo said she thinks the town administrator should hire and fire personnel based upon the chief's recommendations. Mr. Rhatigan asked about allocating resources within those departments. Ms. Mastrangelo said that nothing other than hiring and firing should fall under the administrator.

Mr. Langille asked about comparison of the police and fire departments with the school department. Ms. Mastrangelo responded that the school budget is totally under the authority of the school committee, just as the town budget is totally under the au-

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

January 6, 2011

Bourne High School Executive Library

thority of the selectmen. She said the superintendant is equivalent to the town administrator and the principals are like department heads.

Ms. Lorman said since the administrator already has too many people reporting to him, he should not be involved in police and fire department staffing decisions, and that this lack of authority keeps qualified candidates from applying for the positions. Ms. Mastrangelo responded that she does not think that any lack of authority is what is keeping people from wanting to be chief. She said she thinks the union influences are a more important problem. She said that not having a human resources director is a huge problem for the town. She said she would be very hesitant to change anything at this time, citing the lack of policy setting by the selectmen as the biggest problem.

Mr. Johnson noted that there is always a conflict between politics and administration. Ms. Mastrangelo said requiring four votes to appoint or dismiss the administrator is an important part of the charter. She said it should be very difficult to remove an administrator in order to avoid too much turnover in the position as a result of political pressure. She said that most school superintendents have rolling three year contracts, and that might be a good idea for the town administrator also.

Ms. Mastrangelo asked about the charter review process and whether town meeting members would be able to modify any of the committee's recommendations. She noted that the last charter review was presented to voters for an up or down vote with no changes allowed. Mr. Johnson replied that the committee's recommendations would first go to town meeting where they could be amended without limit. Whatever the town meeting approves could then be sent to the state legislature for endorsement. He explained that the legislature might require a confirming vote by the electorate, and that vote would have to be a simple up or down vote without making any changes.

There being no further questions or comments apparent, Mr. Johnson thanked Ms. Mastrangelo for her participation and introduced Town Clerk Barry Johnson at 7:45. Ms. Mastrangelo remained at the meeting, however, and continued to contribute her extensive expertise to the discussion.

Mr. (Barry) Johnson said he began his career as a teacher in Mashpee, but soon left that position when offered his first job in public service. He said he was the first Barnstable County administrator, then became the first town administrator in Oak Bluffs before moving to the sheriff's office. He then served 13 years as a full-time selectman in Bourne. He said he was reluctant at first but later accepted the idea of a part-time board of selectmen with a professional administrator. He said the relationship between administrator and selectmen should be "he proposes; they dispose".

Mr. (Barry) Johnson described the selectman recall process and advised the committee not to reduce the number of signatures required to petition for a recall or to make any other changes in this process. Mr. (John) Johnson assured him that the recall had not been discussed by this committee and was not on its list of issues to consider.

Mr. McDowell said he did have one question about the recall procedure, however, that involved distribution of signatures by precinct. Mr. (Barry) Johnson said he would have no objection to requiring apportioning recall petition signatures by precinct.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

January 6, 2011

Bourne High School Executive Library

On the issue of which portion of state statute should define the police and fire chief positions, Mr. (Barry) Johnson said he was personally in favor of strong chiefs at both the police and fire departments. He said everybody needs to know who's in charge, and that the public safety departments are not the same as the school department. He added that the charter needs to set up a workshop on the organization chart. He said the administrator's work load is too much for one person, and that the town needs to have a human resources director or assistant administrator with personnel duties.

Ms. Conron asked about the recent process of selecting a new police chief. Mr. (Barry) Johnson said he thought the process worked well and went very smoothly. He added that he has heard that the higher-ranked police and fire officers are looking to form their own union separate from the union of the lower ranked personnel.

Mr. Ewell asked what Mr. (Barry) Johnson thought was the single most important issue that this charter review committee should address. Mr. (Barry) Johnson said it was the question of whether to have strong or weak police and fire chiefs.

Ms. Conron asked if the town clerk should be an appointed position. Mr. (Barry) Johnson said he strongly agreed that it should because the position is becoming so complex with the imposition of the new open meeting law and other state requirements.

Ms. Mastrangelo suggested that the town needs a mechanism for the administrator to veto promotions made by department heads and chiefs. Extensive discussion followed on the broader issue of reorganization. Ms. Barth said she had heard or read that the town was hiring a consultant to assist with reorganization.

Mr. (John) Johnson asked who should sign contracts and if different requirements should be set for larger or longer term contracts. Mr. (Barry) Johnson responded that contracts are extensively regulated by Massachusetts General Laws Chapter 30B. He also said that this statute lists 30 or 40 exemptions to the law. Mr. (John) Johnson said this was valuable information that the committee had not known before.

Mr. Mulvey asked who signed off on labor contracts now in existence? Mr. (Barry) Johnson said they were all signed by the administrator.

Mr. Rhatigan brought up the issue of who should approve and sign long term contracts. Mr. (Barry) Johnson responded that the selectmen should set that policy.

Mr. Mulvey noted that on the idea of a veto of promotions, union contracts prevail.

Mr. (Barry) Johnson said he thinks implementation of the charter has gone very well.

Mr. (John) Johnson asked who should appoint the police and fire chiefs. Mr. (Barry) Johnson said the administrator should recommend candidates to the selectmen for appointment by the board.

Ms. Mastrangelo said the selectmen should create a book of written policies for contracts, hiring, and other issue to guide the administrator and department heads.

There being no further questions or comments apparent, Mr. (John) Johnson thanked Mr. (Barry) Johnson for his appearance before the committee at 8:42 PM, at which time Mr. (Barry) Johnson excused himself and left the meeting.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

January 6, 2011

Bourne High School Executive Library

Ms. Conron raised the question about authorizing a contract for the Human Resources Director position. Mr. McDowell suggested adding a new paragraph under Section 4 that would apply to any position approved and funded by town meeting. A brief discussion found a consensus that this would be a good way to handle this issue.

Mr. Johnson, referring to a question raised at an earlier meeting, said he looked up the definitions of the words "appoint" and "hire" and found little difference between them. He also said he had received only three responses to his letter to department heads inviting them to meet with the committee and that none wanted to meet.

Discussion then turned to the question of whether to set up a public meeting and a meeting with the Board of Selectmen. The consensus was to invite the public and all of the selectmen to one of the regular committee meetings. The committee also felt that it was important to first draft a list of key issues that will be proposed to change. Mr. Johnson asked each member to review the list in preparation for the next meeting.

On a motion by Ms. Lorman, seconded by Mr. Rhatigan, the meeting adjourned at 9:03 PM.

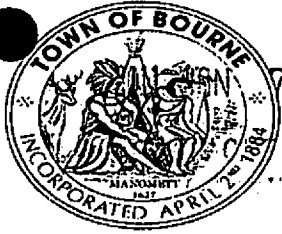
Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the December 14, 2010 meeting.

Respectfully submitted,



Wesley Ewell, Clerk



CHARTER REVIEW COMMITTEE

WORK'S OFFICE MEETING NOTICE



Date

Thursday
January 13, 2011

Time

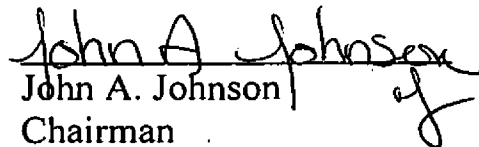
7:00 P.M.

Location

Bourne High School – small Library
75 Waterhouse Road
Bourne

AGENDA

1. Call meeting to order
2. Approve minutes of January 6, 2011
3. Discussion of all items flagged for future discussion as of December 8, 2010
4. Discussion of issues for Public Meeting, as well as date, time and place for meeting
5. Discussion for assignments re: drafting of amendments
6. Discuss future agenda
7. Adjourn.


John A. Johnson
Chairman

Date: January 7, 2011

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
January 13, 2011
Bourne High School Executive Library

2011 JAN 21 AM 10 45

TOWN CLERK'S OFFICE

Members in Attendance

Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring
William F. Rhatigan
Joyce Lorman

Mr. Johnson called the meeting to order at 7:06 PM with all members present. He said he had a conflict once again with meeting next Wednesday, January 19th, and asked if the committee could meet instead on Thursday, the 20th. All agreed to the change.

Minutes of the meeting of January 6, 2011 were unanimously approved as submitted on a motion by Mr. McDowell, seconded by Mr. Langille.

Mr. Johnson asked for comments on the proposed public meeting. Discussion ensued on when to hold it, what the format is to be, and whether to present the committee's positions before or after voting on them. The committee decided that the meeting will begin at 6:00 PM on Wednesday, February 2, with a snow date posted for Thursday, February 3. Tentative plans are to hold it in the High School's main library if that room is available.

There was general agreement that the committee should present its consensus position on a limited number of issues that it is likely to put before Town Meeting, and that its final vote on those issues should wait until after the public meeting. There was also agreement that there should be discussion of certain issues that have widespread community interest but which the committee does not think should be changed. The committee considered formulating a question on each issue for the audience. The members decided, however, that this late in the process it would be better to ask for reaction to specific tentative proposals.

Mr. Johnson suggested the following list of issues to be presented at the meeting, and which committee member should make the presentation:

1. Mr. Johnson will present the committee's position on the issue of changing the number of votes required to appoint or dismiss the Town Administrator,.
2. Mr. Mahoney will present the committee's position on the dual issues of strengthening the positions and changing the authority to appoint the police and fire chiefs.
3. Ms. Conron will present the committee's position on the issue of authorizing the Board of Selectmen to appoint a separate Board of Sewer Commissioners under M.G.L. Chap.40N.
4. Mr. Johnson will present the committee's position on the issue of changing the Town Administrator's authority to approve employment and long-term contracts.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

January 13, 2011

Bourne High School Executive Library

5. Mr. Langille will present the committee's position on the issue of increasing transparency of the activities of all town boards and committees.
6. Mr. Rhatigan will present the committee's position on the issue of a residency requirement for the Town Administrator position.
7. Mr. McDowell will present the committee's proposal to make housekeeping changes and corrections to the charter text.

Straw votes were then taken to determine consensus within the committee on key issues.

On the issue of changing the number of votes to appoint or dismiss the administrator, four were in favor of change; five opposed.

On the issue of who should appoint police and fire chiefs, eight favored the selectmen; one the administrator.

On the issue of whether to strengthen the fire and police chief positions: eight favored the change; one opposed.

Earlier votes on the issues of authorizing the Board of Selectmen to appoint a Sewer Commission, requiring greater transparency by town boards and committees, and establishing a residency requirement for the Town Administrator were reaffirmed.

Discussion of contracting authority found the members in agreement that all contracts should be signed by the Town Administrator, but that contracts that last longer than three years should be reviewed and endorsed by the Board of Selectmen.

Mr. McDowell offered to draft statements on each of these issues for discussion at the public meeting.

Mr. Johnson will prepare a list of the committee's positions which Ms. Loring will give to the three local newspapers and ask them to post announcements of the public meeting.

Discussion then turned to the list of issues flagged for future discussion, with the following agreement:

Item 12 (Amendments previously voted down by Town Meeting) The Town Meeting vote was nearly unanimous, so this committee should not bring these issues up again.

Item 14 (Who should sign contracts) Being addressed.

Item 15 (Administration of the Senior Center) Covered by law and being resolved.

Item 17 (Deleting references to DPW & ISWM in Section 5-2) Needed since ISWM is now an Enterprise Account.

Item 25 (Multiple finance positions) Covered by the housekeeping article.

Item 26 (Who signs contracts) Proposed article.

Item 27 (New administrative position) Not required by charter.

Item 28 (Review ISWM oversight) Not a charter issue.

Item 29 (Term "primary officer" in Section 4-2) Needs to stay in.

Item 30 (Finance Director appeal to Selectmen) Not a charter issue.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

January 13, 2011

Bourne High School Executive Library

- Item 31 (Creating "strong" police and fire chief positions) Article proposed.
- Item 32 (Selectmen as arbitrators for chiefs) Moot under proposed article.
- Item 35 (Requiring review of Comprehensive Plan) Already required by Regional Plan Agency.
- Item 36 (Control of community center) See Item 15.
- Item 37 (Who sets the annual budget) Not an issue.
- Item 39 (Definitions of "appoint" and "hire") No difference in dictionary.
- Item 40 (Charter priority of state and local laws) Resolved by opinion of Town Counsel.
- Item 42 (Timing of charter review) No need to change.
- Item 43 (Time limits on making appointments) Not a charter issue.
- Item 44 (Review of contracts by selectmen) Article proposed.
- Item 46 (Appointment of chiefs by selectmen) Article proposed.
- Item 47 (Licensing authority of selectmen) Covered by state law.
- Item 50 (Recall petition by precinct) Not an issue.
- Item 55 (Review of school budgets) Not an issue.

On a motion by Ms. Conron, seconded by Mr. Mahoney, the meeting adjourned at 9:12PM.

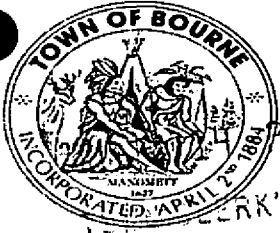
Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the January 6, 2011 meeting.

Respectfully submitted,



Wesley Ewell, Clerk



CHARTER REVIEW COMMITTEE

MEETING NOTICE



Date

Thursday
January 20, 2011

Time

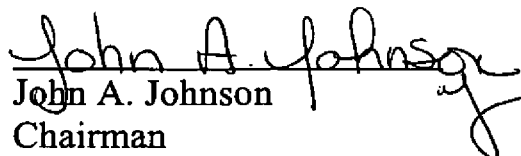
7:00 P.M.

Location

Bourne High School – small Library
75 Waterhouse Road
Bourne

AGENDA

1. Call meeting to order
2. Approve minutes of January 13, 2011
3. Discussion of all items flagged for Future Discussion as of December 8, 2010 particularly as to disposition or action by the Committee and the reason for the same
4. Discussion of issues for Public Meeting, as well as date, time and place for meeting
5. Discussion and review of wording for all suggested changes to the Charter
6. Discuss future agenda
7. Adjourn.


John A. Johnson
Chairman

Date: January 14, 2011

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
January 20, 2011
Bourne High School Executive Library

2011 FEB 11 PM 12 19

TOWN CLERK'S OFFICE

Members in Attendance

Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring
William F. Rhatigan
Joyce Lorman

Others in Attendance

James Mulvey (arrived at 7:10)
Paul Gateley, Bourne Courier (arrived at 7:15; left at 7:25)

Mr. Johnson called the meeting to order at 7:03 PM with all members present.

Minutes of the meeting of January 13, 2011 were unanimously approved as submitted on a motion by Mr. Rhatigan, seconded by Mr. Langille.

Ms. Loring submitted copies of the press release for the public meeting. She reported that she had given them to the Bourne Enterprise, Bourne Courier, Cape Cod Times and Comcast TV.

Mr. McDowell submitted a draft document that listed the 56 items that the committee has been considering, with statements of status or action taken by the committee. Mr. Johnson led the committee through each of the items one through 31 to assure agreement on the actions taken. Most of these items had been resolved earlier; the following were discussed at this meeting.

Item 5: (Additional powers of the Board of selectmen.) The committee found that this is not an issue that needs to be addressed.

Item 6: (Issues previously voted down by Town Meeting) Discussion ensued on merits of preventing anyone from holding two elected positions, or having a full-time compensated position being filled by a selectman by virtue of his or her authority. The consensus was that this is an important issue and should be resubmitted to Town Meeting. Ms. Conron offered to draft wording for consideration at the next meeting.

Item 7: (Conflict with open meeting law in Section 3-8.) Mr. McDowell suggesting wording to be added to this section specifying that this charter does not overrule the state open meeting law. Discussion also on whether draft minutes should be published before final approval. Wording "No provision or rule of procedure set by the Board of Selectmen shall supersede or obviate the state open meeting law (M.G.L. Chapter 30A, Sections 18 through 25)" was unanimously approved by informal straw vote. Discussion continued on whether the same wording should

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
January 20, 2011
Bourne High School Executive Library

apply to Section 8-6(c), but the committee concluded that it should not apply to committees other than the Board of Selectmen.

Item 9: (Degree to which the Board of Selectmen policy is defined in Section 3-3.) Discussion focused on requiring selectmen to adopt written policies to be implemented by the Town Administrator. The committee reached unanimous consensus by straw vote that changing the words "broad" and "specific" to "written" will encourage the selectmen to better define policies, and that policies must be written in a policy book that is publicly available for review.

Item 12: Redundant of Item 6.

Item 14: (Regarding employment and other contracts) Mr. McDowell and Ms. Conron both drafted articles to address these issues. After extensive discussion, a consensus was reached that this should be addressed in Section 4-6(l). Mr. McDowell will revise draft article.

Item 31: (Regarding Fire and Police Chief Positions.) After discussion, the committee reaffirmed its position that both chiefs should be appointed by the Board of Selectmen, have strong authority to manage their respective departments under provisions of M.G.L. Chapter 41, Section 97A and Chapter 48, Section 42, and report to the Town Administrator. The administrator is not to have any management authority within either department.

The meeting next week will be on Wednesday, January 26.

On a motion by Mr. McDowell, seconded by Mr. Mahoney, the meeting adjourned at 9:12 PM.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the January 13, 2011 meeting and an updated list of Items for Future Discussion.

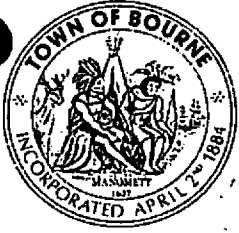
Ms. Loring submitted copies of the press release that she had sent to the newspapers.

Mr. McDowell submitted copies of draft Town Meeting articles and a list of items considered by the committee with actions taken by the committee.

Respectfully submitted,

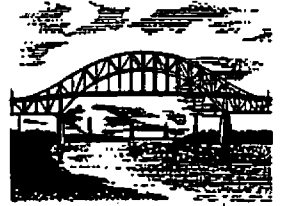


Wesley Ewell, Clerk



2011 JAN CHARTER REVIEW COMMITTEE

TOWN CLERK'S OFFICE
MEETING NOTICE



Date

Wednesday
January 26, 2011

Time

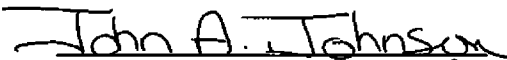
7:00 P.M.

Location

Bourne High School – small Library
75 Waterhouse Road
Bourne

AGENDA

1. Call meeting to order
2. Approve minutes of January 20, 2011
3. Discussion of the summary of the Committee disposition of the issues flagged for discussion as of January 13, 2011
4. Discussion and review of wording for all suggested changes to the Charter
5. Discuss future agenda
6. Adjourn.


John A. Johnson
Chairman

Date: January 21, 2011

XFINITY Connect

wesleyewell@comcast.net

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Cancellation of Meeting Scheduled for Jan. 26, 2011

From : john johnson286 <john.johnson286@verizon.net>

Wed, Jan 26, 2011 04:29 PM

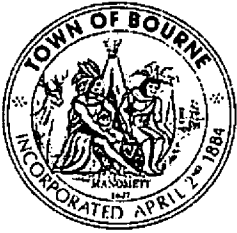
Subject : Cancellation of Meeting Scheduled for Jan. 26, 2011**To :** wesleyewell@comcast.net, macmcdowell63@yahoo.com, judyconron@comcast.net, wftar@hotmail.com, langjllen@verizon.net, jformangcf@msn.com, jmljake@capecod.net, stevemahoney@ymail.com

Hello Everyone, I have been keeping an eye on the weather forecast for tonight, and I have spoken to a couple of the members, and I believe we should cancel the meeting of the Charter Review Committee scheduled for tonight. I have called the Town Administrator's office and requested he post the Notice of Cancellation and advise the janitorial service at the High School that we will not be using the facility tonight. The next meeting is also the public meeting, so keep that in mind. In the meantime keep working on any draft changes. Thanks and I'll see you next week. John

2011 OCT 13 PM 3 03
TOWN CLERK'S OFFICE
BOURNE, MASS

2011 JAN 28 AM 10 51

TOWN CLERK'S OFFICE



CHARTER REVIEW COMMITTEE

MEETING NOTICE



Date

Wednesday
February 2, 2011

Time

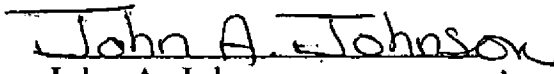
6:00 P.M.

Location

Bourne High School – Large Library
75 Waterhouse Road
Bourne

AGENDA

1. Call meeting to order
2. Approve minutes of January 20, 2011
3. Discussion of the summary of the Committee disposition of the issues flagged for discussion as of January 20, 2011
4. Discussion and review of wording for all suggested changes to the Charter
5. Discuss future agenda
6. Adjourn.


John A. Johnson
Chairman

Date: January 28, 2011

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wesleyewell@comcast.net

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Cancellation of meeting for February 2,2011

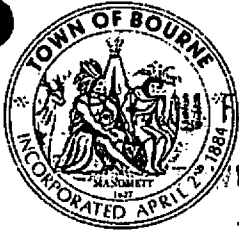
From : john johnson286 <john.johnson286@verizon.net>

Tue, Feb 01, 2011 08:00 PM

Subject : Cancellation of meeting for February 2,2011**To :** wesleyewell@comcast.net, macmcdowell63@yahoo.com, judyconron@comcast.net,
wftar@hotmail.com, langillen@verizon.net, jlorrangcf@msn.com, jmljake@capecod.net,
stevemahoney@ymail.com

Hello Everyone, I have cancelled the meeting for tomorrow evening because of the upcoming predicted storm. Because the public was involved, I wanted to get the notice out as soon as possible. The cancellation notice will be posted at town hall and on the web site and television, so I hope that will be enough to prevent any hearty soul from venturing out without checking. I will reschedule for next Wednesday and hopefully we will not have another mid-week storm. If you know of someone who was planning to attend, please give them a call. In the meantime, I suggest everyone keep working on refining the language on the various sections under our consideration. Thanks, John.

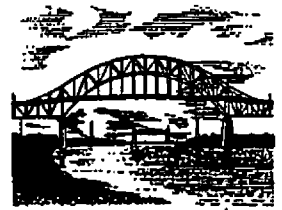
2011 OCT 13 PM 3 03
TOWN CLERK'S OFFICE
BOURNE, MASS.



CHARTER REVIEW COMMITTEE

FEB 3 AM 11 49

TOWN CLERK'S OFFICE MEETING NOTICE

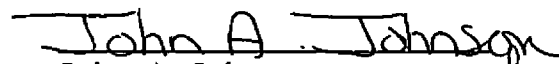


<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday February 9, 2011	6:00 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay Lower Conference Room

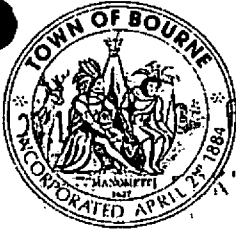
A Public Meeting will be held on February 9, 2011 at 6:00 PM by the Bourne Charter Review Committee to give the public the opportunity to comment on proposed Charter changes. A meeting of the committee will follow with the following Agenda.

AGENDA

1. Call meeting to order
2. Approve minutes of January 20, 2011
3. Discussion of the summary of the Committee disposition of the issues flagged for discussion as of January 20, 2011
4. Discussion and review of wording for all suggested changes to the Charter
5. Discuss future agenda
6. Adjourn.


John A. Johnson
Chairman

Date: February 3, 2011



CHARTER REVIEW COMMITTEE

MEETING NOTICE



Date

Wednesday
February 9, 2011

Time

6:00 P.M.

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

A Public Meeting will be held on February 9, 2011 at 6:00 PM by the Bourne Charter Review Committee to give the public the opportunity to comment on proposed Charter changes. A meeting of the committee will follow with the following Agenda.

AGENDA

1. Call meeting to order
2. Approve minutes of January 20, 2011
3. Discussion of the summary of the Committee disposition of the issues flagged for discussion as of January 20, 2011
4. Discussion and review of wording for all suggested changes to the Charter
5. Discuss future agenda
6. Adjourn.

John A. Johnson
John A. Johnson
Chairman

Date: February 3, 2011

*This was re-posted by
Rebbie Judge due to a
mis-spelling of "Bourne"
2/3/11 BS*

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 9, 2011
Bourne Town Hall

2011 FEB 17 PM 12 06

TOWN CLERK'S OFFICE

Members in Attendance

Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring
William F. Rhatigan

Others in Attendance

James Mulvey (arrived at 6:05)
Paul Gateley, Bourne Courier (arrived at 6:05; left at 6:53)
Heather Wysocki, Cape Cod Times
Diana Barth, Bourne Enterprise (arrived at 6:20)
Richard Conron
Mark Tirell, former selectman
Donald Picard, Selectman
Joseph Carerra, Sr.
Maureen Dunn
Christopher Farrell (arrived at 6:45)

Mr. Johnson called the meeting to order at 6:01 PM with eight members present and invited comments and questions from the public and press.

Former Selectman Mark Tirell expressed concern about interrupting the chain of command in public safety departments. He said he would not want to return to the days when selectmen interfered in day to day management of the police and fire departments. He said he would be okay with separating the sewer board from the selectmen, noting that they almost never got to it when he served on the board. Regarding a residency requirement, Mr. Tirell said he thought requiring the town administrator to live in Bourne would unnecessarily limit the field of potential candidates for the position.

Mr. Johnson and Ms. Conron responded to Mr. Tirell's comments, explaining the general consensus of the committee members on the various issues.

Joseph Carerra, Sr. spoke to the need for strong chiefs in both the police and fire departments.

James Mulvey emphasized the importance of retaining a strong administrator for day to day management of the town, with the role of the Board of Selectmen being limited to setting policy and establishing goals for the administrator. He said he would prefer to have elected sewer commissioners, as he wants to see accountability of that body to the public. He noted that the

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 9, 2011
Bourne Town Hall

problems related to the police and fire departments during the last few years were an abnormality, and that they have now been resolved.

Selectman Donald Picard said that he and other selectmen had difficulty reviewing personnel choices because they were not given the background information that they needed.

Diana Barth asked about the difference between the original charter and the state law which seems to have more regulation regarding the police and fire chief positions.

Maureen Dunn said she expects the selectmen to know who they are appointing.

Mark Tirell asked about the process for changing the charter at Town Meeting. He wanted to know if the proposed changes would be debatable individually or if the total package had to be voted all or nothing.

Ms. Conron responded that the issues could be debated and voted separately. Mr. McDowell cited the specific experience of the last town meeting on charter revisions.

Mr. Langille responded to Mr. Mulvey's comment on electing sewer commissioners, noting that appointed commissioners need to have particular relevant experience, and that being appointed by elected selectmen granted the public adequate accountability.

Mr. Ewell told the audience that the committee had interviewed all public officials who wanted to appear, and then compiled a list of more than fifty items to review. He said the committee had narrowed that list to about a half dozen issues that will be addressed in proposed town meeting articles. He then read the list of issues from the meeting announcement.

Selectman Picard submitted an opinion letter from Town Counsel Robert Troy regarding ISWM. He said the Board of Selectmen will be submitting an article to the town meeting proposing a charter change, and that a hearing is scheduled for Tuesday, February 15 at 7:00 PM in the Middle School library on this issue.

Joseph Carerra asked about the issue of number of votes required to appoint or remove the Town Administrator, suggesting that this requirement be changed to a simple majority but applied only to future appointments that exempt the existing administrator.

There being no further questions or comments apparent, Mr. Johnson closed the public meeting at 6:55 and called for a brief break before continuing with the regular committee meeting. All of the non-members left before the committee reconvened at 7:10 PM.

Minutes of the meeting of January 20, 2011 were unanimously approved as submitted on a motion by Ms. Conron, seconded by Ms. Loring.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 9, 2011
Bourne Town Hall

The committee briefly discussed what to do with the ISWM letter submitted by Selectman Pickard. Since it was not on the agenda, it could not be discussed at this meeting. The consensus was to leave it alone, as the Board of Selectmen have a right to bring charter change proposals before the town meeting independent of the charter committee.

Mr. McDowell suggested the committee submit two articles to town meeting: the housekeeping amendments would be Article 1 and all the other proposed changes would be Article 2, with each being a subsection. The committee then took the following actions on each issue:

Housekeeping Article 1. Mr. Ewell moved to adopt the revised draft of October 28, 2010. Seconded by Mr. Langille, unanimously approved.

Article 2a. Proposed change to Article 1, Section 1-3: Division of Powers. The vote to delete the words "and Town Administrator" was made at the meeting of November 11, 2010 and reflected in draft wording dated November 30, 2010.

Article 2b. Proposed change to Article 2, Section 2-5(a)(30): Initiation of Warrant Articles. Mr. McDowell moved to adopt the revised draft of December 8, 2010. Seconded by Mr. Langille, no discussion, unanimously approved.

Article 2c. Proposed change to Article 3, Section 3-1, Term of Office, Composition (re: sewer commissioners). Mr. Rhatigan moved to adopt the February 9, 2011 draft. Seconded by Mr. Mahoney, no discussion, unanimously approved.

Article 2d. Proposed change to Article 3, Section 3-3: Policy Role (re: 45 day policy deadline). Mr. Ewell moved to adopt the January 21, 2011 draft. Seconded by Mr. Rhatigan, no discussion, unanimously approved.

Article 2e. Proposed change to Article 3, Section 3-6: Prohibitions. Ms. Conron moved to adopt the February 9, 2011 draft, with wording referring to the Sandwich charter removed. Seconded by Mr. McDowell, no discussion, unanimously approved.

Article 2f. Proposed change to Article 3, Section 3-8: Rules of Procedure (re: open meeting law). Mr. McDowell moved to adopt the January 25, 2011 draft. Seconded by Mr. Mahoney, no discussion, unanimously approved.

Article 2g. Proposed change to Article 4, Section 4-1: Appointment; Qualification; Term (re: residency). The vote to approve this change was made at the meeting of December 1, 2010.

Article 2h. Proposed change to Article 4, Section 4-6: Powers and Duties (re: contracts). Mr. Langille moved to adopt the February 9, 2011 draft. Seconded by Ms. Loring, no discussion, unanimously approved.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 9, 2011
Bourne Town Hall

Article 2i. Proposed change to Article 8, Section 8-6: Procedures for Multiple Member Bodies. Mr. McDowell moved to adopt amended draft of December, 8, 2010. Seconded by Mr. Rhatigan, no discussion, unanimously approved.

Article 2j. Proposed changes to Article 3, Section 3-5: Appointing Powers, and Article 4, Section 4-6: Powers and Duties (re: Police and Fire Chiefs). Ms. Conron submitted a revised draft for this article based upon her research that found the Town Meeting had accepted the provisions of Massachusetts General Laws giving police and fire chiefs strong administrative powers many years ago, but that the last charter review had superseded those bylaws and transferred much of the chiefs' authority to the town administrator. Extensive discussion ensued, resulting in the following proposal: Add to Section 3-5 the sentence: "The Board of Selectmen shall appoint the Police Chief pursuant to M.G.L. Chapter 41, Section 97A and Fire Chief pursuant to M.G.L. Chapter 48, Section 42." Add within the first sentence of Section 4-6(b) the words "except for the Police Chief and Fire Chief", and at the end of Section 4-6(b) the sentence "He shall recommend to the Board of Selectmen candidates for appointment to the position of Police Chief and Fire Chief. Add within Section 4-6(i) the words "fire, and police". All of these changes to be drafted into an article by Mr. McDowell. On a motion by Mr. Ewell, seconded by Mr. Mahoney, these changes were unanimously approved.

On a motion by Mr. Langille, seconded by Mr. Mahoney, the meeting adjourned at 9:10 PM.

Documents presented at this meeting:

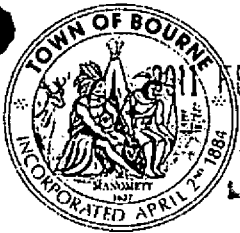
Mr. Ewell distributed copies of the minutes of the January 20, 2011 meeting.

Selectman Donald Pickard submitted copies of a memorandum from Town Counsel Robert Troy regarding charter changes related to ISWM.

Respectfully submitted,



Wesley Ewell, Clerk



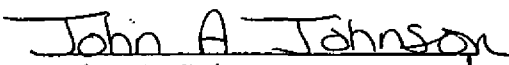
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CLERK'S OFFICE
CHARTER REVIEW COMMITTEE
MEETING NOTICE



<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday February 16, 2011	7:00 P.M.	Bourne High School 75 Waterhouse Rd—small library Bourne

AGENDA

1. Call meeting to order
2. Approve minutes of February 9, 2011
3. Discussion of the final wording for all suggested charter changes
4. Discussion of wording of and contents of Charter Committee Report
5. Discuss future agenda with regard to Committee Report, appearances before Selectmen and Finance Committee
6. Adjourn.


John A. Johnson
Chairman

Date: February 11, 2011

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 16, 2011
Bourne High School Executive Library

2011 MAR 17 AM 10 31

Members in Attendance

Stephen P. Mahoney
Neil F. Langille
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring
Joyce Lorman (left at 7:28 PM)

TOWN CLERK'S OFFICE

Others in Attendance

Maureen Dunn

Mr. Johnson called the meeting to order at 7:05 PM with eight members present.

Minutes of the meeting of February 9, 2011 were approved as submitted on a motion by Mr. McDowell, seconded by Mr. Langille. Ms. Lorman abstained, as she was not present at that meeting.

Mr. Langille distributed a draft of suggested changes to wording of Article 3, Section 3-5 regarding appointment of police and fire chiefs. He said his purpose is to avoid the sort of delay in appointments that the town recently experienced by giving this authority entirely to the Board of Selectmen instead of having the selectmen act on recommendation of the Town Administrator.

Mr. McDowell moved to reconsider the previous vote on this issue; Mr. Langille seconded. Extensive discussion followed on the issue, during which Ms. Lorman left the meeting. The motion to reconsider the previous vote failed on a vote of two in favor, five opposed.

Discussion turned to the draft Report to Town Meeting prepared by Mr. McDowell and Mr. Ewell. Several changes were made to wording and format, and a cover page was discussed. The committee decided to list the memos received from Town Counsel Robert Troy but not to include these documents in the appendix. It also decided not to include emails or other correspondence in the report, noting that all the committee's records are available to the public.

Mr. McDowell moved to approve the report as amended. Seconded by Ms. Loring. The motion passed with six in favor, one abstained.

Mr. Johnson announced that the Board of Selectmen has scheduled a meeting with the committee for March 15th. Discussion about who would present the issues followed. Final decision on presentation to be made by email later. One or more representatives of the committee will also have to meet with the Finance Committee when it schedules a time to review the articles.

On a motion by Ms. Conron, seconded by Mr. Mahoney, the meeting adjourned at 8:18 PM.

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
February 16, 2011
Bourne High School Executive Library

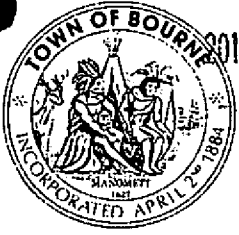
Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the February 9, 2011 meeting.
Mr. Langille distributed a draft revision to Article 3, section 3-5.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W Ewell', written in a cursive style.

Wesley Ewell, Clerk



2011 MAR 8 PM 9 10
CHARTER REVIEW COMMITTEE

TOWN CLERK'S OFFICE

MEETING NOTICE



Date

Tuesday
March 15, 2011

Time

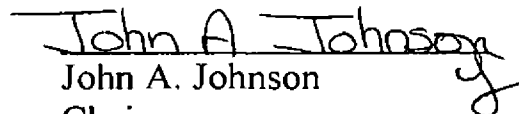
7:00 P.M.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street
Buzzards Bay

AGENDA

1. Call meeting to order
2. Approve minutes of February 16, 2011
3. Adjourn


John A. Johnson
Chairman

Date: March 9, 2011

TOWN CLERK'S OFFICE

2011 MAR 9 AM 9 10

Board of Selectmen Meeting / Charter Review Committee

Minutes – March 15, 2011

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

2011 SEP 8 PM 3 20

TOWN CLERK'S OFFICE
BOURNE, MASS

Attendance

Thomas M. Guerino, Town Administrator

- John A. Ford, Jr., Chairman
- Don Pickard, Vice Chairman
- Mary Meli, Clerk
- Jamie Sloniecki
- Stephen F. Mealy

Charter Commission report to the Selectmen - John Johnson, Chairman

Charter Commission members present. Report will be put online and make hard copies available at the library and other places.

Recommendations:

- Selectmen move to proceed to appoint Committee with regard to Sewers (appointed members).

MGL model assumes town existing with water and sewer (combined). Very detailed and organized and needs a lot of study before deciding which route to go.

- Policy role of Selectmen

Moved time to 45 days for getting goals in. Took out "broad" under Policies (BOS control by policies). Written policies give the public a sense of what the Selectmen want to do with the Town; and TA carries out.

- Prohibitions of the BOS

No Selectmen may hold any town office or Town employee; No former Selectmen hold any compensated office or employee for two years after term of being Selectmen.

- Open Meeting Law

Keep rules of procedure consistent with regard to Open Meeting Law. Addition of the minutes of multiple member board/committees be permanently posted on Town website. Meetings of BOS, School Committee, BOH and Planning Board to be televised if possible. No meeting shall be cancelled due to not being able to televised.

- Selectmen appoint Fire Chief and Police Chief.

Town Administrator recommendation, BOS appointment - Strong Chief/Weak Chief

- Administration of Bourne

Town Administrator residency required.

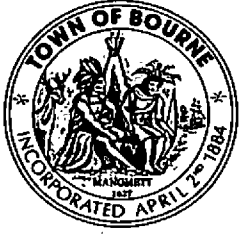
- HR Director

Town Administrator position expanded giving authority to write contracts being approved at the end by the Selectmen.

Adjourn

Sloniecki MOVED and SECONDED by Pickard to adjourn. Meeting adjourned at 10:20 pm.
UNANIMOUS VOTE.

Respectfully submitted – Lisa Groezinger, sec.



CHARTER REVIEW COMMITTEE

MEETING NOTICE



<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday March 31, 2011	7:00 P.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay Lower Conference Room

AGENDA

1. Call meeting to order
2. Discussion of suggestions resulting from Fin Com meeting
3. Adjourn

John A. Johnson
Chairman

Date: March 29, 2011

TOWN CLERK'S OFFICE

2011 MAR 29 AM 10 21

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting
March 31, 2011
Town Hall Lower Meeting Room

2011 OCT 13 PM 3 03

Members in Attendance

Stephen P. Mahoney
Neil F. Langille (arrived at 7:10)
Judith W. Conron
Malcolm Parker McDowell
John A. Johnson
Wesley Ewell
Jacqueline M. Loring

TOWN CLERK'S OFFICE
BOURNE, MASS

Others in Attendance:

Thomas Guerino, Town Administrator

Mr. Johnson called the meeting to order at 7:00 PM with six members present.

Several members of the committee met with the Bourne Finance Committee on March 28. The FinCom members suggested several changes to the proposed charter articles, which Ms. Conron documented in the attached notes. Most of the suggested changes involved typographic or grammatical errors. Several FinCom members expressed strong disagreement, however, with the recommendation that the Board of Selectmen appoint the Police and Fire Chiefs, and suggested that this recommendation be split out into a separate article.

Mr. Guerino said he had consulted with Town Counsel Robert Troy at the committee's request, and that Mr. Troy advised him that the article could be split out, even though the Town Meeting warrant had closed. Mr. Guerino also reported that he had researched the question raised at the FinCom meeting on whether the recommendation on signing contracts of three years or longer conflicted with a previous town meeting vote that set a 15-year limit on contracts signed by the Town Administrator. He said that the previous vote applied on to ISWM-related contracts, and that there was therefore no conflict with the current proposal.

Ms. Conron moved to accept all the changes suggested by the Finance Committee, and to separate out the article on the Police and Fire Chiefs. Seconded by Mr. McDowell. Discussion ensued on wording of the articles, whether the requirement for telecasting meetings would impose a mandate on the local cable provider, and on the process of approving the articles. The motion carried by unanimous vote of approval.

Mr. McDowell will revise the articles and email the revisions to the members for review before sending them to the selectman's office for inclusion in the warrant and to Mr. Ewell for inclusion in the committee's report. Mr. Ewell will revise the report and forward it to the administrator.

Discussion continued on presentation of Police and Fire Chief article at the FinCom meeting and to Town Meeting. Mr. Ewell may prepare an article for the Bourne Enterprise explaining how the committee arrived at its position, and how the change would actually affect the operations of the police and fire departments.

BOURNE CHARTER REVIEW COMMITTEE

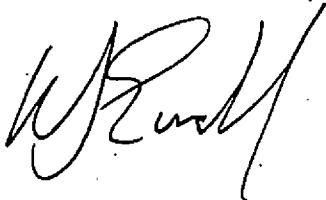
Minutes of the Meeting
March 31, 2011
Town Hall Lower Meeting Room

On a motion by Mr. Mahoney, seconded by Ms. Conron, the meeting adjourned at 7:59 PM.

Documents submitted by email for discussion at this meeting:

Notes from the FinCom meeting and proposed revision of the articles.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Ewell', written in a cursive style.

Wesley Ewell, Clerk

Change discussed at Finance Committee. Use the final copy of the report to follow the changes. Changes requested are underlined.

1. Page 11

(b) Director of Finance- The Director of Finance shall be appointed as provided in 4-6(c)

Reason - This is the original sentence from the 2007 charter

2. Page 12 (b) Director of Finance - The Director of Finance shall be appointed as provided in 4-6(b)

Reason - This is the original sentence from the 2007 charter.

3. Page 24 Article 3-6 Prohibitions

(b) No Selectman shall hold any elected town office or full time town employment during his term as Selectman

Reason – Both should be in the singular. Grammatical error

4. Page 25 bolded sentences

No provision or rule of procedure set by the Board of Selectmen shall supersede or obviate the State Open Meeting Law (MGL Chapter 30A, Sections 18 through 25 or as may be amended from time to time.)

Reason – This provides for any further changes in the State Open Meeting Law

5. Page 26 bottom of the page

(l) shall be responsible for and oversee the purchase of all supplies, materials, services, and equipment and approve the award of all contracts for all town departments. **The Town Administrator must secure the approval of the Board of Selectmen for contracts of three (3) years or more.**

Reason – This was rewritten for clarity

6. Page 28 Top of Page bolded new Section

(c) Minutes – Each multiple member body shall provide for the keeping of minutes of its proceedings. These minutes shall be a public record and a copy of such minutes shall be filed with the Office of the Town Clerk. **Minutes of all multiple member bodies shall also be posted on the Town of Bourne Web Site for a minimum of five (5) years.**

Reason – Concern was raised regarding future space issues of the web site.

7. Page 28 Top of page bolded new section

(d) **The meetings of the Board of Selectmen, the School Committee, The Board of Health and the Planning Board shall, if possible, be either televised on the local cable channel or streamed on the town website. The town will choose the most effective method. Technical difficulties with equipment shall not cause the meetings to be postponed.**

8. The Finance Committee asked if we could separate the Sections on the Appointment of the Police and Fire Chief and the powers and duties of the police and fire chief into a separate article.

9. Page 25 Top of page bolded new section:

The Town Administrator need not be a resident of the Town of Bourne when appointed but shall establish primary residence within Barnstable, Bristol, or Plymouth Counties within one (1) year of the date of appointment. The Board of Selectmen may, by simple majority vote of the Selectmen in office at the time of appointment, extend to a time certain the time for establishing residence, or allow the administrator to reside outside of said counties.

Reason – This was rewritten for clarity

WESLEY EWELL

9 Daniel Webster Road
Pocasset, MA 02559-1987

774-313-7599
wesleyewell@comcast.net

2011 OCT 13 PM 3 03

TOWN CLERK'S OFFICE
BOURNE, MASS

October 7, 2011

Barry Johnson, Town Clerk
Bourne Town Hall
24 Perry Ave.
Buzzards Bay, MA 02532

Re: Charter Committee Minutes

Dear Barry:

Judy Conron asked me to respond to your request for minutes or explanations of four meetings. Here they are:

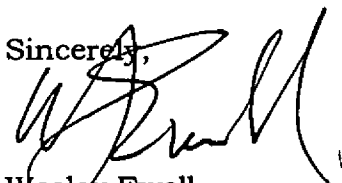
January 26, 2011 – This meeting was cancelled by a blizzard. A copy of John's email cancelling the meeting is enclosed.

February 2, 2011 – This was to be a public meeting and the weather forecast was for another blizzard; so John cancelled the meeting the day before. The storm did not materialize but we did not meet. A copy of John's email cancelling the meeting is enclosed.

March 15, 2011 – This was actually a Selectmen's meeting. John posted it to cover the Charter Committee under the Open Meeting Law, expecting that we would have a quorum there. We did not keep minutes because the Selectmen did.

March 31, 2011 – This was the committee's last meeting. John tried several times to convene another meeting simply to approve these minutes. He was not able to corral a quorum because we all have better things to do. A copy of the minutes is enclosed. Note that nobody ever questioned or amended any of the minutes I wrote for this committee.

Sincerely,



Wesley Ewell
Clerk, Bourne 2010 Charter Review Committee



JAN 14 PM 3 04

W. CLERK'S OFFICE

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, January 19, 2011
Time: 6:30 pm
Place: Bourne Middle School, Room 100, Waterhouse Rd.

1. Minutes of the November 29, 2010 meeting.
2. Review of the Applications for Community Preservation Funding for FY'2012.
3. Setting of CPC meeting schedule.
4. Executive Session: to discuss possible land acquisition(s) and not to re-open in open session.

Barry Johnson, Chairman

DRAFT

**Community Preservation Committee
Meeting Minutes
January 19, 2011**

APPROVED

2-9-11

PRESENT: Barry Johnson, Don Morrissey, Jerry Ellis, Jack MacDonald, Richard Anderson, Peter Holmes, Andrew Cooney

ABSENT: Daniel Doucette, Peter Meier

Recording Secretary, Ann Gratis

The meeting was called to order at 6:40 pm.

Minutes of the November 29, 2010 meeting.

B. Johnson would like the sentence "B. Johnson stated that we can't do that as some projects require other funding and that can take longer." Refined so it reads "B. Johnson stated that some projects require..."

D. Morrissey made a Motion to approve the minutes as amended. The Motion was seconded by J. MacDonald with six in favor, 1 abstention.

Review of Estimated Revenue Expenditures

The Committee reviewed the schedule created by the Finance Dept. with an overview of available funds for CPC projects. For FY2012:

Open Space - \$1,678,275

Historic - \$137,434

Community Housing - \$137,434

Other - -\$19,932

Undesignated - \$1,758,833

Review of the Applications for Community Preservation Funding for FY'2012.

Housing – BHOPP for \$100,000 (number will change), and for the Housing Specialist - \$54,600. Will have to vote to take from Undesignated balance.

D. Anderson: Didn't think CPC funding was meant to pay salary every year.

P. Holmes: At some point need to stop the funding. They need to find other ways to support that position.

Open Space - \$2,500 for an archeological survey at the Henshaw property.

B. Johnson: any requests for funds after this will be a separate article.

A. Cooney: Looked back at minutes and thought we could gradually ease into it. But it seems as if it needs to be the full \$12,000.

D. Morrissey asked what happens to the stuff they find?

It's cataloged and kept at the Archives.

J. Ellis: Is this cost split between open space and historic?

2011 FEB 10 PM 3 47

B. Johnson: it would have to be all historic and would need to come from the undesignated balance.

J. Ellis stated they will want three quotes.

A. Cooney: Open Space meets on the 31st and might have to amend application.

Historic – Six applications

Schools- window replacement. \$\$60,000.

P. Holmes wants a project description. This doesn't include a quote.

B. Johnson will tell the applicant.

Briggs-McDermott House – sash restoration, replace wood roof on forge, rebuild rear chimney and more. \$12,575.

Cataumet School House – repair rotted cornices. \$6,700

Bourne Archives – survey and document the cemeteries in Bourne. \$19,204.

Engineering – preservation of map books. \$20,000.

Clerk – Laserfiche scanning. \$40,000.

Gray Gables Railroad Station – move to the Aptuxet Trading Post Campus. Repair as needed to make it like original. \$33,000.

J. Ellis stated this will enhance the Aptuxet property and draw attention there. All total around \$200,000. Will have to draw from undesignated funds to make them all happen. May prioritize what and how we want to go forward.

Setting of CPC meeting schedule.

Feb. 9, 16 and 23. All meetings will be at 6:45pm. Place TBD.

D. Anderson would like to send an email to Dave Viera re: CPC funding bill. Wants it renewed.

P. Holmes made a Motion on behalf of the committee we ask support of the coalition. The Motion was seconded by D. Anderson with all in favor.

B. Johnson will write the letter.

D. Anderson made a Motion to adjourn and to go into Executive Session for the purpose of possible land acquisition and not to re-open in public session. The Motion was seconded by J. MacDonald. Roll call vote as follows:

B. Johnson – yes

D. Morrissey – yes

D. Ellis – yes

A. Cooney – yes

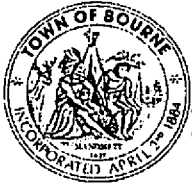
P. Holmes – yes

D. Anderson – yes

J. MacDonald – yes

With no further business before the Committee, the meeting was adjourned at 8:13 pm.

Respectfully submitted,
Ann T. Gratis, secretary



TOWN OF BOURNE

Community Preservation Committee

2011 FEB 7 PM 2:31

TOWN CLERK'S OFFICE

Bourne Town Hall

24 Perry Avenue

Buzzards Bay, MA 02532

Phone: (508) 759-0600

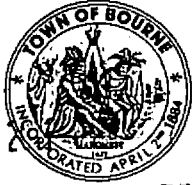


MEETING AGENDA

Date: Wednesday, February 9, 2011
Time: 6:45 pm
Place: Bourne Middle School, Media Center, Waterhouse Rd.

1. Minutes of the Jan. 19, 2011 meeting.
2. Application presentations.
3. Setting of CPC meeting schedule.
4. Executive Session: to discuss possible land acquisition(s) and not to re-open in open session.

Barry Johnson, Chairman



AM 11 03

TOWN CLERK'S OFFICE

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, February 9, 2011
Time: 6:45 pm
Place: Bourne Middle School, Media Center, Waterhouse Rd.

1. Minutes of the Jan. 19, 2011 meeting.
2. Review of the Applications for Community Preservation Funding for FY'2012.
3. Setting of CPC meeting schedule.
4. Executive Session: to discuss possible land acquisition(s) and not to re-open in open session.

Barry Johnson, Chairman

**Community Preservation Committee
Meeting Minutes
February 9, 2011**

APPROVED

2-23-11

2011 FEB 24 PM 1 06
PRESENT: Barry Johnson, Don Morrissey, Jerry Ellis, Jack MacDonald, Richard
Anderson, Peter Holmes, Andrew Cooney, Daniel Doucette, Peter
Meier

Recording Secretary, Ann Gratis

The meeting was called to order at 6:45 pm.

Presentations of Applications

Briggs-McDermott House – 5 projects. Presented by Bob Schofield.

Previous CPA approvals for insulation, painting and sash restoration has tightened up the windows and saved over \$600/year in heating costs. We want to keep it as original as possible, therefore the blinds (shutters) will be reproduced. The Forge was moved in the 90's and the wood roof is severely leaking now. Once the stove and chimney are fixed we can use them as they did in the 1800's. If CPA funds were not available, projects would have to wait. We are supported by donations and memberships (\$15 year). This site is a benefit to the Town for it's history. We work with a tight budget.

School Administration Building – window replacement. Presented by Edward Donoghue.

Windows were last replaced in the 70's. Wood, drafty, rotted. Estimate from Anderson for 6 over 6 traditional look. This will have to go to bid. The estimate was padded for unforeseen expenses.

J. Ellis gave a history of the building from when it was built in 1840.

Cataumet Schoolhouse – Rebuild rotted cornices. Presented by Paul Moscaritolo.

The cornices on the back of the building are leaking. Fixing will protect the frame of the building and costly repairs in the future.

J. Ellis asked how much they raise a year for maintenance, landscaping, etc.

Does not have the figures but will have for the Historic hearing.

Engineering Dept. - Preservation of map books. Presented by Mike Leitzel.

Mike brought the original road book from 1883 and the boundary maps from 1899. They need care and will be rebound (attached two quotes) and will be computerized so the public can access these. There are more books to be done (Cape Cod Atlases 1857, 1906) and others.

Bourne Archives – survey/documentation of cemeteries. Presented by Jerry Ellis.

Each cemetery has from 4-10 people they don't know who they are. The data will be in electronic format. We have conservators on staff and they will start the project, then go to bid to bring in more people.

Judy: after the documentation, yearly updating will be easy.

Falmouth is doing this now.

Gray Gables Railroad Station – rehabilitation, restoration & enhancement. Presented by Jerry Ellis.
Will be moved to where people can see it. Plans to acquire a passenger car are in the future. This will be located immediately to the right as you go into Aptuxet.
Judy: the building has termites and beetle problems. The restoration will remove the back addition. Archives is also raising other money for this project.

Town Clerk – Laserfiche. Presented by Barry Johnson.
The Archives are underway from last year. Want to amend down to \$25,000 from \$40,000.
Getting three scanners, three days of training and the purchase of six licenses.
The mention of a wide format scanner for plans was brought up.
Keep it at \$40,000.

Housing Partnership – Housing Specialist. Presented by Sue Ross.
This is a contract position, don't have to pay benefits. He has gotten grants and worked with the DHCD (State), fought to keep our housing numbers up. He found two homes in foreclosure and stopped them. (if sold at auction, the Town would lose that affordable status on the house). Volunteers can't do it all. We are about to build two houses, one in Sagamore and one in Cataumet. The specialist position is part of the LCP and he has helped get us the Affordable Housing Plan required by the State. Part of the Block Grant covers administrative costs but not enough to fund the position. The DHCD is recommending that towns with CPA funds get a housing specialist with them. It helps generate more money for the Town. It's not just administrative, it's monitoring, maintaining the list and finding funding sources to get more affordable housing and options, writing bylaws, etc.

D. Morrissey asked who oversees this position?

Sue and Coreen Moore review his invoices.

The Housing Partnership creates bylaws and housing

The Housing Trust holds property and builds new housing

A. Cooney asked what can we look for in the next year?

Sue: the Trust is building two houses and are in the process of buying a house with another lot: rehab the house and build a new on the non-conforming lot. Also working on an accessory dwelling bylaw.

B. Johnson: if anyone wants more information, please contact me or Ann and we will get you the answer.

Affordable Housing Program. Presented by Kerry Horman.

Stephen Walsh, Chairman of Affordable Housing Trust, stated it's taken a year to get through the state for the two houses.

Kerry: Funding sources with USDA for the rehabilitation of houses.

P. Meier stated the Housing Partnership voted unanimously to send this to the CPC. Will provide the minutes & vote.

Kerry: the houses will sell for \$179,000 to keep open for everyone. USDA loans available for 1% for 38 years. Shearwater Dr. property is about 1 acre; Adams St. property is 18,000sf.

J. Ellis asked if there is any way to get the Otis housing on the list for Bourne?

Kerry: No as we don't have control over the land and it's not open to the public.

B. Johnson: Total for both requests would be \$16,565 over what you have available. Would need to get from undesignated funds. Would like to know how you are allocating the money already approved and available.

J. McDonald: have you looked at the schools for affordable housing?

Sue: To get housing approved by the state, would need at least 50 units and both properties aren't big enough for that. If an outside developer came in, conversion might be better.

B. Johnson: if anyone wants more information, please contact me or Ann and we will get you the answer.

B. Johnson stated the Open Space Committee has voted to withdraw their application for an archeological survey at the Henshaw property until they get more in depth information.

Administrative costs of the CPC article. A dollar amount will be filled in at a later date.

The Committee previously approved to pay the dues of \$3,750 so that will be paid.

Setting of CPC meeting schedule.

We are waiting for recommendations from the Historic Commission. Meet on 2/23.

Feb. 16th has been cancelled. Feb. 23rd will be upstairs at the Town Hall. All meetings will be at 6:45pm. The public hearing will be March 23, 2011.

J. Ellis stated at the demo hearings Tuesday, the applications were presented and the consensus was no opposition at that time.

Minutes of the November 29, 2010 meeting.

P. Holmes made a Motion to approve. The Motion was seconded by D. Anderson with 7 in favor, 2 abstentions.

D. Anderson made a Motion to adjourn and to go into Executive Session for the purpose of possible land acquisition and not to re-open in public session. The Motion was seconded by P. Meier. Roll call vote as follows:

B. Johnson – yes	D. Morrissey – yes	D. Ellis – yes
P. Holmes – yes	D. Anderson – yes	J. MacDonald – yes
D. Doucette – yes	P. Meier – yes	A. Cooney – yes

With no further business before the Committee, the meeting was adjourned at 9:03 pm.

Respectfully submitted,
Ann T. Gratis, secretary



2011 FEB 17 PM 2:44

TOWN CLERK'S OFFICE

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Tuesday, February 22, 2011
Time: 7:00 pm
Place: Veteran's Community Building, 239 Main St., Buzzards Bay MA

Joint meeting with the Board of Selectmen for the purpose of reviewing the Community Preservation Act; funding and CPA projects.



2011 FEB 17 PM 2 44

TOWN CLERK'S OFFICE

TOWN OF BOURNE
Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, February 23, 2011
Time: 6:45 pm
Place: Town Hall, upstairs meeting room, 24 Perry Ave, Buzzards Bay MA 02532

1. Minutes of the 2/9/11 meeting.
2. Continued review and update of CPA FY2012 funding requests.
3. Grant agreement.
4. Setting of CPC meeting schedule.
5. Executive Session: to discuss possible land acquisition(s) and not to re-open in open session.

Barry Johnson, Chairman

**Community Preservation Committee
Meeting Minutes
February 23, 2011**

PRESENT: Barry Johnson, Don Morrissey, Jerry Ellis, Jack MacDonald, Richard Anderson, Andrew Cooney, Daniel Doucette, Peter Meier (7pm)

ABSENT: Peter Holmes

Recording Secretary, Ann Gratis

The meeting was called to order at 6:45 pm.

Minutes of the 2/9/11 meeting.

D. Doucette made a Motion to approve. The Motion was seconded by D. Anderson with all in favor.

Continued review and update of CPA FY2012 funding requests.

B. Johnson gave an update: The Historic Commission met on 2/22/11 and voted to accept all the applications.

The requested minutes from the Housing Authority were submitted along with a job description of the Housing Specialist.

An updated chart was handed out with the current estimated revenue expenditures.

Grant agreement.

B. Johnson handed out two grant agreements from other towns. It's taking our operational procedures and mission statement and updating. We can look at a sunset clause.

Dartmouth has a sunset clause, proposed start and proposed completion dates, etc. Some projects may take longer such as the Swift Church. The Historic Preservation restriction took a long time, we just received it. The Historic Commission should sign off first, then the Selectmen then it can be sent to the State. MA Historic comments have been included.

B. Johnson stated CPA funds are considered local funds so we could stop people from out of the area from using our beaches, etc.

D. Anderson asked P. Meier if the Housing Specialist will be funded by the CPA for a while. P. Meier stated it depends on the funding and grants they receive. The request will be made for CPA funding for at least two years. Some of the grant money may be able to offset it.

P. Meier made a Motion to adjourn and to go into Executive Session for the purpose of possible land acquisition and not to re-open in public session. The Motion was seconded by D. Doucette.

Roll call vote as follows:

B. Johnson – yes

D. Morrissey – yes

D. Ellis – yes

D. Anderson – yes

J. MacDonald – yes

A. Cooney – yes

D. Doucette – yes

P. Meier – yes

With no further business before the Committee, the meeting was adjourned at 9:03 pm.

Respectfully submitted,
Ann T. Gratis, secretary



TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, March 23, 2011
Time: 7:00 pm
Place: Bourne Middle School, Media Center, 75 Waterhouse Rd., Bourne MA

1. Public Hearing for FY2012 CPA funding applications.

Community Housing:

- Bourne Housing Partnership: Funding of the Housing Specialist
- Bourne Affordable Housing Trust: Affordable Home Program

Historic Preservation:

- Bourne Public Schools: School Admin. Building – Window replacement
- Bourne Society for Historic preservation Inc: Briggs-McDermott House/Alonzo Booth Blacksmith Shop – Restoration projects
- Cataumet Schoolhouse Preservation Group: Cataumet Schoolhouse –rotted cornices
- Bourne Archives: Survey and documentation of the cemeteries in Bourne
- Town of Bourne: Preservation of historical map books in the Engineering Dept.
- Town of Bourne: Placing Town Clerk, Planning Board, Engineering and Archives documents in an electronic format (laserfiche)
- Bourne Historical Society Inc: Restoration, rehabilitation and enhancement of the Gray Gables Railroad Station

Executive Session for the purpose of discussing the possible land acquisitions to be considered at the May 2, 2011 Special Town Meeting. Will re-open in public session for the purpose of considering additional CPA applications to be presented at the May 2, 2011 Special Town Meeting.

2011 MAR 18 PM 9 53

Barry Johnson, Chairman

**Community Preservation Committee
Meeting Minutes
March 23, 2011**

PRESENT: Barry Johnson, Don Morrissey, Jerry Ellis, Jack MacDonald, Richard Anderson, Andrew Cooney, Peter Holmes, Peter Meier

ABSENT: Daniel Doucette

ALSO PRESENT: Kerry Horman, Sue Ross, Mike Leitzel, Steve LaMarsh, Craig Smith

Recording Secretary, Ann Grátis

The meeting was called to order at 7:06 pm.

Chairman Johnson read the published ad.

Public Hearing for CPA Articles:

Community Housing:

Housing Specialist: Sue Ross

This position is so important to our town. He maintains the subsidized inventory list and helps give our town more say what can and can't be built. (40B). The State has strict guidelines. A volunteer Board can't do, very time consuming. We are building two houses right now. DHCD requires inspections, legal, etc. We don't have the experience on the committee. Many towns now use CPA funds for this. This position maintains, promotes and has to be innovative with affordable housing. Applied for a Block Grant for Buzzards Bay, looking for future grants that may help offset the CPA funds.

J. Ellis made a Motion to approve and support at Town Meeting. The Motion was seconded by P. Meier with all in favor.

Affordable Home Program: Kerry Horman

This program allows us to build houses and this article will allow us three (currently building two). Also going for a grant. Houses cost \$240,000-\$250,000 including land, etc each. Can sell for \$180,000 which is about half of market value. The houses are distributed by precinct and only allow two per year per precinct.

P. Meier made a Motion to approve and support at Town Meeting. The Motion was seconded by P. Holmes with all in favor.

Historic Preservation:

School Admin. Building – window replacement: Steve LaMarsh

There are many inoperable windows. The building has lots of history. Will be looking for local contractors.

J. Ellis stated the Historical Commission voted unanimously to support this project.

J. MacDonald: Went to look at the building. Some windows looked as if they didn't need paint, some are original. Believe they can be restored in place.

J. Ellis: the \$60,000 will handle any unforeseen issues that may come up. The windows need to be as historically accurate as possible.

A. Cooney asked if there are any plans to register on Historic Inventory?

J. Ellis stated it's slated for the next round.

B. Johnson: this is a very preliminary quote, we'll know better once the bids come in.

D. Anderson made a Motion to approve and support at Town Meeting. The Motion was seconded by P. Meier

Craig Smith stated will improve energy efficiency and circulation. R value of windows is the issue, the older wood is better for rot resistance. Change the balances and seal the windows.

Steve: wants to keep the value of the building and will do what's right for the community, not looking for a quick fix.

J. MacDonald made a Motion to Amend the main Motion to \$30,000. The Motion was seconded by P. Holmes.

J. Ellis: this has been thoroughly discussed and feels strongly that \$60,000 is a good number to go forward, if there is a problem, he won't have to come back for an amendment. Think should stay with \$60,000.

Vote on the amendment: yes – 3 no – 5

Vote on Main Motion: yes – 5 no – 3

Briggs-McDermott House/Alonzo Booth Blacksmith Shop – restoration projects:

J. Ellis stated the Historical Commission voted unanimously to support this project.

This is an ongoing restoration project and is on the National Registry.

M. MacDonald made a Motion to approve and support at Town Meeting. The Motion was seconded by A. Cooney with all in favor.

Cataumet Schoolhouse – rotted cornices

J. MacDonald recused himself from this matter.

J. Ellis stated the Historical Commission voted unanimously to support this project.

D. Morrissey made a Motion to approve and support at Town Meeting. The Motion was seconded by P. Holmes with all in favor.

Bourne Archives – survey and documentation of the cemeteries. Jean Campbell

Jean stated there is no central information about the various graves. Only documented to 1873 and Bourne became a town after that. There are many requests for genealogy and this will help find significant graves and individual ones.

J. Ellis stated the Historical Commission voted unanimously to support this project. This will be a valuable resource.

J. MacDonald made a Motion to approve and support at Town Meeting. The Motion was seconded by P. Holmes with all in favor.

Town of Bourne – Preservation of historical map books in the Engineering Dept. Mike Leitzel.

This is to restore the books and be able to get out to the public electronically.

J. Ellis stated the Historical Commission voted unanimously to support this project.

P. Meier made a Motion to approve and support at Town Meeting. The Motion was seconded by D. Morrissey with all in favor.

Town of Bourne – Placing Town Clerk, Planning Board, Engineering and Archives documents in electronic format (laserfiche)

B. Johnson stated this is the second phase. Phase 1 is under agreement. Scanners for Archives and the Town Clerk/Planning Board. There will be three days of training/support.

J. Ellis stated the Historical Commission voted unanimously to support this project.

P. Meier made a Motion to approve and support at Town Meeting. The Motion was seconded by A. Cooney with all in favor.

Bourne Historical Society – Restoration, rehabilitation and enhancement of the Gray Gables Railroad Station. Judy McAllister.

Will need to transfer \$19,000-\$20,000 from the undesignated fund. The station will be placed near the windmill and tracks. The scenic train said they will stop there so people can look around the area.

J. MacDonald said the building is in good to excellent condition. Has a problem restoring when there really isn't a need for it.

J. Ellis stated the Historical Commission voted unanimously to support this project.

D. Morrissey: move, remove the addition, keep the money as is to do the project the right way from the start.

Jean Campbell: A donor is looking into getting a railroad car, a second donor wants to outfit it as Grover Cleveland's was done.

J. MacDonald asked if the balance from Aptucxet can be used for this?

B. Johnson: no. Those funds were for that project only. Will be pursuant to Ch. 184 (Restoration). Any unused funds will be turned back in.

P. Meier made a Motion to approve and support at Town Meeting. The Motion was seconded by D. Morrissey with 7 in favor, 1 opposed.

B. Johnson announced the joint meeting with FinCom on April 4th to review the CPC articles for Town Meeting.

P. Meier made a Motion to close the public hearing at 8:19 PM and to go into Executive Session for the purpose of possible land acquisition and to re-open in public session. The Motion was seconded by D. Anderson. Roll call vote as follows:

B. Johnson – yes

D. Morrissey – yes

D. Ellis – yes

D. Anderson – yes

J. MacDonald – yes

A. Cooney – yes

P. Meier – yes

P. Holmes - yes

8:43 the meeting was called back in session.

B. Johnson submitted a letter from Karen Girouard, Town Treasurer, about the failing condition of their vault: mold, leaks in the brick wall, water damage to permanent documents. The request is to relocate the vault, and the Town Clerk's vault, to the Veteran's room which used to be a vault. It will need a new door. The Veteran's agent could share a room with the Emergency Mgmt. person as they are both only part time. Cost is \$20,000.

P. Meier asked what will happen to the old vaults?

B. Johnson stated he will not need his. Doesn't know about the Treasurer's.

J. Ellis stated the Community Building is mandated to house the Veteran's agent.

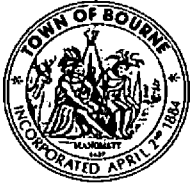
B. Johnson: need to get the vault away from mold, moisture and septic. This will come from Historic/undesigned funds.

P. Meier made a Motion to put an article in for town Meeting. The Motion was seconded by A. Cooney with all in favor.

P. Meier made a Motion to adjourn. The Motion was seconded by D. Morrissey with all in favor.

With no further business before the Committee, the meeting was adjourned at 9:02 pm.

Respectfully submitted,
Ann T. Gratis, secretary



TOWN OF BOURNE

Community Preservation Committee

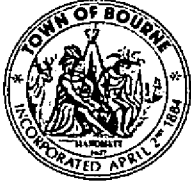
2011 MAR 31 PM 2 09 Bourne Town Hall
24 Perry Avenue
TOWN CLERK'S OFFICE Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Monday, April 4, 2011
Time: 7:00 pm
Place: Veteran's Community Building, 239 Main St., Buzzards Bay MA

Joint meeting with the Finance Committee for the purpose of reviewing the Community Preservation Committee's articles for Town Meeting.



TOWN OF BOURNE PUBLIC HEARING NOTICE COMMUNITY PRESERVATION COMMITTEE

Pursuant to the provisions of Massachusetts General Law Chapter 44B – Community Preservation Act – the Bourne Community Preservation Committee will hold a Public Hearing on April 20, 2011 at 7:00pm at the Bourne Community Building, 239 Main St., Buzzards Bay.

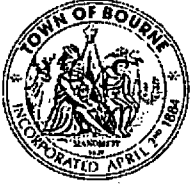
PURPOSE: the Community Preservation Committee will be receiving testimony from interested persons regarding the Applications that have been filed with the committee requesting funding from the Community Preservation Fund for Fiscal Year 2012. After taking testimony, the committee will be voting their recommendations on the Applications for the May 2, 2011 Annual Town Meeting. The Applications relate to Historic Resources and Open Space. Everyone is invited to attend. The Applications are on file and may be viewed in the Town Clerk's office at the Bourne Town Hall, 24 Perry Ave, Buzzards Bay, MA 02532, Monday – Friday 8:30am – 4:30pm.

For further information contact Barry H. Johnson, Chairman, at 508-759-0615 x. 313.

Publish Date: April 7, 2011

Ad size: 4"x4.5"

2011 MAR 30 PM 2 23
TOWN CLERK'S OFFICE



TOWN OF BOURNE
Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, April 20, 2011
Time: 7:00 pm
Place: Bourne Community Building, 239 Main St., Buzzards Bay MA

1. Public Hearing for FY2012 CPA funding applications.

Historic Preservation:

- Town Treasurer & Clerk – new vault at Town Hall

Open Space:

- 199 Herring Pond Rd. – purchase

2. Minutes of 3/23/11: regular and executive session

Barry Johnson, Chairman

2011 APR 15 PM 1 08
TOWN OF BOURNE OFFICE

**Community Preservation Committee
Meeting Minutes
April 20, 2011**

PRESENT: Barry Johnson, Don Morrissey, Jerry Ellis, Richard Anderson, Andrew Cooney, Peter Meier, Daniel Doucette

ABSENT: Jack MacDonald, Peter Holmes

Recording Clerk, Daniel Doucette

The meeting was called to order at 7:05pm.

Public Hearing for CPA Articles:

Historic Preservation:

Town Treasurer & Clerk – New vault at Town Hall: Barry Johnson

B. Johnson read the public hearing ad. \$30,000 is needed, originally thought \$20,000 would work, for a new vault. A motion on town meeting floor needs to be made to change it to \$30,000. J. Ellis stated the Historical Commission has no problem with this project. They will hold a meeting for approval of this article.

D. Morrissey made a Motion to adopt the motion to increase to \$30,000 for town meeting floor. The Motion was seconded by P. Meier. All in favor.

D. Morrissey made a Motion to approve. The Motion was seconded by P. Meier with all in favor.

Community Housing:

Open Space – 199 Herring Pond Rd: Barry Johnson

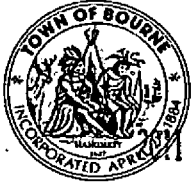
B. Johnson discussed the associated costs related to the purchase of this parcel. Purchase price is \$3,000, asking for \$8,000 to cover incidentals thereto such as legal fees, title insurance, etc.

Minutes of 3/23/11 were not voted on.

P. Meier made a Motion to adjourn. The Motion was seconded by D. Morrissey with all in favor.

With no further business before the Committee, the meeting was adjourned at 7:22pm.

Respectfully submitted,
Ann T. Gratis, secretary



TOWN OF BOURNE

Community Preservation Committee

APR 26 AM 9 30

Bourne Town Hall
24 Perry Avenue

TOWN CLERK'S OFFICE Buzzards Bay, MA 02532

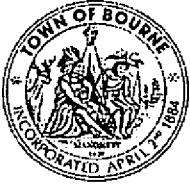
Phone: (508) 759-0600



MEETING AGENDA

Date: Monday, May 2, 2011
Time: 7:00 pm
Place: Bourne High School, Auditorium, 75 Waterhouse Rd., Bourne, MA

For the purpose and duration of the Special and Annual Town Meetings



TOWN OF BOURNE
Community Preservation Committee
Open Space Committee



Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600

MEETING AGENDA

Date: Wednesday, June 8, 2011
Time: 7:00 pm
Place: Bourne Middle School, Library, 77 Waterhouse Rd., Bourne MA

EXECUTIVE SESSION:

Joint meeting with the Community Preservation Committee and the Open Space Committee for the purpose of discussing possible land acquisition.

TOWN OF BOURNE
JUN 11 2011



TOWN OF BOURNE
Community Preservation Committee



PM 12 00

TOWN CLERK'S OFFICE

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600

MEETING AGENDA

Date: Monday, June 20, 2011
Time: 6:30 pm
Place: Bourne Middle School, 77 Waterhouse Rd., Bourne MA

1. Executive Session to discuss possible land acquisitions

Barry Johnson, Chairman



2011 AUG 7 PM 2 29

TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Community Preservation Committee
Open Space Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

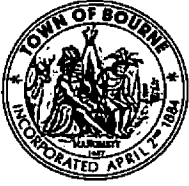
Date: Monday, August 8, 2011
Time: 6:30 pm
Place: Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay

EXECUTIVE SESSION:

Joint meeting with the Community Preservation Committee and the Open Space Committee for the purpose of discussing possible land acquisition.

Barry Johnson, Chair CPC

For the Open Space Committee



TOWN OF BOURNE
Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



2011 AUG 25 AM 3 32

TOWN CLERK'S OFFICE
BOURNE, MASS.

MEETING AGENDA

Date: Monday, August 29, 2011
Time: 6:00 pm
Place: Bourne Town Hall, lower conference room, 24 Perry Ave, Buzzards Bay MA

1. To meet in a Joint Executive Session with members of the Open Space Committee for the purpose of discussing possible land acquisitions and to re-open in public session.

2. Request of the Open Space Committee: that the Community Preservation Committee approve the expenditure of up to \$1,000 by the OSC for advertisements, appraisals, printing of documents etc. Reason: in the town's FY'12 Operating Budget – the OSC does not have any operating expense money. If approved, the funds would come out of the CPC Administrative Operating Article.

Barry Johnson, Chairman

MEETING NOTICE

Community Preservation Committee

When: Monday, September 19, 2011

Where: Town Hall – Lower Meeting Room

Time: 6:30pm.

2011 SEP 15 PM 4 10
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Joint Executive Session with the Open Space Committee: discussion of certain possible land acquisitions. Will re-open in public session.
2. Review of the Open Space Committee's request for funding from the Community Preservation Committee's expense article for printing of documents, advertisements, appraisals etc..
3. Notice of an Application for funding from the Community Preservation Fund – Historic Resources – to preserve a Walter Raleigh ceiling painting.
4. Next meeting date.

Barry H. Johnson, Chairman



Community Preservation Committee
Meeting Minutes
September 19, 2011

PRESENT: Richard Anderson, Donald Ellis, Melvin Holmes, Barry Johnson, Penny Myers, Andrew Cooney

NOT PRESENT: Daniel Doucette, Donald Morrissey

Mardi Mauney, Recording Clerk

Chairman B. Johnson called the meeting of the Community Preservation Committee to order at 8:15 pm.

Agenda Items

1. Request from the Open Space Committee for operating funds.

The Open Space Committee has requested that the Community Preservation Committee approve the expenditure of up to \$1000 by the Open Space Committee for advertisements, appraisals, printing of documents, etc. as the Open Space Committee no longer has any funding for operating expenses. If approved, funds would be appropriated from the Community Preservation Committee's Administrative Operating Article.

M. Holmes moved and D. Ellis seconded the motion to approve the request for funds as outlined in the description above.

The affirmative vote of the Committee was unanimous.

2. Charles Raleigh ceiling painting

D. Ellis and B. Johnson reported on the recent discovery of a ceiling painting by Charles Raleigh at 36 County Road, a property currently list for sale. It appears that there is already a purchase contract on this property so there is some urgency to the task of preserving this 1885 artwork.

D. Ellis and B. Johnson are recommending an article for the October 17 Town Meeting with the following recommendations:

- identify an individual or a non-profit agency for conservator services
- acquire the ceiling
- use whatever arrangement will best preserve the ceiling painting
- authorize the Community Preservation Committee and the Historical Commission to take whatever steps are necessary to preserve this ceiling

D. Ellis reported that he has already contacted Mr. Gianfranco Pocobene, an art conservator for the Isabella Stewart Gardner Museum in Boston to ascertain what an initial evaluation of the art work would cost. Mr. Pocobene estimated that he would need about 2 hours to examine the piece and then provide a written report, for a fee of about \$ 500.

D. Ellis reported that he has had extensive conversations with the future possible owners. They would like help preserving the painting, though it is early to know how public expenditures for a private residence might work. Presumably, some arrangement would need to be in place to allow public visits on occasion. Mr. Ellis commented that all parties seem to be working well together on this project.

Moving the entire ceiling to the Briggs-McDermott House might be another option.

R. Anderson moved and B. Johnson seconded the motion to authorize the Community Preservation Community to expend no more than \$2000 to engage the services of a conservator for the Charles Raleigh ceiling painting at 36 County Road.

The affirmative vote of the Committee was unanimous.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Mardi J. Mauney, Clerk, Open Space Committee

MEETING NOTICE

2011 OCT 6 PM 3 16

Agency: Community Preservation Committee

TOWN CLERK'S OFFICE
BOURNE, MASS

When: October 17,2011

Where: High School Auditorium/Outside Corridor

Time: 6:30pm..

AGENDA

1. To discuss and take any votes that might be necessary related to Article One(1) of the October 17,2011 Special Town Meeting that was filed by the Historic Commission ie.: historic ceiling.

Barry H. Johnson, Chairman



2011 NOV 1 PM 4 24
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, November 9, 2011
Time: 6:30 pm
Place: Fire Dept. 2nd Floor Community Room., 51 Meetinghouse Ln., Sagamore Beach

Joint Executive Session with the Open Space Committee for the purpose of considering the purchase, exchange, lease, sale or value of real property

Open Session: Discussion on next meeting date for the purpose of FY2013 applications.

Barry Johnson, Chair CPC



2011 PM 1 18
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



AMENDED MEETING AGENDA

Date: Wednesday, November 9, 2011
Time: 6:30 pm
Place: Fire Dept. 2nd Floor Community Room., 51 Meetinghouse Ln., Sagamore Beach

Joint Executive Session with the Open Space Committee for the purpose of considering the purchase, exchange, lease, sale or value of real property

Open Session:

- Discussion on next meeting date for the purpose of FY2013 applications.
- Approval of minutes

Barry Johnson, Chair CPC



TOWN OF BOURNE
Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600

2011 DEC 12 PM 12:07
TOWN CLERK'S OFFICE
BOURNE, MASS



MEETING AGENDA

Date: Wednesday, December 14, 2011
Time: 6:00 pm
Place: Bourne Middle School, Media Center, 77 Waterhouse Road, Bourne

1. CPA application process for FY2013
2. To meet in a Joint Executive Session with members of the Open Space Committee for the purpose of discussing possible land acquisitions and to not to re-open in public session.

Barry Johnson, Chairman

2012 FEB 9 PM 1 01

TOWN CLERK'S OFFICE
BOURNE, MASS

*Place this copy
in the Community Preservation
Committee file*

**JOINT MEETING OF THE OPEN SPACE AND COMMUNITY PRESERVATION
COMMITTEES HELD ON DECEMBER 14, 2011 AT THE MIDDLE SCHOOL.**

ATTENDEES AT BOTH MEETINGS:

OPEN SPACE (OSC): B. Johnson; P. Myers; A. Cooney; R. Anderson; P. Sweeney; B. Andrews; R. Rheinhardt

Excused: M. Mauney; C. Robbins; J. Sullivan.

COMMUNITY PRESERVATION (CPC): B. Johnson; R. Anderson; P. Holmes; D. Morrissey; G. Ellis; P. Myers; A. Cooney

Excused: D. Doucette; M. Blanton.

NOTE: all of the above listed attendees- unless otherwise stated in these minutes- were part of both meetings.

AGENDA ITEMS DISCUSSED IN OPEN SESSION:

The meeting(s) were called to order at 6:11pm by Chm. Pro-Tem B. Johnson.

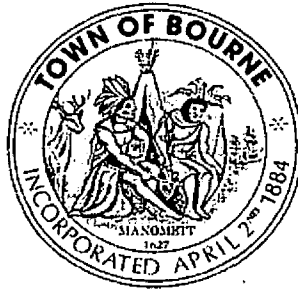
1. B. Johnson stated that there will be a Display Ad appearing in the December 15, 2011 edition of the Bourne Enterprise announcing that Fiscal Year 2013 CPA Applications for funding certain projects are now available with a return date of January 18, 2012. B. Johnson to review and make changes where necessary in the Application to reflect proper dates, times etc..
2. **ESTIMATED REVENUE FOR FISCAL YEAR 2013 IN THE COMMUNITY PRESERVATION FUND:** B. Johnson went through a chart prepared by Finance Director Linda Marzelli showing that the 3% Surcharge on Real Estate amounts to \$1,100,543.00 and that we have not as of this date heard from the DOR as to the amount of the state match yet. When we do it will be part of the Estimated Revenue. This chart is to be given to all members.

G. Ellis, Historic Commission representative to the CPC, stated that as of now they have three(3) items for Fiscal Year 2013 CPC consideration: window repair at the Briggs House; Archival Scrapbooks for an estimated \$20,500.00; and repairing and de-leading windows at the Historic Center. Separate Applications will be filed for each project.

3. **CLEARING OF THE TOWN-OWNED PARCEL BEHIND THE POST OFFICE ON MAIN STREET:** B. Johnson stated that OSC members had previously done a site visit of the property; that he had contacted a Mr. Eugene R. Bolinger, RIA, V.P. of the engineering firm Weston & Sampson about developing a Proposal to develop an overall plan for this purpose along with a trail network that will direct people to the Canal Service Road; to create Bid Specifications; and to make recommendations on the awarding of contracts. It is the intention of the OSC to seek funding from the CPC for this at the May, 2012 Annual Town Meeting and an Application will be filed for this project. After discussion, each OSC member will be given a copy of the proposal; and that Mr. Bolinger be asked to supply examples of other projects of this nature that his firm has been involved in. The OSC will consider this on January 9, 2012.
4. **LITTLE BUTTERMILK BAY WOODS PROJECT:** A. Cooney inquired about amount of funds left in the Article for the Buttermilk Bay Woods project. Response: as of November 30, 2011 it was \$6,057.75.
5. **NEXT JOINT MEETING DATE:** January 23, 2012.

Submitted by:

Barry H. Johnson, Chair, Pro-Tem



CONSERVATION COMMISSION AGENDA

Thursday, January 6, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard & Avis Glasheen **File Number:** CC11-01
Representative: Brett Ellis
Project Address: 159 Presidents Road, Gray Gables
Proposed Project: Upgrade septic system within an AE Flood Zone
Hearing Under State Act Only

7:15) Abbreviated Notice of Resource Area Delineation

- 1) **Applicant:** Mashnee Island Group, LLC **DEP File Number:** SE7-
Representative: BSC Group, Inc.
Project Address: 0 Leeward Road, Mashnee Island (Assessor's Map 29.4, Parcels 1, 90, 97, 98, 99, 100, 107, 107.1, 107.2, 107.3, 108, 116, 146, 147, 148, 149, 150)
Proposed Project: Resource area delineation verification, no work proposed at this time

Notices of Intent:

- 1) **Applicant:** Joseph Povoas **DEP File Number:** SE7-
Representative: JC Engineering, Inc.
Project Address: 77 Lewis Point Road, Buzzards Bay
Proposed Project: Construct a timber retaining wall, install a stone patio and flag pole, regrading, installation of plantings, and vista pruning within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from December 2, 2010) 01 6 WY 82 030 0102

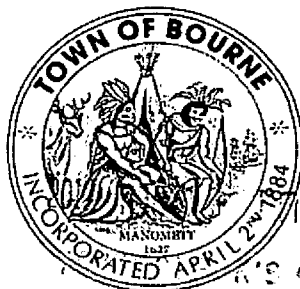
Request to Amend Order of Conditions:

- 1) **Applicant:** Stephen Bisson **DEP File Number:** SE7-1736
 Representative: Jack Gillis
 Project Address: 178/180 Scraggy Neck Rd, Cataumet
 Proposed Project: Amend OOC to include change of grade, construction of stone retaining wall, and
 installation of patio within an AE Flood Zone and within 100' of a Wetland
 Resource Area
- 2) **Applicant:** Richard Clarke **DEP File Number:** SE7-1575
 Representative: JC Engineering, Inc.
 Project Address: 47 Cove Lane, Pocasset
 Proposed Project: Amend OOC to change location of dwelling and add appurtenances and
 associated utilities within a VE flood zone and within 100' of a wetland resource
 area

Certificates of Compliance:

- 1) **Applicant:** Kathleen Judge **DEP File Number:** SE7-1745
 Representative: G.A.F. Engineering
 Project Address: 76 Cedar Point Dr., Pocasset
 Proposed Project: Dismantle and reconstruct the existing revetment within a VE Flood Zone and
 within 100 feet of a Wetland Resource Area

Note – Excuse Absent Members, if necessary
Approval of Minutes – December 2, 2010
Any other business that may legally come before the Commission



12 02

OFFICE

CONSERVATION COMMISSION Minutes

Thursday, January 6, 2011 ~7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Paul Lelito, Peter Holmes, Martha Craig-Rheinhardt, Susan Weston, Betsey Kiebala, Alternate Member Thomas Ligor

Excused Absence: None

Call to Order: Chairman Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

**** Note:** Bob Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

Public Present: Gene J. Gulmond, Brett Ellis, Jack Gillis, Stephen Bisson, Lorraine Cutone, P. Pollock, Kent Nicholas, Norman Hayes, John Churchill, Paul Gately, TJB, William Gosselin

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard & Avis Glasheen **File Number:** CC11-01
Representative: Brett Ellis
Project Address: 159 Presidents Road, Gray Gables
Proposed Project: Upgrade septic system within an AE Flood Zone
Hearing Under State Act Only

Brett Ellis representing: Back in 2008 they installed a new septic system. Now they put an apartment above the garage and we want to install a 500 gallon tank with an injector pump. This will pump into the existing septic system. It is located in the flood zone in Gray Gables. Brendan, this is a single pump in a flood zone on an existing developed lot. This is a minor project; I have no concerns with this project. No questions from the Board, no public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Abbreviated Notice of Resource Area Delineation

- Applicant:** Mashnee Island Group, LLC **DEP File Number:** SE7-1769
Representative: BSC Group, Inc.

Project Address: 0 Leeward Road, Mashnee Island (Assessor's Map 29.4, Parcels 1, 90, 97, 98, 99, 100, 107, 107.1, 107.2, 107.3, 108, 116, 146, 147, 148, 149, 150)
Proposed Project: Resource area delineation verification; no work proposed at this time

Norman Hayes representing, also representing is Attorney Gene Guimond for Mashnee Island Group: Attorney Guimond, the applicants originally filed an RDA. After listening to the audio tapes of that hearing and reviewing the MACC environmental guide book that was cited by the conservation agent, we understand why the Commission issued a Positive 1 determination. Although disappointed, the Mashnee Group LLC understands that the commission can prefer that an ANRAD be filed in order to make this determination. The Town of Bourne has adopted 310 CMR procedure for the ANRAD and also the Resource Area definitions. Provided there is no work proposed under this ANRAD filing, those definitions should be used in the Boards determination. The BSC Group has done an accurate delineation of these resource areas; they submitted logs and data to support this determination. Chairman Bob Gray and the Conservation Agent have been on a site visit and confirmed the delineation lines. We do not feel any further peer review will be needed.

Norm, basically we have resource areas starting with the land under the ocean and a little area of barrier beach. What we did is look at the definitions of the topography on the actual coastal dune. There is an actual mound and a ridge that fits the definition. On the map given, this section DD really doesn't meet the performance standard of a dune, but we did note it as such. These dunes were determined by vegetation and rolling topography and a line was set by doing augers in the field. In those auger holes we found sharp jagged stones, as opposed to round smooth stones that indicate storm over wash. We also found glacial till and this area is where we marked out lines on the map shown. We tested all of these auger holes individually; this helped determine the change from silt to glacial till, where it went to smooth round stones. There is a salt marsh area, which is connected to a manmade ditch, we understand this is where salt was actually made back in 1800's.

What we have and looking for in this application is the delineation of salt marsh in the field, upper high marsh, the dune delineations of which were determined by our augers and the location of the coastal beach. There was a line sharply placed on the plan going down to the mean high water line that was going down to the shellfish line. Note: the shellfish line is nothing more than the landward limits of where shellfish were found and that at the mean high water line landward there were no shellfish. There were no determination made on the significance of the shellfish. We ask for your approval, so we can go forward with the next step. Paul, why is this area a different color on the map? Norm, it's an addition, and meets all the regulatory requirements to make it a salt marsh. Paul, how will you conclude this is salt marsh just by looking at this map given? Norm, we have flag numbers and it's in the narrative. Paul, on this dune again another color, again it meets the regulatory regulations to qualify as a dune but not functioning as a dune. Norm, yes but for the sake of this presentation we have to call it a dune. Peter, the dotted line around the Distichlis, there is a discrepancy with the maps that you brought for us and what you are presenting; I feel you need to rectify to show that it's all technically marsh. And the section of the dune that is technically a dune but not functioning as a dune should just be listed as a dune. Norm, they are listed, we are calling it a dune however if we come back to discuss whether or not this meets the performance standards of a dune through another filing, we will discuss it at that time. Paul, so we are not voting about the functionality of the dune we are just voting it as a dune? Norm, yes. No further questions from the Board.

Brendan, there was a complete and thorough assessment of all the parcels that are before us tonight. Please note that parcel 85 is not on this plan for discussion tonight. Bob, with respect to the ditch which clearly is color coded, looking down the line of the property if these were to be developed, have you discussed the ramifications of that salt marsh ditch in terms that it cannot be altered. Norm, yes we did note that it cannot be filled or altered as well as having a 50 ft setback from it. Bob, just so the members all understand Brendan and I looked

at this area noted as "Eolian Dune". The reason the sand collects there is because there is a privet hedge along the walkway. So as the sand blows it collects and you have a little berm of sand, we should look at this as a dune because it is at a higher elevation there as well as having dune vegetation. Now in its location it is sticking up into the upland, and it basically is not functioning as a dune. I am bringing this up because in the future this particular feature may be proposed to be relocated somewhere else where it could enhance a dune and perform the flood damage protection that dunes perform.

Bob, I want to be sure this decision is not subject to challenge. We are looking at a plan in the vicinity of the parking lot and an old ball field that is basically the delineation that the Conservation Commission and the DEP looked at and felt appropriate in a previous filing. Previous consultants from another group had different ideas and may still have those ideas. Bob, I will ask you Norm, what you did differently in this area of the parking lot/ball field that convinced you that it was not a dune. Norm, I looked at the definition of a dune, I took samples and documented and analyzed the area and that was the controlling criteria. Paul, so from the geologic perspective are you saying that this is glaciated as opposed to storm material? Norm, yes its till, there is manmade till brought in and there is natural glaciated till. We looked at the crystals and they are jagged, and down by the dunes the stones are smooth. We did this on every plot. Paul, I was under the opinion, the dunes were created before we were here in a natural process. But the way the regulations are written, if a dump truck pulls up to a coastal area and dumps unconsolidated material and acts as an elevated landform and or buffer it qualifies as a dune. So I am torn, if it is placed there, DEP, from what I recollect it doesn't matter how it got there, but if it was geologically placed there i.e. glacial till it takes on a different light. Norm, the definition is clear, it must be mounded with ridges and it cannot be flat topography. This is a flat lot. Norm, we also did a botanical analysis extremely typical of a dune.

Bob, I will say your delineation starting at the ditch and working back to the former restaurant almost mimics to the Flag Station Group what a former applicant on this property showed. Bob, also, the contention of the group from Mashnee that this was filled tide land, and that they would be pursuing this in the future. Norm, BSC did the historic tidelands for the entire state, so we know where the historic tidelands are. Betsy, are we being asked to determine anything to do with the parking lot? Bob, no we are only being asked about the delineation. Paul, why is this not a dune? Bob, because it is flat and the sand is heavy silt material. Paul, the definition of a dune has to do with elevation, not the sand. Brendan, I would not call the parking lot a dune and it is not serving as storm protection. Brendan reads the definition of coastal dune from the regulations and states the parking lot does not fit these criteria. No further comment from the Board, no public comment.

On a motion made by Betsey Kiebala and seconded by Susan Weston, the Commission unanimously voted to close the public hearing.

Brendan reads the order of resource area delineation, draft form. States the Conservation Commission has determined the following: **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s): Coastal Beach, Coastal Dune, Salt Marsh, Land Subject to Coastal Storm Flowage.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission voted 5-2 to move the draft ANRAD to final. Paul Lelito and Peter Holmes opposed.

Notices of Intent:

- 1) **Applicant:** Joseph Povoas **DEP File Number:** SE7- 1770
Representative: JC Engineering, Inc.
Project Address: 77 Lewis Point Road, Buzzards Bay
Proposed Project: Construct a timber retaining wall, install a stone patio and flag pole, regrading, installation of plantings, and vista pruning within 100 feet of a Wetland Resource Area

Bob Gray stepping down, Paul Lelito is taking over as Chairman.

John Churchill representing: This is an erosion prevention plan we have in front of the Commission. The top of the coastal bank is delineated right along the proposed hay bale line, the other resource areas shown are coastal beach and salt marsh. What we are proposing to do, behind the house, is put a retaining wall 3-4 ft back from the top coastal bank. This will be approximately 2 foot high, a railroad retaining wall with plantings in front of the wall. There is a hump in the back of the yard where there is a 4 ft differential in elevations. We are taking the elevation down from the house and lifting up away from the coastal bank in the back yard about 2 ft. to level out the back yard for a 6 inch differential between the house and the coastal bank. We believe that this enhances the coastal bank and will prevent erosion and make a level back yard. Part of this project is the removal of a deck and replacement with a patio, blue stone with four steps. During this project we plan to vista prune along the coastal bank only (no removal of trees from this area) and remove two scrub pines and plant a tree in the back of the house. We feel this will enhance the area, and prevent erosion. The whole face of this wall will have plantings, natural native species, rosa rugosa, shore juniper and virginia rose. We received a letter from Natural Heritage and they had two conditions; no further plantings beyond the hay bales, and hand vista pruning. Brendan, someone graded the yard in an odd manor; now this is washing out and erosion issues have started because of the grade of the lot. The vegetation will also benefit the lot. There are no issues with the deck replacement; the main portion of the project will lessen the problems of erosion. Brendan, in the pictures you can see bare spots, and after a rain storm you can see its starting to wash out. The home owner has recently purchased this property and is trying to be proactive.

Public comment: William Gosselin, 73 Lewis Point Road, PO Box 711 Buzzards Bay, does not want him touching anything. They have put an illegal pool in the yard that should have never been put there, its ruining the coastal bank, nobody cares about this town and his property. Susan, the trees that are going to be removed what is the story? John Churchill, they are scrub pine and may have to be removed to do this project, we can replant a better aesthetic tree. Brendan, whatever is removed should be replaced. Natural heritage said vista pruning seaward of the work limit must be done using hand tools. William Gosselin, mad at another neighbor because he cut trees in half, every time someone touches stuff it makes more erosion. Mr. Gosselin continues to interrupt the meeting and proclaim that the project will cause erosion. There is an attempt at discussion between various members of the Commission and Mr. Gosselin, who eventually walks out of the meeting room.

Susan, how can we keep control during the vista pruning so it is not over done? Brendan, the project representative can give us a methodology as to how this is going to be done. Paul, the vista pruning will only occur on two trees, oak and spruce. Paul, there shall be no more than 20% of the tree to be removed, cutting by alternating branches, and no topping of the trees.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing.

Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 9, 10, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

Additional special conditions - ASC-1) No new vegetation plantings should happen seaward towards the erosion control barrier. ASC-2) Vista pruning done seaward of the erosion control barrier must be done with hand tools. ASC-3) No more than 20% of the trees to be vista pruned to be removed, no topping of the trees they must cut alternating branches and the Conservation Agent must be notified and approve what branches to be cut prior to the work being done. ASC-4) The applicant must replace the two trees that are to be removed with two native trees.

Special conditions 20 & 24, bylaw conditions 4 & 6 shall continue in perpetuity.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the Commission unanimously voted to move the Draft Order to Final.

- 2) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
 Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone /
 coastal beach to adjacent rocky beach within AE and VE Flood Zones and within
 Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
 (Continued from December 2, 2010)

Paul Lelito and Betsy Kiebala step down.

Stan Humphries representing: The locus of the project is on the southwest side of Scraggy Neck. The property extends between the yellow lines shown on map, the beach area between mean high water and the dune is approximately 20,000 sq ft. This area has been managed as a recreational beach since the 1940's. DEP noted that this is a rocky intertidal shore. Over the last 8 years the association has provided beach nourishment, under an order of conditions from the Conservation Commission. The project is to look at an area of the intertidal zone dominated by large cobbles and small boulders; making up about 10% of the 20,000 sq ft. of beach area. We would like to relocate the boulders to the rocky area above the mean high water line. There are a couple boulders that are approximately 5 to 6 tons that would remain. The work would be done with an excavator and will be done in approximately one day based on weather conditions. Martha questions the photos, and which rocks will be moved. Stan shows which stones will be removed.

Stan, there is a wetland restriction for this area with specific language of rock removal. Understanding the language, this means that you are not allowed to conduct activities that change the characteristics and the function of the resource area. We are relocating the rocks and this will not change the function of the coastal beach. The restriction order also says that no project should alter the natural contours. I argue that this will not change the contour of the beach. Bob, the problem I have is the restriction language; you are relocating rocks from one end of the beach to another part of the beach. I don't see how that is in sync with "the following activities and uses are prohibited" stated in the restriction order. One of those prohibited activities is removing from the area, sand, loam, peat, gravel, rock or other material. You state that the proposed work will create a situation where the sand will stay there, I don't agree with this concept. By virtue of the fact that most of the area was accepted as part of the wetland restriction and is a rocky intertidal zone, it was recognized that you have a high energy beach. A high energy beach means you will have rocks, boulders, stones in the area. When

you move these you will exacerbate the removal of the sand. Now you are not armoring the beach, the sand will move off shore; you will be changing the topography of the beach. The reason the Commission was able to issue the maintenance agreement for nourishment is because the restriction language says you can bring in sand but not remove the rocks. The regulations do not allow the commission to grant this project proposal. We have to note and abide by the restrictions. Once the restrictions are in place this trumps the 131.40, you the Commission cannot approve certain activities. There is a list of what's allowed and what's prohibited and it is recorded along with everyone's deeds. DEP was also not satisfied with this proposal.

Stan, as far as functionality goes I would disagree, I observed wave energy off the rocks and moving and removing the sand. If I could add a possible condition that the commission would require beach nourishment once the rocks were relocated. Rob, what kind of a hole are you leaving behind? Looking at the size of the rocks it is tough to tell how large they are underneath the surface. Bob, I just don't think you will have a sandy beach on that side of Scraggy Neck unless you are looking for long term beach nourishment year after year. Bob, I think you may want to get more clarification and continue this hearing, but I do not feel we can override the restrictions. Stan, lets continue in two weeks. Martha, if in the 40's there was rock removal, and sand was put there for beach nourishment and now that sand is gone and there are more rocks there, how do you know after the removal that more rocks won't be exposed? To me this shows a vicious cycle. Bob when did they nourish this beach? Stan, May 2010 or shortly after. Predominately this was a sandy beach since the 40's, and now over the past 6 years this has changed. Martha, what is your intention? Stan, to have a sandy beach from waters edge to the path. Bob, remember if you are going to communicate with someone from DEP it will have to be in writing and that they are going to have to make this clear that they do not see this as a violation to the restriction order. Applicant requests to continue hearing to the next meeting. Hearing continued until Thursday, January 20th.

Request to Amend Order of Conditions:

- | | | | |
|----|---------------------------------|--|---|
| 1) | <u>Applicant:</u> | Stephen Bisson | <u>DEP File Number:</u> SE7-1736 |
| | <u>Representative:</u> | Jack Gillis | |
| | <u>Project Address:</u> | 178/180 Scraggy Neck Rd, Cataumet | |
| | <u>Proposed Project:</u> | Amend OOC to include change of grade, construction of stone retaining wall, and installation of patio within an AE Flood Zone and within 100' of a Wetland Resource Area | |

Jack Gillis representing: On 6/30/09 we were approved to take down a small cottage and put a foundation in. We told the board that we would take care of the drainage with drywells, which we have done. We put a foundation in that had smart vents. Smart vents are to allow the water to go in and go out during storm events, as well as allow water pressure to equalize within a foundation. It is part of the building code, and preventative for structural damage in the event of a storm. In doing this we discovered that we needed to keep the dirt away from the smart vents to allow water flowage. And right on the side of the lot there were boulders left from the excavations done during this project that we used to create retaining walls to keep the smart vents clear. I am here to amend part of the conditions. Another issue is the brick walkway in the back of the house used for access to the basement. The basement is strictly used for lawn furniture storage. The grade has not changed at all from what we originally proposed. Jack, showing some maps and pictures that show there is no grade change. But what we did was stop the grade to allow the smart vents to do its job. Martha, is the walkway same as the patio. Jack yes, the brick was dry laid so that the water can filter through. Brendan, this was first noted by Chairman Gray during the COC hearing for the other permit on the property, that there appeared to be a

grade change from the original plan of record. It was determined that the best way to handle this was to amend the order of conditions to reflect this change. This change had to be done because it is required per the State Building Code; this basically is to amend the order of conditions so they would be in compliance with the existing permit. No questions from the Board, no public comment.

On a motion made by Robert Palumbo and seconded by Peter Holmes, the Commission unanimously voted to approve the request to amend the Order of Conditions.

- 2) **Applicant:** Richard Clarke **DEP File Number:** SE7-1575
 Representative: JC Engineering, Inc.
 Project Address: 47 Cove Lane, Pocasset
 Proposed Project: Amend OOC to change location of dwelling and add appurtenances and associated utilities within a VE flood zone and within 100' of a wetland resource area

Bob stepping down, Paul Lelito chairing.

John Churchill representing: This is a request for an amended order of conditions. The original application was under Richard Clarke. Mr. Leblanc is purchasing this land from Mr. Clarke and is combining the properties making this close to 3 acres. Also, there are two associated parcels that Mr. Leblanc will be conveying that now will become a part of this project. There is a 12-14 acre parcel that the Clarke's will be conveying over to Mr. Leblanc of which he will be giving to the association or the town's Conservation Commission as a donation. This is a larger scaled project, there will be one owner. There was a right of way that has been resolved. Mr. Leblanc will be making this one project on five parcels of land. What is proposed is a four bedroom dwelling we maintained a 50 ft setback, a 25 ft. setback from structures, and a 25 ft setback for grading activities. The resource areas are bordering vegetated wetlands, looking like a "U" around the land. There also is an isolated vegetated wetland in the center of the U. We have offset 25ft and 50 ft, and this is what we proposed within the limits, a four bedroom structure on pilings, a boathouse and a pool and a septic system to accommodate. The cistern system to the rear of the boathouse is actually a system for irrigation with overflow into two drywells.

Susan, this is a whole new plan? What is the amendment? Brendan, the original proposal is in green and what is new is in orange on plans that I created. As you can see this project is larger, originally it was a house, now it includes a garage and boathouse. Rob, the person that originally came to us for this did not own the extra parcels shown on this plan making this whole lot expanded? John, yes and the project is sizable but the lot area doubled also. Paul, should have this have come in on an amendment? We need to make a decision on this before we discuss details on this project. Susan, states this should be a new notice.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted not to grant this amendment and request a Notice of Intent be filed for the additional work proposed.

Brendan, just for the record the previous permit is still valid, and the owner has the right to still build the house and septic system as previously approved by the Board. Note: if you file a new Notice of Intent we are going to need to see everything staked and the wetland flagging redone so that we can look at the overall site.

Certificates of Compliance:

- Applicant:** Kathleen Judge **DEP File Number:** SE7-1745
 Representative: G.A.F. Engineering

Project Address: 76 Cedar Point Dr., Pocasset

Proposed Project: Dismantle and reconstruct the existing revetment within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan a site visit was done, and I found they were in compliance with the order. They did a very nice job reconstructing the stone wall. No questions from the Board, no public comment.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Commission unanimously voted to grant the Certificate of Compliance. Martha Craig-Rheinhardt abstains.

Vote – Excuse Absent Members, if necessary: N/A

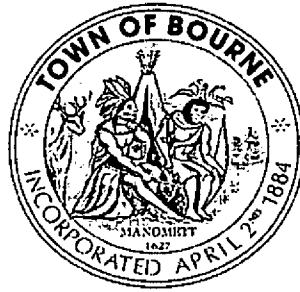
Approval of Minutes: December 2, 2010

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to approve 12/2/10 minutes.

Any other business that may legally come before the Commission: The president of Bourne Youth Baseball, Tom Gibson, has asked if the Commission would have any problems if they were to have a rubber duck regatta in Back River. The rubber ducks will float starting at the upper reaches of the Back River on an outgoing tide until they reach the bridge. Tom is just questioning the town right now to determine if there will be any issues before he starts to get into the planning of the event. Bob, I would suggest to Tom that he coordinate with the Department of Natural Resources in terms of public access where they can release them and retrieve them, but I see no issues from our end for the event. The Commission verbally concurs.

Hearing ended 9:10 pm

Respectfully submitted by
Kimberly Perkins-Griffin



2011 JAN 13 AM 9 37

TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA

Thursday, January 20, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Arni Mohan **File Number:** CC11-02
Representative: Eric Bakke
Project Address: 118 Wings Neck Road, Pocasset
Proposed Project: Construct an addition, including grading and utilities, within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Brett Ellis **File Number:** CC11-03
Representative: SAME
Project Address: 40 Maple Street, Buzzards Bay
Proposed Project: Upgrade septic system within an AE Flood Zone
Hearing Under State Act Only

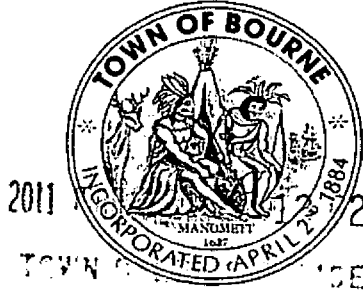
7:15) Notices of Intent:

- 1) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from January 6, 2011)

Vote – Excuse Absent Members, if necessary

Approval of Minutes – December 16, 2010

Any other business that may legally come before the Commission



CONSERVATION COMMISSION MINUTES

Thursday, January 20, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Paul Lelito, Peter Holmes, Martha Craig-Rheinhardt, Susan Weston, Alternate Member Thomas Ligor

Excused Absence: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo and Betsy Kiebala

Call to Order: Paul Lelito called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

**** Note:** Paul Lelito addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

Public Present: Eric Bagge, Brett Ellis

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Arni Mohan **File Number:** CC11-02
Representative: Eric Bagge
Project Address: 118 Wings Neck Road, Pocasset
Proposed Project: Construct an addition, including grading and utilities, within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Eric Bagge representing: The applicant would like to take some of the existing exterior deck and convert it to living space on the first floor, left side and across the front. This project will be consisting of 50% of the existing footprint, approximately 432 sq ft. This worked out to be a six foot extension which is existing now on the left side and this will be converted into living space. And on the front there is an existing exterior deck that projects out ten feet off the building but this addition will be six feet. This will have barren walls and a shed like roof. Paul, will there be foundation proposed? Eric, I met with Mr. Laporte, Inspector of Buildings, and he is going to allow me to put in sono tubes that will be less impact on the resource area. Brendan, I tried to make it clear through the pictures the wetland that runs along the side of the property is a 2-3 ft. wide drainage ditch that is full of phragmites. It backs right up to Richmond Road, there are houses all along this side. Paul, is this not wet? Brendan, it is wet, there is a retaining wall and then it turns into more phragmites that have invaded the marsh and then it turns into salt marsh more seaward of that. The wetland was flagged by Walter Hewitson, actually think you can make a case that this is not jurisdictional wetland but they flagged this area as such. Paul, why would you make such a statement that this is not wetland? Brendan, strictly because this is non-

functioning and it is only a result of road run off and run off from the properties that are on the back side of this project. They are not moving any closer to the wetland than where the house currently sits. This is a just an addition in place of the existing deck. In addition they are asking to place a shed on the property that in proximity to this wetland, but I do not feel this shed will have any effect on the 2 foot wide drainage ditch. Susan, is there a problem that the shed was not advertised? Brendan, no the applicant is asking to revise the plan to include this shed. They are looking to place this in the front yard. Paul, on the 50 ft no touch, how does this shed apply to that? Brendan, I would interpret this as there already is a structure within 21 ft. that currently exists, this shed would be 17 ft. As for the 50 ft. rule, we apply it that there cannot be any structures closer to what currently exists so we could ask the applicant to move the shed back 4 ft more so that it as far away as existing structures on the property. Eric, I have not discussed the location of the shed with the applicant yet so we could place this where you ask us to, over the other side of the property. Martha, this is a property that currently exists with grass and such, it was there before the 50ft. rule came into effect. Brendan, we could just add a condition to the determination and state that the shed must be at least 22 ft. away from the wetland. And they would have to get a building permit and it could be checked at that time. Tom, will the shed be on sono tubes also? Eric, either on cement blocks or sono tubes, it will be a built 8x10. Brendan, this would be determined by the Inspector of Buildings on how it will be placed. No further questions from the Board, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

The following conditions were determined necessary by the Conservation Commission for the issuance of the permit. This permit is valid contingent upon the following requirement(s):

1. This proposal must comply with all of the Bourne Zoning By-Laws and be approved by the Building Inspector.
2. The shed must be located at least 22 feet from the edge of the wetlands, as shown on the Plan of Record. A revised plan showing the proposed location of the shed must be submitted to the Conservation Office when the applicant applies for a Building Permit.

2) **Applicant:** Brett Ellis **File Number:** CC11-03
Representative: SAME
Project Address: 40 Maple Street, Buzzards Bay
Proposed Project: Upgrade septic system within an AE Flood Zone
Hearing Under State Act Only

Brett Ellis representing: This is a simple upgrade of a septic system, a failed cesspools, and flood zone across from Bumps Pond. There will be no mounding this will be graded back to the same grades, nothing extensive on this project. Brendan, this is an existing developed flat lot over in Buzzards Bay. It is on the opposite side of the street from Bumps Pond on Maple Street. The project as proposed would be an improvement to the area, and I have no concerns with erosion. No Board comment, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

Applicant:

Lorraine Cutone,
Scraggy Neck Recreation Association

DEP File Number: SE7- 1764

Representative:

Stanley Humphries, LEC Environmental Consultants, Inc.

Project Address:

0 Seal Lane, Scraggy Neck

Proposed Project:

Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)

(Continued from January 6, 2011)

Paul Lelito notes that on a request from the project applicant, this hearing will be continued to February 3, 2011.

Vote – Excuse Absent Members: Chairman Bob Gray, Rob Palumbo both had family matters to attend to, Betsy Kiebala was unable to attend.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to excuse Bob Gray, Rob Palumbo and Betsy Kiebala's absence.

Approval of Minutes – December 16, 2010

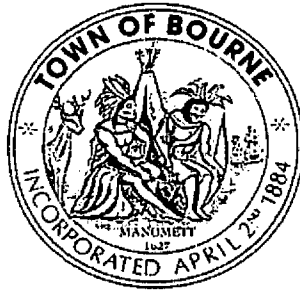
On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to approve 12/16/10 minutes.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to adjourn the meeting.

Hearing ended 7:30 pm

Respectfully submitted by
Kimberly Perkins-Griffin

2011 JAN 26 AM 9 42
TOWN CLERK'S OFFICE



CONSERVATION COMMISSION AGENDA

Thursday, February 3, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Elaine Balas **File Number:** CC11-04
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 52 Tideway Road, Pocasset
Proposed Project: Install natural gas line to existing home within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 2) **Applicant:** Paul Gammell **File Number:** CC11-05
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 100 Cedar Point Drive, Pocasset
Proposed Project: Install new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** William Curt Duane **File Number:** CC11-06
Representative: SAME
Project Address: 51 Gilder Road, Gray Gables
Proposed Project: Construct a garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Donald W, Jones **DEP File Number:** SE7-
Representative: David R. MacLean, Architect
Project Address: 45 Baxendale Road, Cataumet
Proposed Project: Rebuild, repair, and stabilize existing stone seawall within AE and VE Flood Zones, within a Wetland Resource Area (Coastal Beach), and within 100 feet of a Wetland Resource Area

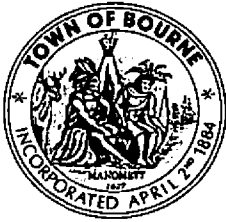
2) **Applicant:** Donald W. Jones **DEP File Number:** SE7-
Representative: David R. MacLean, Architect
Project Address: 44 Baxendale Road, Cataumet
Proposed Project: Rebuild existing wooden deck and beach stairs within an AE Flood Zone, within a Wetland Resource Area (Coastal Bank), and within 100 feet of a Wetland Resource Area

3) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from January 20, 2011)

Request to Extend Order of Conditions:

1) **Applicant:** Philip Goddard **DEP File Number:** SE7-1146
Representative: Philip Goddard
Project Address: 23 Worcester Avenue, Monument Beach
Proposed Project: Repair seawall within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Vote – Excuse Absent Members, if necessary
Approval of Minutes – January 6, 2011
Any other business that may legally come before the Commission



**TOWN OF BOURNE
CONSERVATION COMMISSION**

24 Perry Avenue
Buzzards Bay, MA 02532

2011 JUN 20 AM



TOWN CLERK'S OFFICE

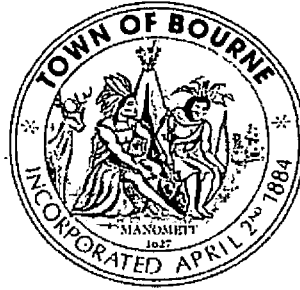
MEMORANDUM

TO: Town Clerk's Office
FROM: Brendan Mullaney
DATE: June 20, 2011
SUBJECT: Missing Minutes – Conservation Commission

This office is in receipt of a notice that a set of meeting minutes is missing from your records. The date of the posted meeting was February 3, 2011.

Please be aware that due to a lack of quorum, the Conservation Commission meeting from that evening was canceled and no meeting was held. Therefore, there are no minutes to be filed.

Feel free to contact me with any questions.



CONSERVATION COMMISSION AGENDA

Thursday, February 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Elaine Balas **File Number:** CC11-04
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 52 Tideway Road, Pocasset
Proposed Project: Install natural gas line to existing home within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 2) **Applicant:** Paul Gammell **File Number:** CC11-05
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 100 Cedar Point Drive, Pocasset
Proposed Project: Install new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** William Curt Duane **File Number:** CC11-06
Representative: SAME
Project Address: 51 Gilder Road, Gray Gables
Proposed Project: Construct a garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Lawrence Zahner **File Number:** CC11-07
Representative: SAME
Project Address: 7 Freight House Road, Sagamore
Proposed Project: Construct a dwelling, including utilities, landscaping, and associated appurtenances within an AE Flood Zone
(Hearing Under State Act Only)

- 5) **Applicant:** Town of Bourne **File Number:** CC11-08
Representative: Brendan Mullaney
Project Address: Off of Emmons Road, Monument Beach
Proposed Project: Construct two storage sheds within a VE Flood Zone and within 100 feet of a Wetland Resource Area

TOWN CLERK'S OFFICE
2011 FEB 9 AM 11 58

7:15) Notices of Intent:

- 1) Applicant: Donald W, Jones DEP File Number: SE7- 1772
Representative: David R. MacLean, Architect
Project Address: 45 Baxendale Road, Cataumet
Proposed Project: Rebuild, repair, and stabilize existing stone seawall within AE and VE Flood Zones, within a Wetland Resource Area (Coastal Beach), and within 100 feet of a Wetland Resource Area
- 2) Applicant: Donald W. Jones DEP File Number: SE7- 1771
Representative: David R. MacLean, Architect
Project Address: 44 Baxendale Road, Cataumet
Proposed Project: Rebuild existing wooden deck and beach stairs within an AE Flood Zone, within a Wetland Resource Area (Coastal Bank), and within 100 feet of a Wetland Resource Area
- 3) Applicant: Thomas LeBlanc DEP File Number: SE7-
Representative: John Churchill, PE, PLS, JC Engineering, Inc.
Project Address: 45-47 Cove Lane, Pocasset
Proposed Project: Construct dwelling, garage, septic system, inground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area
- 4) Applicant: Lorraine Cutone, DEP File Number: SE7- 1764
Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from January 20, 2011)

Request to Extend Order of Conditions:

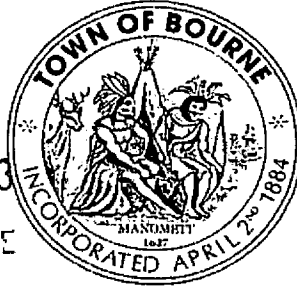
- 1) Applicant: Philip Goddard DEP File Number: SE7-1146
Representative: SAME
Project Address: 23 Worcester Avenue, Monument Beach
Proposed Project: Repair seawall within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Vote – Excuse Absent Members, if necessary

Approval of Minutes – January 6, 2011 & January 20, 2011

Any other business that may legally come before the Commission

2011 MAR 18 AM 11 33
TOWN CLERK'S OFFICE



CONSERVATION COMMISSION AGENDA

Thursday, February 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Paul Lelito, Martha Craig-Rheinhardt, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: Peter Holmes

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Lawrence Zahner, Bradley Bertolo, Thomas Faher, Marilyn Faher, Madiline Virbasuis, Barbara Frappier, D. Jona, William Duane, Judith Duane, Lorraine Cutone, Jim Mulvey, Deborah McCarty, Paul C. McCarty, Diana Prince, Phil Goddard, David Mann

** Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) **Requests for Determination of Applicability:**

- 1) **Applicant:** Elaine Balas **File Number:** CC11-04
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 52 Tideway Road, Pocasset
Proposed Project: Install natural gas line to existing home within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier representing: As stated this is just an installation of a gas line. This property is within 200 foot of a river front area (Pocasset River) and within 100 feet of a Wetland Resource Area. The gas company will determine the actual location, my pictures are approximates. Brendan, it's an existing developed lot. This is a minimal project and no concerns with the project. No comments from the Board, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- Applicant:** Paul Gammell **File Number:** CC11-05
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 100 Cedar Point Drive, Pocasset

Proposed Project: Install new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This is upgrade of a failed septic system adjacent to Red Brook Harbor, flood zone and top of coastal bank. The leaching field is shown as far away from the top of the coastal bank as this lot allows. We are maintaining the Title V minimum of 50 ft. however; we cannot meet the Bourne Board of Health's minimum of 150 feet. We are almost 100 feet from mean high water. We will be installing a staked silt fence along the back as shown on the plan and this will stay there until all the work is completed. The vegetation will be restored. The old cesspool will be pumped clean and filled with sand. Brendan, this is an existing developed lot that currently has a cesspool. The system is being placed as far away as the lot will allow and the silt fence would mitigate any possible erosion. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

3) **Applicant:** William Curt Duane **File Number:** CC11-06
Representative: SAME
Project Address: 51 Gilder Road, Gray Gables
Proposed Project: Construct a garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

William Curt Duane representing: Abutters were notified by Mr. Duane personally and he got all the signatures. Build a detached garage at the end of the driveway, beside his house which was built in 1937. The garage will not be closer to the water than the existing house and approximately 300 feet from mean high water, and 190 feet from the back side of the dune. No change in topography or impact to the area, the garage floor will be 24 feet above sea level; one of the highest spots in the Gray Gables area. This is a coastal bank due to topographical anomalies, it is not a functional coastal bank nor has it been in the past. In 2002, the Conservation Commission approved a new septic system and in 2004 we came before you with landscaping that was done back then. This will be a 2 bay garage, with storage above on the second floor. Paul, is the leaching area ok to have a driveway over it? Curt, yes it does I put the proper components in so that I would be able to do this. Brendan, by definition this does qualify as a coastal bank, because of the slope in that area. The area is all grass, 2004 the Commission did give him permission to remove vegetation and replant with grass; the Commission found this area to be a topographic anomaly.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

4) **Applicant:** Lawrence Zahner **File Number:** CC11-07
Representative: SAME
Project Address: 7 Freight House Road, Sagamore
Proposed Project: Construct a dwelling, including utilities, landscaping, and associated appurtenances within an AE Flood Zone
(Hearing Under State Act Only)

Harry Zahner representing: I am proposing to build a single family dwelling. This is in a flood zone as far as the maps go but all the elevations contradict this since the lowest part of my lot is 12 feet above elevation. This is a flat lot and the house will be going to be the highest point of the lot shown on the maps. Brendan, we have

a small area in South Sagamore brought to my attention by the Engineering Department. This area is presently called out by FEMA as an AE elevation 11 flood zone and Mr. Zahner's lot is within this area. The Commission needs to make the determination of the applicability of the wetlands protection act. As you see from the plan you can see the elevation to where the house will be is at 14 feet. We have draft maps from FEMA showing that Mr. Zahner is not affected; however these maps do not go into effect until June 2011. Mr. Zahner, this will be a carriage house with no basement. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 5) **Applicant:** Town of Bourne **File Number:** CC11-08
 Representative: Brendan Mullaney
 Project Address: Off of Emmons Road, Monument Beach
 Proposed Project: Construct two storage sheds within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: What we have is a couple of sheds for storage for the community boating program at Monument Beach. The sheds are currently sitting on blocks now, and they want to secure them with footings. These sheds will be secured with 900 lb concrete blocks on each of the four corners with flood doors. Temporary excavation to be done and these will be secured with cables and clamps typically used on small wooden structures in a flood zone. 8 concrete blocks dug in the ground for the sheds. Paul, this is just to anchor the shed not build it, because they are already there. Brendan yes. No public comment, no further Board comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Donald W, Jones **DEP File Number:** SE7- 1772
 Representative: David R. MacLean, Architect
 Project Address: 45 Baxendale Road, Cataumet
 Proposed Project: Rebuild, repair, and stabilize existing stone seawall within AE and VE Flood Zones, within a Wetland Resource Area (Coastal Beach), and within 100 feet of a Wetland Resource Area

David R. MacLean representing: This house was built in 1903 and this seawall may have been built in the 1950's. This seawall has started to deteriorate over time. There are 2 areas of repair, one 12' rebuild where it has been breached and a 22' rebuild where the wall may fall at the base of the stair where it is failing. The wall has been leaning and we spoke to someone that feels he can fix it. He will be launching a skiff daily; and he will be doing this all by hand, he would bring only enough material for work for the day. We will be doing this about 10 feet at a time, being as sensitive as possible from the seaward side. We don't want to do a lot with the wall since it is great support of the bank. Paul, when you are rebuilding the area will you take the stones out and put them right back? David, yes. Paul will you be using filter fabric? David, yes he wants to use mortar and filter fabric to help prevent erosion and improve these portions of the wall. Paul when was this last worked on? David, not sure maybe earlier than 1960, this is a stable protected area so there has not been the need until now.

Bob, where did the mean high and mean low water lines come from? David, this was a subdivision of Amarita Island map dated 1952; this map came from the Engineering Department of the Town of Bourne. We are landward of the high water mark. Bob, this will not fall in Chapter 91? David, no. Brendan, since the mean high water line actually touches a portion of the wall that you won't be working on, you may want to license this under Chapter 91 so that you can maintain the wall. This is not required, but may be in your best interest in case the wall is ever severely damaged during a storm. Brendan, also, no involvement of Natural Heritage since the property lies outside of Estimated Habitat. No further comment from the Board, no public comment.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 9, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 7, 8 and 9.

Additional special conditions: ASC-1) The "notes" listed on the Plan of Record is incorporated into this Order of Conditions and must be strictly followed to achieve compliance on the project. ASC-2) Filter fabric must be installed in areas that are completely rebuilt.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final.

2) **Applicant:** Donald W. Jones **DEP File Number:** SE7- 1771
 Representative: David R. MacLean, Architect
 Project Address: 44 Baxendale Road, Cataumet
 Proposed Project: Rebuild existing wooden deck and beach stairs within an AE Flood Zone, within a Wetland Resource Area (Coastal Bank), and within 100 feet of a Wetland Resource Area

Dave Maclean representing: This is an existing deck and steps to the beach that have been there since the 1950's. We want to rebuild since the deck is no longer structurally sound, also we want to correct the encroachment onto the neighbor's property. The existing deck is 14.6' x 13.3', we are proposing to make this 14' x 14' square deck which will decrease the length of the stairs. The existing stairs have a landing mid way, we will lift the deck and by lifting the deck it will allow us to run a straight stair with fewer supports. Paul, is that a large stone at the toe? Yes there are a lot of stones in the area so we plan to utilize one for the base. Paul, machinery or by hand? David, by hand. Brendan, the new stairs will be less intrusive since there are less contact points along the bank. There is a 91 license on this structure obtained a few years back. There was a permit on the other side of the road for a deck and stairs last year and did a great job with very little impact on the property. David states the same builder that built those stairs will be building these ones.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 5, 9, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final.

- 3) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7- 1773
 Representative: John Churchill, PE, PLS, JC Engineering, Inc.
 Project Address: 45-47 Cove Lane, Pocasset
 Proposed Project: Construct dwelling, garage, septic system, in-ground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Bob Gray steps down, Paul Lelito taking over for the Chairman

Brad Bertolo, JC Engineering representing: the applicant owns both properties 41 & 45 Cove Lane and will be now purchasing 47 Cove Lane. In 2005, 45 Cove Lane was approved to build a dwelling and septic system on this site. Mr. LeBlanc has revised this site plan for review. The proposed design is single family dwelling, septic, boathouse/garage and in-ground pool. The site is in a VE elevation 17 zone, and is surrounded by boarding and isolated wetlands. The original filing encompassed 2/3's of the area, the limit of work along the north and western side same as the former filing in 2005. We did base design from standards of the original design. We kept all structures outside of the 50 ft. buffer zone as part of the original design. We plan on some mitigation in the roadway to help correct and prevent some puddling. Slightly re-grade the site to create a small depression and rip rap to limit runoff. Also as part of this there will be a dry well for roof runoff, and propose to install a 2000 tank for irrigation for the property so they don't use town water. There is a leaching basin if it overflows behind the boathouse. As part of the grading we are proposing to install another small depression on the southern part of the site to capture run off from around the pool and the patio. We propose about 4 ft. of fill on the site to be brought in to help the aesthetics of the site and keep the 5 ft separation of ground water from the septic system. This was approved by BOH for a 2 bedroom dwelling but we are now proposing a 4 bedroom dwelling design. Brendan, for the record the BOH has not seen this application yet. Brendan, they would not consider this unless we (Conservation) approved this first. Betsy, the house does not need to be elevated? Brad, this is in the elevation 17 VE zone we would put an additional 2 ft. so this will be at or above 19 ft.; and also by bringing in 4 feet of fill to make it a standard height for a house. Brendan you can't bring in fill for structural support or to bring an area out of elevation but you could bring it in to cover septic system and for grading purposes. Brad, the area of the site is approximately 2.25 Acres, and the area that would be disturbed is roughly just under a quarter of an Acre, leaving the rest as is. The site was mapped in natural estimated habitat, I spoke to Kristin Black from Natural Heritage and she is taking a look at it. Paul, as a new project what method did you use for delineation of the bordering vegetated wetlands? Was it soils and vegetation or just vegetation? Brad, vegetation but I will check on that. Paul, have you viewed it and has it been reflagged? Brendan, the line on the plan is the originally established line by Richard Russell back in 2005. Brad, this was reestablished since then, a lot was still there. Brendan, in my opinion from looking at the old files this is accurate; there are flagged areas that you could argue either way. It is difficult to establish, because it is mostly invasive vegetation and the soils are composed of a lot of fill material. Brendan, in my opinion the lines are accurate. We have not

received anything from Natural Heritage, this will need to be continued to another hearing. Brendan, the Commission needs to look at a few things, is it in compliance as represented? What is the effect of bringing in 1900 yards of fill? This project is larger than the prior 2005 approval before the Commission. You also need to look at the 50 ft wetland setback, and define accessory. There is encroachment in the 50 ft buffer zone, but it was allowed with the previous application. It will be advisable to visit the site if you have not already. The applicant does have the right to build a dwelling, septic system, and decks under the other application. Susan, do you feel that the BOH will approve the variance needed for this project. Brendan, I cannot answer that. Brad, this septic system is in the same footprint, outside the 75 ft following their (BOH) regulations. We are also proposing UV treatment, and because this is a larger project the nitrogen calculations will be less. Public comment: Paul McCarty owner of 44 Cove Lane. This property in question to my understanding is wetlands; I don't understand how this plan now being a larger scale to what was approved in 2005 can be accepted by the Board. Paul, they determine wetlands by vegetation and by soil and a combination of the two. These specifications are written into the regulations for them to follow to determine the wetland boundary. Diana Prince, 40 Cove Lane. My concern is the fill being brought in how is this going to affect the road and the abutter's properties. Brad, the majority of the runoff is coming from the surrounding roadways that lead to that corner. The property itself the run off goes to the rear of the property, but we are going to grade the land and try to remedy this problem. Susan, motions to hire a consultant to review this project at the applicants expense. Robert Palumbo, the wetland line has not changed from the last application; I don't feel that a consultant would change that. Susan withdraws motion to hire a consultant. At the applicants requesting a continuance of 2 weeks, set on agenda 3/3/11. Discussion about meeting on site as a board – to see if we need this to be further reviewed.

4) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from January 20, 2011)

Paul Lelito stepping down.

Stanly Humphries representing: Summary of what's being proposed; since the 1940's a large boulder field was relocated to make a sandy beach. For the last six years there was an order from the Commission for beach nourishment. The Commission this past January 2010 extended this until 2013. The effort is to maintain the sandy beach. About 10% of the area boulders have reappeared and the proposal is to relocate the boulders above the high water mark. I think that it complies with the local bylaw and the state act but the difficulty is the state wetland act, which is state jurisdiction. Spoke to Liz Kolaheras and she concluded they do not want to intervene at the local level. We are at the position here I would recommend that the Commission write two orders; doing one order under the local bylaw and one order under the state act. If you approve this under the local bylaw and deny the other under the state act we will take the entire project to DEP. To conclude I don't feel this is an adverse impact to the function of this area. I do understand this is something that the Commission does not typically do however I feel this is a rare circumstance. Brendan, I actually think this sounds reasonable to ask for. As a local Commission, it is difficult to enforce older regulations without assistance from the agency who promulgated them. Beyond that it seems to be an approvable project, this was for 50 or 60 years a sandy recreational beach. In this case it is under the discretion to the Board. Bob the issue is the restriction order, if

someone else come to us with the same project without the restriction the Commission would approve it. But the restriction order states beach nourishment, it gets into the language that the Commission can approve this when the DEP will not. Bob, my feeling is if we were to approve this I feel DEP would supersede and deny this because of the plain language in the restriction. The Southeast Office will look at the regulations and deny this project, and then it goes further. I think the approach of denial under 131.40 and approval under the bylaw is reasonable and will save the town possible legal expenses. This town has kept the documentation and DEP has not updated its files, let them deal with it. Robert Palumbo, is concerned with the bigger rocks more than anything. Bob, in my own mind I don't feel this is an economically viable thing to do because of the big rocks because it is a high energy beach. We did allow this area that came before us for beach nourishment, I don't think we should approve this under 131.40 it will come back as a denial. Martha, under the bylaw taking out the boulders to maintain the property wouldn't this cause further erosion? I feel DEP will have to look at the integrity of the coastal beach, rocky intertidal zone, and a restricted resource area. Bob, does the board feel they have enough information to close the hearing?

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to close the hearing.

On a motion made by Susan Weston seconded by Robert Palumbo to deny this project under MGL c 131 s. 40, all in favor.

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt to approve under article 3.7, all in favor.

The draft Orders of Conditions will be presented and voted on at the next meeting , March 3, 2011

Request to Extend Order of Conditions:

1)	<u>Applicant:</u>	Philip Goddard	<u>DEP File Number:</u> SE7-1146
	<u>Representative:</u>	SAME	
	<u>Project Address:</u>	23 Worcester Avenue, Monument Beach	
	<u>Proposed Project:</u>	Repair seawall within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area	

Philip Goddard representing: Brendan, this project was set to expire on 2/15/11 and the request came in on 1/13/11. Philip, we have a little more work to do to complete the project.

On a motion made by Robert Palumbo and seconded by Susan Weston to approve the extension for the Order of Conditions, all in favor.

Vote – Excuse Absent Members: Peter Holmes on vacation

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to excuse Peter Holmes absence.

Approval of Minutes: January 6, 2010 & January 20, 2011

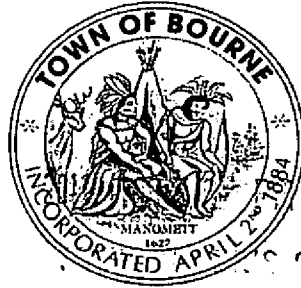
On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve both minutes. Betsy and Robert abstain from the January 20, 2011 minutes.

Any other business that may legally come before the Commission: Brendan, I will be sending a copy of a routing slip for Kingman Marina their Back Ackwards Race, and the party on Bassets Island. Because of last years festivities the Harbor Master, Police Chief, Fire Chief and Board of Health have concerns because there were over 2000 people that attended the event. Bob this is tricky; I don't see how the Commission can close the conservation area on that one day. Brendan, this is just an FYI for the Commission. The matter will be formally discussed at the next meeting.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to adjourn the meeting.

Hearing ended 9:15 pm

Respectfully submitted by
Kimberly Perkins-Griffin



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OFFICE

CONSERVATION COMMISSION Minutes

Thursday, February 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Paul Lelito, Martha Craig-Rheinhardt, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: Peter Holmes

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Lawrence Zahner, Bradley Bertolo, Thomas Faher, Marilyn Faher, Madiline Virbasuis, Barbara Frappier, D. Jona, William Duane, Judith Duane, Lorraine Cutone, Jim Mulvey, Deborah McCarty, Paul C. McCarty, Diana Prince, Phil Goddard, David Mann

* Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Elaine Balas **File Number:** CC11-04
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 52 Tideway Road, Pocasset
Proposed Project: Install natural gas line to existing home within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier representing: As stated this is just an installation of a gas line. This property is within 200 foot of a river front area (Pocasset River) and within 100 feet of a Wetland Resource Area. The gas company will determine the actual location, my pictures are approximates. Brendan, it's an existing developed lot. This is a minimal project and no concerns with the project. No comments from the Board, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Paul Gammell **File Number:** CC11-05
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 100 Cedar Point Drive, Pocasset

Proposed Project: Install new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This is upgrade of a failed septic system adjacent to Red Brook Harbor, flood zone and top of coastal bank. The leaching field is shown as far away from the top of the coastal bank as this lot allows. We are maintaining the Title V minimum of 50 ft. however; we cannot meet the Bourne Board of Health's minimum of 150 feet. We are almost 100 feet from mean high water. We will be installing a staked silt fence along the back as shown on the plan and this will stay there until all the work is completed. The vegetation will be restored. The old cesspool will be pumped clean and filled with sand. Brendan, this is an existing developed lot that currently has a cesspool. The system is being placed as far away as the lot will allow and the silt fence would mitigate any possible erosion. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

3) **Applicant:** William Curt Duane **File Number:** CC11-06
Representative: SAME
Project Address: 51 Gilder Road, Gray Gables
Proposed Project: Construct a garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

William Curt Duane representing: Abutters were notified by Mr. Duane personally and he got all the signatures. Build a detached garage at the end of the driveway, beside his house which was built in 1937. The garage will not be closer to the water than the existing house and approximately 300 feet from mean high water, and 190 feet from the back side of the dune. No change in topography or impact to the area, the garage floor will be 24 feet above sea level; one of the highest spots in the Gray Gables area. This is a coastal bank due to topographical anomalies, it is not a functional coastal bank nor has it been in the past. In 2002, the Conservation Commission approved a new septic system and in 2004 we came before you with landscaping that was done back then. This will be a 2 bay garage, with storage above on the second floor. Paul, is the leaching area ok to have a driveway over it? Curt, yes it does I put the proper components in so that I would be able to do this. Brendan, by definition this does qualify as a coastal bank, because of the slope in that area. The area is all grass, 2004 the Commission did give him permission to remove vegetation and replant with grass; the Commission found this area to be a topographic anomaly.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

4) **Applicant:** Lawrence Zahner **File Number:** CC11-07
Representative: SAME
Project Address: 7 Freight House Road, Sagamore
Proposed Project: Construct a dwelling, including utilities, landscaping, and associated appurtenances within an AE Flood Zone
(Hearing Under State Act Only)

Larry Zahner representing: I am proposing to build a single family dwelling. This is in a flood zone as far as the maps go but all the elevations contradict this since the lowest part of my lot is 12 feet above elevation. This is a flat lot and the house will be going to be the highest point of the lot shown on the maps. Brendan, we have

a small area in South Sagamore brought to my attention by the Engineering Department. This area is presently called out by FEMA as an AE elevation 11 flood zone and Mr. Zahner's lot is within this area. The Commission needs to make the determination of the applicability of the wetlands protection act. As you see from the plan you can see the elevation to where the house will be is at 14 feet. We have draft maps from FEMA showing that Mr. Zahner is not affected; however these maps do not go into effect until June 2011. Mr. Zahner, this will be a carriage house with no basement. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 5) **Applicant:** Town of Bourne **File Number:** CC11-08
 Representative: Brendan Mullaney
 Project Address: Off of Emmons Road, Monument Beach
 Proposed Project: Construct two storage sheds within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: What we have is a couple of sheds for storage for the community boating program at Monument Beach. The sheds are currently sitting on blocks now, and they want to secure them with footings. These sheds will be secured with 900 lb concrete blocks on each of the four corners with flood doors. Temporary excavation to be done and these will be secured with cables and clamps typically used on small wooden structures in a flood zone. 8 concrete blocks dug in the ground for the sheds. Paul, this is just to anchor the shed not build it, because they are already there. Brendan yes. No public comment, no further Board comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Donald W, Jones **DEP File Number:** SE7- 1772
 Representative: David R. MacLean, Architect
 Project Address: 45 Baxendale Road, Cataumet
 Proposed Project: Rebuild, repair, and stabilize existing stone seawall within AE and VE Flood Zones, within a Wetland Resource Area (Coastal Beach), and within 100 feet of a Wetland Resource Area

David R. MacLean representing: This house was built in 1903 and this seawall may have been built in the 1950's. This seawall has started to deteriorate over time. There are 2 areas of repair, one 12' rebuild where it has been breached and a 22' rebuild where the wall may fall at the base of the stair where it is failing. The wall has been leaning and we spoke to someone that feels he can fix it. He will be launching a skiff daily; and he will be doing this all by hand, he would bring only enough material for work for the day. We will be doing this about 10 feet at a time, being as sensitive as possible from the seaward side. We don't want to do a lot with the wall since it is great support of the bank. Paul, when you are rebuilding the area will you take the stones out and put them right back? David, yes. Paul will you be using filter fabric? David, yes he wants to use mortar and filter fabric to help prevent erosion and improve these portions of the wall. Paul when was this last worked on? David, not sure maybe earlier than 1960, this is a stable protected area so there has not been the need until now.

Bob, where did the mean high and mean low water lines come from? David, this was a subdivision of Amarita Island map dated 1952; this map came from the Engineering Department of the Town of Bourne. We are landward of the high water mark. Bob, this will not fall in Chapter 91? David, no. Brendan, since the mean high water line actually touches a portion of the wall that you won't be working on, you may want to license this under Chapter 91 so that you can maintain the wall. This is not required, but may be in your best interest in case the wall is ever severely damaged during a storm. Brendan, also, no involvement of Natural Heritage since the property lies outside of Estimated Habitat. No further comment from the Board, no public comment.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 9, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 7, 8 and 9.

Additional special conditions: ASC-1) The "notes" listed on the Plan of Record is incorporated into this Order of Conditions and must be strictly followed to achieve compliance on the project. ASC-2) Filter fabric must be installed in areas that are completely rebuilt.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final.

2) **Applicant:** Donald W. Jones **DEP File Number:** SE7- 1771
 Representative: David R. MacLean, Architect
 Project Address: 44 Baxendale Road, Cataumet
 Proposed Project: Rebuild existing wooden deck and beach stairs within an AE Flood Zone, within a Wetland Resource Area (Coastal Bank), and within 100 feet of a Wetland Resource Area

Dave Maclean representing: This is an existing deck and steps to the beach that have been there since the 1950's. We want to rebuild since the deck is no longer structurally sound, also we want to correct the encroachment onto the neighbor's property. The existing deck is 14.6' x 13.3', we are proposing to make this 14' x 14' square deck which will decrease the length of the stairs. The existing stairs have a landing mid way, we will lift the deck and by lifting the deck it will allow us to run a straight stair with fewer supports. Paul, is that a large stone at the toe? Yes there are a lot of stones in the area so we plan to utilize one for the base. Paul, machinery or by hand? David, by hand. Brendan, the new stairs will be less intrusive since there are less contact points along the bank. There is a 91 license on this structure obtained a few years back. There was a permit on the other side of the road for a deck and stairs last year and did a great job with very little impact on the property. David states the same builder that built those stairs will be building these ones.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 5, 9, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final.

- 3) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7- 1773
 Representative: John Churchill, PE, PLS, JC Engineering, Inc.
 Project Address: 45-47 Cove Lane, Pocasset
 Proposed Project: Construct dwelling, garage, septic system, in-ground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Bob Gray steps down, Paul Lelito taking over for the Chairman

Brad Bertolo, JC Engineering representing: the applicant owns both properties 41 & 45 Cove Lane and will be now purchasing 47 Cove Lane. In 2005, 45 Cove Lane was approved to build a dwelling and septic system on this site. Mr. LeBlanc has revised this site plan for review. The proposed design is single family dwelling, septic, boathouse/garage and in-ground pool. The site is in a VE elevation 17 zone, and is surrounded by boarding and isolated wetlands. The original filing encompassed 2/3's of the area, the limit of work along the north and western side same as the former filing in 2005. We did base design from standards of the original design. We kept all structures outside of the 50 ft. buffer zone as part of the original design. We plan on some mitigation in the roadway to help correct and prevent some puddling. Slightly re-grade the site to create a small depression and rip rap to limit runoff. Also as part of this there will be a dry well for roof runoff, and propose to install a 2000 tank for irrigation for the property so they don't use town water. There is a leaching basin if it overflows behind the boathouse. As part of the grading we are proposing to install another small depression on the southern part of the site to capture run off from around the pool and the patio. We propose about 4 ft. of fill on the site to be brought in to help the aesthetics of the site and keep the 5 ft separation of ground water from the septic system. This was approved by BOH for a 2 bedroom dwelling but we are now proposing a 4 bedroom dwelling design. Brendan, for the record the BOH has not seen this application yet. Brendan, they would not consider this unless we (Conservation) approved this first. Betsy, the house does not need to be elevated? Brad, this is in the elevation 17 VE zone we would put an additional 2 ft. so this will be at or above 19 ft.; and also by bringing in 4 feet of fill to make it a standard height for a house. Brendan you can't bring in fill for structural support or to bring an area out of elevation but you could bring it in to cover septic system and for grading purposes. Brad, the area of the site is approximately 2.25 Acres, and the area that would be disturbed is roughly just under a quarter of an Acre, leaving the rest as is. The site was mapped in natural estimated habitat, I spoke to Kristin Black from Natural Heritage and she is taking a look at it. Paul, as a new project what method did you use for delineation of the bordering vegetated wetlands? Was it soils and vegetation or just vegetation? Brad, vegetation but I will check on that. Paul, have you viewed it and has it been reflagged? Brendan, the line on the plan is the originally established line by Richard Russell back in 2005. Brad, this was reestablished since then, a lot was still there. Brendan, in my opinion from looking at the old files this is accurate; there are flagged areas that you could argue either way. It is difficult to establish, because it is mostly invasive vegetation and the soils are composed of a lot of fill material. Brendan, in my opinion the lines are accurate. We have not

received anything from Natural Heritage, this will need to be continued to another hearing. Brendan, the Commission needs to look at a few things, is it in compliance as represented? What is the effect of bringing in 1900 yards of fill? This project is larger than the prior 2005 approval before the Commission. You also need to look at the 50 ft wetland setback, and define accessory. There is encroachment in the 50 ft buffer zone, but it was allowed with the previous application. It will be advisable to visit the site if you have not already. The applicant does have the right to build a dwelling, septic system, and decks under the other application. Susan, do you feel that the BOH will approve the variance needed for this project. Brendan, I cannot answer that. Brad, this septic system is in the same footprint, outside the 75 ft following their (BOH) regulations. We are also proposing UV treatment, and because this is a larger project the nitrogen calculations will be less. Public comment: Paul McCarty owner of 44 Cove Lane. This property in question to my understanding is wetlands; I don't understand how this plan now being a larger scale to what was approved in 2005 can be accepted by the Board. Paul, they determine wetlands by vegetation and by soil and a combination of the two. These specifications are written into the regulations for them to follow to determine the wetland boundary. Diana Prince, 40 Cove Lane. My concern is the fill being brought in how is this going to affect the road and the abutter's properties. Brad, the majority of the runoff is coming from the surrounding roadways that lead to that corner. The property itself the run off goes to the rear of the property, but we are going to grade the land and try to remedy this problem. Susan, motions to hire a consultant to review this project at the applicants expense. Robert Palumbo, the wetland line has not changed from the last application; I don't feel that a consultant would change that. Susan withdraws motion to hire a consultant. At the applicants requesting a continuance of 2 weeks, set on agenda 3/3/11. Discussion about meeting on site as a board – to see if we need this to be further reviewed.

- 4) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
 Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone /
 coastal beach to adjacent rocky beach within AE and VE Flood Zones and within
 Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
 (Continued from January 20, 2011)

Paul Lelito stepping down.

Stanly Humphries representing: Summary of what's being proposed; since the 1940's a large boulder field was relocated to make a sandy beach. For the last six years there was an order from the Commission for beach nourishment. The Commission this past January 2010 extended this until 2013. The effort is to maintain the sandy beach. About 10% of the area boulders have reappeared and the proposal is to relocate the boulders above the high water mark. I think that it complies with the local bylaw and the state act but the difficulty is the state wetland act, which is state jurisdiction. Spoke to Liz Kolaheras and she concluded they do not want to intervene at the local level. We are at the position here I would recommend that the Commission write two orders; doing one order under the local bylaw and one order under the state act. If you approve this under the local bylaw and deny the other under the state act we will take the entire project to DEP. To conclude I don't feel this is an adverse impact to the function of this area. I do understand this is something that the Commission does not typically do however I feel this is a rare circumstance. Brendan, I actually think this sounds reasonable to ask for. As a local Commission, it is difficult to enforce older regulations without assistance from the agency who promulgated them. Beyond that it seems to be an approvable project, this was for 50 or 60 years a sandy recreational beach. In this case it is under the discretion to the Board. Bob the issue is the restriction order, if

someone else come to us with the same project without the restriction the Commission would approve it. But the restriction order states beach nourishment, it gets into the language that the Commission can approve this when the DEP will not. Bob, my feeling is if we were to approve this I feel DEP would supersede and deny this because of the plain language in the restriction. The Southeast Office will look at the regulations and deny this project, and then it goes further. I think the approach of denial under 131.40 and approval under the bylaw is reasonable and will save the town possible legal expenses. This town has kept the documentation and DEP has not updated its files, let them deal with it. Robert Palumbo, is concerned with the bigger rocks more than anything. Bob, in my own mind I don't feel this is an economically viable thing to do because of the big rocks because it is a high energy beach. We did allow this area that came before us for beach nourishment, I don't think we should approve this under 131.40 it will come back as a denial. Martha, under the bylaw taking out the boulders to maintain the property wouldn't this cause further erosion? I feel DEP will have to look at the integrity of the coastal beach, rocky intertidal zone, and a restricted resource area. Bob, does the board feel they have enough information to close the hearing?

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to close the hearing.

On a motion made by Susan Weston seconded by Robert Palumbo to deny this project under MGL c 131 s. 40, all in favor.

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt to approve under article 3.7, all in favor.

The draft Orders of Conditions will be presented and voted on at the next meeting , March 3, 2011

Request to Extend Order of Conditions:

- | | | | |
|----|---------------------------------|---|---|
| 1) | <u>Applicant:</u> | Philip Goddard | <u>DEP File Number:</u> SE7-1146 |
| | <u>Representative:</u> | SAME | |
| | <u>Project Address:</u> | 23 Worcester Avenue, Monument Beach | |
| | <u>Proposed Project:</u> | Repair seawall within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area | |

Philip Goddard representing: Brendan, this project was set to expire on 2/15/11 and the request came in on 1/13/11. Philip, we have a little more work to do to complete the project.

On a motion made by Robert Palumbo and seconded by Susan Weston to approve the extension for the Order of Conditions, all in favor.

Vote – Excuse Absent Members: Peter Holmes on vacation

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to excuse Peter Holmes absence.

Approval of Minutes: January 6, 2010 & January 20, 2011

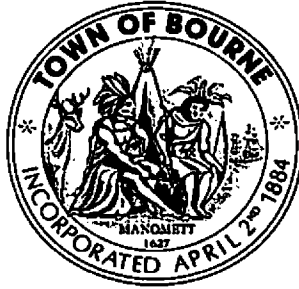
On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve both minutes. Betsy and Robert abstain from the January 20, 2011 minutes.

Any other business that may legally come before the Commission: Brendan, I will be sending a copy of a routing slip for Kingman Marina their Back Ackwards Race, and the party on Bassets Island. Because of last years festivities the Harbor Master, Police Chief, Fire Chief and Board of Health have concerns because there were over 2000 people that attended the event. Bob this is tricky; I don't see how the Commission can close the conservation area on that one day. Brendan, this is just an FYI for the Commission. The matter will be formally discussed at the next meeting.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to adjourn the meeting.

Hearing ended 9:15 pm

Respectfully submitted by
Kimberly Perkins-Griffin



CONSERVATION COMMISSION AGENDA

Thursday, March 3, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Dorothy Harrington **File Number:** CC11-09
Representative: SAME
Project Address: 16 Buttermilk Way, Buzzards Bay
Proposed Project: Install natural gas line to existing home within a VE Flood Zone
- 2) **Applicant:** Mark Miller **File Number:** CC11-10
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 158 Tahanto Road, Pocasset
Proposed Project: Install new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)

7:15) Notices of Intent:

- 1) **Applicant:** Gardner Jackson **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 118 Emmons Road, Monument Beach
Proposed Project: Install new foundation beneath existing dwelling and upgrade to new Title V septic system, including all associated grading, landscaping, utilities, and appurtenances within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Allan, David, & Susan Arch **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 56 Chickadee lane, Pocasset
Proposed Project: Extend existing stone revetment 25 feet including grading, landscaping, and appurtenances within an AE Flood Zone, within 100 feet of a Wetland Resource Area, within a Wetland Resource Area, and within the 200-foot Riverfront Area

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- 3) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
 Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone / coastal beach to adjacent rocky beach within AE and VE Flood Zones and within Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
(Continued from February 17, 2011)
- 4) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7-
Representative: John Churchill, PE, PLS, JC Engineering, Inc.
Project Address: 45-47 Cove Lane, Pocasset
Proposed Project: Construct dwelling, garage, septic system, inground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from February 17, 2011)

Certificates of Compliance:

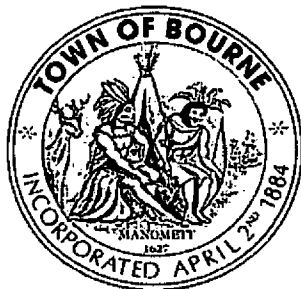
- 1) **Applicant:** Martha DeNormandie **DEP File Number:** SE7-1105
Representative: Warwick & Associates, Inc.
Project Address: 168 Scraggy Neck Road, Cataumet
Proposed Project: Repair existing stone weir, armor and revegetate breached end of existing causeway and vegetate Coastal Bank within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Other Business

Vote – Excuse Absent Members, if necessary

Discussion / Vote – “Bass-Ackwards” Routing Slip (Sailing Race, Awards Party on Bassetts Island)

Any other business that may legally come before the Commission



2011 APR 21 PM 3 55

TOWN CLERK'S OFFICE

CONSERVATION COMMISSION MINUTES

Thursday, March 3, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Paul Lelito, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: Peter Holmes, Martha Craig- Rheinhardt

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Jim Mulvey, Lorraine Cutone, Dorothy Harrington, Bradley Bertolo, Barbara Frappier, Marilyn L. Faber, Thomas W. Faber, Paul Gately, Robert Dwyer, Madeline Virbasius, Deborah McCarty, Paul McCarty

** Note: Paul Lelito addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Dorothy Harrington **File Number:** CC11-09
Representative: SAME
Project Address: 16 Buttermilk Way, Buzzards Bay
Proposed Project: Install natural gas line to existing home within a VE Flood Zone

Dorothy Harrington representing: This is an existing home and we are proposing to install a natural gas line from the street to the house. Brendan, this is an existing developed lot in velocity zone only, no resource areas apply to this location, minimal impact no concerns with the project. No Board comment – no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Mark Miller **File Number:** CC11-10
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 158 Tahanto Road, Pocasset
Proposed Project: Install new Title V septic system within an AE Flood Zone

(Hearing Under State Act Only)

Barbara Frappier representing: This is septic upgrade for title transfer in an AE flood zone only. We are wetlands behind and in front of the property but we are more than 150 ft. away from them, outside of jurisdiction. No work proposed on the house and no increase in flow. Bob, the present system has failed for title transfer? Barbara, yes this is currently a non Title V septic that will be pumped and filled. Brendan, there are wetlands but they are greater than 100' from the property. It is an AE flood zone only. It is a failed system so it will be an improvement to the area. No concerns with the project. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Gardner Jackson **DEP File Number:** SE7- 1776
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 118 Emmons Road, Monument Beach
 Proposed Project: Install new foundation beneath existing dwelling and upgrade to new Title V septic system, including all associated grading, landscaping, utilities, and appurtenances within 100 feet of a Wetland Resource Area

Barbara representing: This is a piece of property out on Toby Island that the applicant has wanted to put a proper cellar under the house and while he has the equipment on his property he also wants to change the old cesspool to a new Title V septic system. The old cesspool is located under his deck, at the edge of the coastal bank. The process would be the house would be lifted 6" off the pins it is on now, done by Sylvester. And because of the bridge they cannot bring in heavy equipment so they will bring in a small bobcat like machine to cut under the house and operate under the house to excavate the fill out. They will install a block foundation because you can not get a concrete truck over the bridge. All traffic from the equipment will be on the opposite side of the coastal bank. Prior to work it is not in a flood zone but we do have the coastal bank to work with. Tom, they still have to put in a footing, will they be mixing this by hand. Barbara, yes they will be bringing in a little cement mixer. As they are working there they will excavate for the septic achieving the best setback from the coastal bank as we can. We are maintaining at least 75 ft. the Board of Health minimum; approximately 10 ft. off the property line. This will be loamed and hydro-seeded with no impact to the coastal bank. Bob, who flagged the wetlands? Barbara, they were already there from a prior project, these are the old flags. Brendan, it's a pretty clear break and very distinctive, there is a coastal bank on the abutting property. Barbara, I feel that we will be more than 75 ft away if you need me to put it on the map I will. Paul, do we want to verify and approve this plan of record showing abutting properties? Brendan, we could just verify the wetlands on the subject parcel only. Paul, I think we should. Brendan, the project itself especially the septic system will be a vast improvement to the property. The project itself as long as the proper erosion controls are installed should have minimal impact. Overall this would be an improvement to the area. Paul where is the fill going? Barbara, all fill will be taken off site; and note that the applicant adamant that he does not want to lose any vegetation on his property during this project. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 4, 9, 10, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

Additional special conditions: ASC-1) the portion of the Plan of Record that is approved through this application is the area contained within Assessor's Map 34, Parcel 6. No portion of the plan outside of the Assessor's Map 34, Parcel 6 is confirmed through this application.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to move the Draft Order to Final.

2) **Applicant:** Allan, David, & Susan Arch **DEP File Number:** SE7-1775
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 56 Chickadee Lane, Pocasset
 Proposed Project: Extend existing stone revetment 25 feet including grading, landscaping, and
 appurtenances within an AE Flood Zone, within 100 feet of a Wetland Resource
 Area, within a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier: this area of Pocasset River there is a cove with all licensed structures that the applicant has. There is a point where the revetment stops and the neighbor's bulkhead starts. This little area "the void" has a weak spot that has eroded out. It has gotten to the point of concern where if it keeps eroding and get in behind the existing wall and affect the neighbor's bulkhead. What they are proposing to do is extend the revetment up so that it butts up to the neighbor's bulkhead. They had a contractor out there, and he feels that he can do this from the upland. It would require taking some limbs off the cedar to get in through the driveway. He will excavate down enough to put in footings and toe stones build a wall up to loam and seed and replace with plantings. One other thing they would like to do is they want to do some maintenance to the existing wall in areas where there are broken pieces. They would use chink stone and repair the mortar. I would recommend if this project is approved that Brendan meets on site with the contractor to tell them what they can and can not do. Betsy, would they be using large boulders? Barbara, yes similar stones like what is there now. Paul, it appears you will be starting at this thickness of the wall which exists, and then taper down until it encounters the adjacent property is that correct? Barbara, it will run more like a straight line, we are looking to tie it in and have a little return from the existing bulkhead. Paul, do you know how old the bulkhead is on the existing property? I am concerned you are marrying two different types of material. Barbara, we did consider extending the neighbor's bulkhead, but decided to apply for this. Bob, I think if it wasn't in this back area where it is protected we would have other questions. Bob, the wall itself is licensed? Barbara, yes. Bob, in the picture there is a lot of asphalt cinderblocks and other material used; when they clean up and prepare the site for work would they get some of that rubble and fill cleaned up? Make this a condition, remove inappropriate debris. Brendan, as you can see in the pictures it is an obvious problem. As Barbara alluded you have a fully armored stone revetment for almost the entire property leaving a little section missing. Combined with the neighbor's wooden wall, making it the weak point; there is a garage relatively close to the edge of banking. It is only a matter of time before a larger problem presents itself. The only thing DEP commented about was the 8/10/1978 prohibition for hard engineered or stone armored revetments. All structures were built prior to 1960, they meet

the criteria. Beyond that this is something that needs to happen, and having it cleaned up would be a good thing. No Natural Heritage involvement, the property is not within estimated habitat. No Board questions, no public comment.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 4, 9, 10, 12, 13, 14, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Additional special conditions: ASC-1) all asphalt and debris must be removed from the beach/work area and properly discarded prior to construction of the wall.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to move the Draft Order to Final.

- 3) **Applicant:** Lorraine Cutone, **DEP File Number:** SE7- 1764
 Scraggy Neck Recreation Association
Representative: Stanley Humphries, LEC Environmental Consultants, Inc.
Project Address: 0 Seal Lane, Scraggy Neck
Proposed Project: Beach Maintenance – relocate stones and small boulders from intertidal zone /
 coastal beach to adjacent rocky beach within AE and VE Flood Zones and within
 Wetland Resource Areas (Rocky Intertidal Shore, Coastal Beach)
 (Continued from February 17, 2011)

Lorraine Cutone representing: This hearing was continued for the draft order; an approval under the Bourne Wetland Protection By-law, Article 3.7. Will carry all general conditions, no special conditions pursuant to Mass General law Chapter 131 Section 40; special conditions pursuant to the Town by-law 7, 8, 9. The additional special conditions pursuant to the by-law: ASC-1) This Order of Conditions approves the proposed project under the Town of Bourne Wetlands Protection Bylaw (Article 3.7) ONLY. The project is denied pursuant to the Massachusetts Wetlands Protection Act and separate Order of Conditions is being issued for the denial. ASC-2) This project cannot commence unless the Massachusetts Department of Environmental Protection issues a Superseding Order of Conditions approving the project pursuant to the Massachusetts Wetlands Protection Act. On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to move the Draft Order to Final. All in favor
Draft order under MGL c. 131 s. 40, when we issue a denial we need to attach "Findings by the Bourne Conservation Commission" These findings are as follows: The application of Scraggy Neck Recreation Association to relocate stones and perform beach maintenance off of Seal Lane in Bourne, MA is being denied for the following: a) the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations, specifically the Coastal Restrictions Act (CRA) at MGL c. 130, § 105. Please note the following section of Wetlands Protection Act: 310 CMR 10.24(4)(a) "310 CMR 10.21 through 10.37 do not change the requirement of any other Massachusetts statute or by-law. A proposed project must comply with all applicable requirements of other federal, state, and local statutes and bylaws, in addition to meeting the

requirements of 310 CMR 10.00. Examples of such laws which may be applicable are Coastal Restrictions Act (MGL c. 130, § 105).....” b) The specific section of the CRA that the proposed project cannot meet is the following: MGL c. 130, § 105 (4.) The following activities and uses are prohibited on land and waters affected by this Order: (B.) Draining, excavating or dredging said coastal wetlands or removing there from any soil, loam, peat, sand, gravel, rock or other mineral substance. 2.) The subject property is shown as being affected on the attached documents: a) Portion of Orthophoto H-142 showing the approximate area of proposed work highlighted in yellow, within Wetland 239R. b) Portions of list of property owners affected by the CRA, showing “Scraggy Neck Rec. Assn. c/o W.D. Gibbons” and reference to Orthophoto H-142 and Wetland #239. On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to approve this denial. All in favor

- 4) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7- 1773 .
 Representative: John Churchill, PE, PLS, JC Engineering, Inc.
 Project Address: 45-47 Cove Lane, Pocasset
 Proposed Project: Construct dwelling, garage, septic system, inground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

(Continued from February 17, 2011)

Chairman Bob Gray stepping down, Paul Lelito to Chair hearing

Brad Bertolo representing: This project is located on Cove Lane, single family dwelling pool garage in a Velocity zone. The commission felt they needed a site walk with questions regarding fill on the site. Brad, I did bring in a revised plan in tonight as suggested from the last hearing, includes revised grading onsite. The retaining walls will be no higher than 3 feet in height. Allowing us to drop the grade, decreasing the proposed fill from 1900 to 1420 fill to the site. Also the project was continued because we had not at that time received comments from Natural Heritage, we have for this meeting and they have no comment. Place a hay bale there on the work side of the site. Everything else is the same footprint. We are also now proposing a drywell in between the two structures where before it was behind the boathouse but has been revised and will be by the septic. The flow will drain back into the ground and capture the runoff from the roof of the dwelling and garage/boathouse. We plan on grading the roadway to help correct the puddling on that corner with a small depression on the applicant's property to infiltrate the water. We plan on more depressions on the site to keep the patio area around the pool from puddling. Brendan, I did a site visit with the former questions about the vernal pool, with isolated wetlands. I don't believe it to be the case. Paul and Rob did an onsite site visit as well. The existing road and at the end of the road has a concrete bound that is painted, and is not shown on the plan. Paul all the wetlands on the site are not shown on the plan. Rob, any thoughts on the plantings, I think we are putting so much here to be loam and seeded for grass. The applicant did mention plantings around the boathouse. Susan, still has issue with the infringement of the 50 ft line with the pool deck and you should be putting plantings opposed to the lawn? You will overload with nitrogen because of the grass. Brendan, you can ask for a landscaped plan, or give him guidance to what the Board is looking for, if the applicant is willing to go forward with the new plan. Susan suggests a planting plan and restricting the amount of lawn. Brad we are adding depressions to help with the water. Robert Dwyer of 25 Kenwood Road, comments – if you are asking for a planting plan, fac wet plants, significantly will improve the area around there. There is an isolated wetland the neighbors are aware of this, and it has been used as a dumping area. The quality of the habitat would improve the area. Susan, make a condition to clean out the area. Tom Fabor, I know of the conditions here because of the water on the street. And you (the Commission) have always considered these areas wetlands and if you cut it down you will take that away. Paul wetlands are determined under specific

guidelines, and I reviewed the wetland delineation and this is approvable. This plan is designed in accordance to the events that can partake in this area. J. Mulvey, will you have a chlorinated swimming pool? And would it be of interest for the Commission in regards to cleaning out the pool? Brendan it is illegal to just dump pool water out. Brad this will be a saltwater pool, it will not be drained on site. Betsy, let's make this a condition. Paul, it would be good to clean this area up, and the debris that wash up on high tides clean that up too. Paul, you can support a facultative plant on this site. Rob, I like the idea of cleaning up the site, and we should give them the opportunity for a landscape plan. Brendan we could help on what you could choose for plantings, the decision will be up to you, the the Board is willing to compromise. Brad, request on behalf of the applicant for a continuance for the purpose to provide a landscaping plan. We accept the request and will see you on 3/17/11.

Certificates of Compliance:

- 1) **Applicant:** Martha DeNormandie **DEP File Number:** SE7-1105
 Representative: Warwick & Associates, Inc.
 Project Address: 168 Scraggy Neck Road, Cataumet
 Proposed Project: Repair existing stone weir, armor and revegetate breached end of existing
 causeway and vegetate Coastal Bank within AE and VE Flood Zones, within a
 Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: Brendan, I did a site visit to this property and found that the project was in fact in compliance. No Board comment, no public comment.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to grant the Certificate of Compliance.

Other Business

Vote – Excuse Absent Members Martha Craig-Rheinhardt for who is out sick, Peter Holmes who is currently on vacation.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to excuse Martha Craig-Rheinhardt and Peter Holmes absence.

Discussion / Vote – “Bass-Ackwards” Routing Slip (Sailing Race, Awards Party on Bassetts Island)

This was initiated through the DNR, by a routing slip, relevant to the race and awards party on Bassetts Island. Paul, this is about boating and beach activities? Brendan, its about Kingman Marina to utilize town property for a private event. Bob, you are looking at this as a manager of Bassetts Island? Brendan, they are not partitioning a permit, they are asking the people that care and custody of the land to use it for a awards party after a race. They want to use Bassetts Island for the ceremony to take place. Brendan, you have to fill out a routing slip, sent out by the Selectman's Office for each Department for them to look at the activity and comment on it. Brendan, what is important is the comments from the Board on the routing slip – prohibitions and guidelines make it allowable or not allowable. Paul the track records show that things have not been upheld, we should make it so that it would be upheld in the future. Brendan, use of the property will have incidental damage of the

resource itself because of the bodies in attendance. Rob, in the comments add that they make an attempt that they are to clean this up better than any other time of the year. Bob, the Kingman Marine does not provide food or beverage or cooking fires etc etc - if you go back years ago they did have this stuff. However, as the crowds began to grow and got unruly, they had to stop. They will have a moored band in the intertidal area, and likely boats in the same area. As far as the resource area being impacted by the crowds, they are popular beaches, one seaward facing beach and one landward facing beach. Each weekend this beach is wall to wall. On this weekend they keep it towards one of beaches, since it has grown and could be crowded. From a management standpoint if the town sees fit to go forward with this more security will be needed to control the crowd etc. Tim Mullen, makes a statement of open containers on a public beach and public drinking there is no exception of this area. If DNR is concerned about the safety areas the town needs a police detail paid by Kingman or hire their own private security. Bob, the water scene of moored boats it is amazing that there has been no injuries. Rob, I see more of a concern of what is going on in the water rather than what goes on the beach. The Commission's best interest is to defer this to the enforcements of the town, Police, Fire, DNR etc. Brendan they have talked about having more force out there. Tom, you would think that Kingman would hire police. Betsy, feels there is a sanitary issue. Paul, I think because of the track record, no damage, no environmental damage and good track record of cleaning up afterwards it is not an issue for the Commission. Bob, this is not a confined event this is open to anyone. Brendan, I think we should conditionally allow what they want to do and defer to the other applicable departments to take the necessary action. Rob, we can not limit the amount of people on the beach, but why can't they do this on their own property? Bob, I think the town should provide more detail on this party, access plans etc. If there had ever been an emergency on the island there is no way to get an emergency boat to there, they should set forth a water way for emergency vehicles. Paul, check need not file. Brendan, conditionally accepted with clean up and sanitary services. And that this event is subject to what Police, Fire and DNR have to say or any applicable departments. Susan, move to accept Brendan's proposal, seconded by Robert. All in favor.

Any other business that may legally come before the Commission

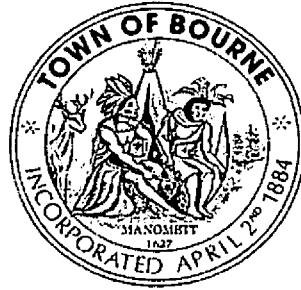
On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to adjourn the meeting.

Hearing ended 9:10 pm

Respectfully submitted by
Kimberly Perkins-Griffin

2011 MAR 9 PM 3 38

TOWN CLERK'S OFFICE



CONSERVATION COMMISSION AGENDA

Thursday, March 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** David & Rochelle Rottenberg **File Number:** CC11-11
Representative: Robert A. Braman, Jr.
Project Address: 410 Barlows Landing Road, Pocasset
Proposed Project: Construct an addition, deck, and upgrade septic system within an AE Flood Zone
(Hearing Under State Act Only)

- 2) **Applicant:** Mass. Coastal Railroad **File Number:** CC11-12
Representative: TEC Associates
Project Address: Along Mass. Coastal Railroad's Right-Of-Way, Bourne
Proposed Project: Conduct Vegetation Management Activities within AE and VE Flood Zones,
within 100 feet from a Wetland Resource Area, and within the 200 foot Riverfront
Area
(Hearing Under State Act Only)

- 3) **Applicant:** William & Susan Laurence **File Number:** CC11-13
Representative: Bracken Engineering, Inc.
Project Address: 224 Circuit Avenue, Pocasset
Proposed Project: Rebuild and expand existing deck within an Ae Flood Zone and within 100 feet of
a Wetland Resource Area

- 4) **Applicant:** 91 Elgin Road Realty Trust, **File Number:** CC11-14
c/o Steve Karlson
Representative: Bracken Engineering, Inc.
Project Address: 91 Elgin Road, Pocasset
Proposed Project: Construct a new deck and install sono-tube footings for existing deck within 100
feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Walter Sullivan **DEP File Number:** SE7-
 Representative: Bracken Engineering, Inc.
 Project Address: 258 Shore Road, Monument Beach
 Proposed Project: Construct garage and driveway within an AE Flood Zone and within the 200 foot
 Riverfront Area
- 2) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7- 1773
 Representative: John Churchill, PE, PLS, JC Engineering, Inc.
 Project Address: 45-47 Cove Lane, Pocasset
 Proposed Project: Construct dwelling, garage, septic system, inground pool, and associated utilities
 and appurtenances within a VE Flood Zone and within 100 feet of a Wetland
 Resource Area
 (Continued from March 3, 2011)

Request to Extend Order of Conditions:

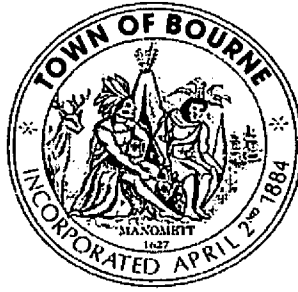
- 1) **Applicant:** Charles Pratt **DEP File Number:** SE7-1712
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 272 Scraggy Neck Road, Cataumet
 Proposed Project: Coastal Bank erosion repair and installation of beach access path within a VE
 Flood Zone and within 100 feet of a Wetland Resource Area

Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – February 17, 2011

Any other business that may legally come before the Commission



2011 MAR 31 AM

TOWN CLERK'S

CONSERVATION COMMISSION AGENDA

Thursday, March 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard W. Fontaine **File Number:** CC11-15
Representative: SAME
Project Address: 66 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Construct a four season room / addition over an existing patio within 100 feet of a Wetland Resource Area

- 2) **Applicant:** John Keane **File Number:** CC11-16
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 5 Middle Way, Pocasset
Proposed Project: Construct deck and two additions, including landscaping, grading and utilities within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Richard J. Catrambone **File Number:** CC11-17
Representative: SAME
Project Address: 128 Wings Neck Road, Pocasset
Proposed Project: License changes in existing dock / float structure that differ from original Chapter 91 license within a VE Flood Zone and within a Wetland Resource Area

- 4) **Applicant:** Patrick Ross **File Number:** CC11-18
Representative: SAME
Project Address: 6 Benedict Road, Gray Gables
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Brian Cassidy **File Number:** CC11-19
Representative: SAME
Project Address: 7 Harbor Place, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

6) **Applicant:** Paul Furciniti **File Number:** CC11-20
Representative: SAME
Project Address: 419 Barlows Landing Road, Pocasset
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone
(Hearing Under State Act Only)

7) **Applicant:** Richard Kretschmer **File Number:** CC11-21
Representative: SAME
Project Address: 18 Quamhasset Road, Buzzards Bay
Proposed Project: Replace failed glass sunroom, including new footings, within 100 feet of a
Wetland Resource Area

7:15) Request to Amend Order of Conditions:

1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
Representative: Heather Wright
Project Address: 394 Scraggy Neck Road
Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and
relocation of structures within AE and VE Flood Zones and within 100 feet of a
Wetland Resource Area

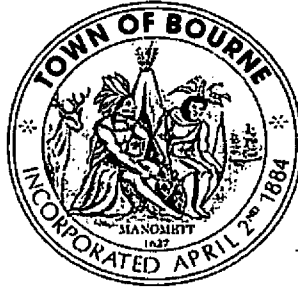
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – March 17, 2011

Update on Little Sandy Pond Road Culvert Replacement

Any other business that may legally come before the Commission.



2011 MAR 31 AM 9 26

TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA – Amended

Thursday, March 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard W. Fontaine **File Number:** CC11-15
Representative: SAME
Project Address: 66 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Construct a four season room / addition over an existing patio within 100 feet of a Wetland Resource Area

- 2) **Applicant:** John Keaney **File Number:** CC11-16
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 5 Middle Way, Pocasset
Proposed Project: Construct deck and two additions, including landscaping, grading and utilities within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Richard J. Catrambone **File Number:** CC11-17
Representative: SAME
Project Address: 128 Wings Neck Road, Pocasset
Proposed Project: License changes in existing dock / float structure that differ from original Chapter 91 license within a VE Flood Zone and within a Wetland Resource Area

- 4) **Applicant:** Patrick Ross **File Number:** CC11-18
Representative: SAME
Project Address: 6 Benedict Road, Gray Gables
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Brian Cassidy **File Number:** CC11-19
Representative: SAME
Project Address: 7 Harbor Place, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

6) **Applicant:** Paul Furciniti **File Number:** CC11-20
Representative: SAME
Project Address: 419 Barlows Landing Road, Pocasset
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone
(Hearing Under State Act Only)

7) **Applicant:** Richard Kretschmer **File Number:** CC11-21
Representative: SAME
Project Address: 18 Quamhasset Road, Buzzards Bay
Proposed Project: Replace failed glass sunroom, including new footings, within 100 feet of a
Wetland Resource Area

7:15) Request to Amend Order of Conditions:

1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
Representative: Heather Wright
Project Address: 394 Scraggy Neck Road
Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and
relocation of structures within AE and VE Flood Zones and within 100 feet of a
Wetland Resource Area

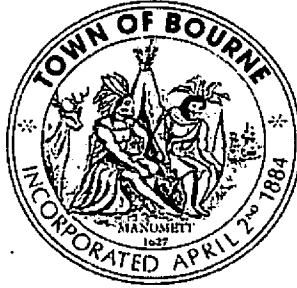
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – March 3, 2011

Update on Little Sandy Pond Road Culvert Replacement

Any other business that may legally come before the Commission



2011 APR 22 AM 10 41

TOWN OF BOURNE, MASSACHUSETTS

CONSERVATION COMMISSION MINUTES

Thursday, March 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Co-Vice Chairman Paul Lelito, Peter Holmes, Susan Weston, Betsy Kiebal, Alternate Member Thomas Ligor

Excused Absence: Martha Craig-Rheinhardt

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Bradley Bertolo, Zachary Basinski, Wayne Duffett-TEC Associates, John Pearson-Mass Coastal Railroad, Rob Broman, Paul Gately, Jim Mulvey,

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** David & Rochelle Rottenberg **File Number:** CC11-11
Representative: Robert A. Braman, Jr.
Project Address: 410 Barlows Landing Road, Pocasset
Proposed Project: Construct an addition, deck, and upgrade septic system within an AE Flood Zone (Hearing Under State Act Only)

Robert A. Braman Jr. representing: Applicant is proposing an addition to an existing house located in a flood zone. There is a septic leaching pit that may or may not have to be moved as a part of the project. We are working with Board of Health at the moment; if it is not found to be in compliance they will be installing a new leaching pit. Brendan, this is a developed lot in a flood zone only, no other jurisdictional wetlands within 100 ft of the proposed project. If there is a need for a new leaching field, Mr. Braman may have to come before us again with a revised plan for the file. Paul, can you do revisions to an RDA? Brendan, I can administratively approve it if the Commission feels that is appropriate. Paul, this may be a good way to expedite the project. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination. All in favor

- 2) **Applicant:** Mass. Coastal Railroad **File Number:** CC11-12
Representative: TEC Associates
Project Address: Along Mass. Coastal Railroad's Right-Of-Way, Bourne
Proposed Project: Conduct Vegetation Management Activities within AE and VE Flood Zones, within 100 feet from a Wetland Resource Area, and within the 200 foot Riverfront Area
(Hearing Under State Act Only)

Brendan, for the record since this is State owned property there are no abutter's notices, they are not subject to the Town Bylaw.

Wayne Duffett, TEC Associates representing along with John Pearson of Mass Coastal Railroad: We have come before you to renew the vegetation management plan along the coastal railroad. We come before you every five years. There are markers on the track delineating no spray zones. There were no changes done to the maps, however, there was a small addition to the map #2. The addition is a double blue lined area; this is for an every 2 year interval. The regulations have changed a little bit to redefine no spray zones at rivers, by changing it from 10 ft from the water to now being 10 ft. from the annual mean high water mark. With that change there will be minor if any changes because when these plates are put down on the track they are put down with a little bit of contingency. Wayne will be checking the plates throughout the process, having a lot of experience with this because I do ride the truck. I bring along the maps to ensure proper spraying. Paul what is the material you will be spraying? Wayne, the yearly operating plan (YOP's) will be released soon; and on that a list of material of which we will choose to use within the buffer zone. We can choose from a dozen products that DEP and DAR jointly approve, so at this time I cannot clearly define what material we will be using. But I guarantee it will be sprayed 10 ft each side from the center of the track. Brendan, this process is a pretty standard procedure dealing with vegetation in these rights of way. We are aware that this issue is sensitive to the Cape using herbicides, but I do not have concerns with the project because of their precautions. John Pearson this is done pursuant with Federal Regulations so that it omits accidents, washouts and broken rails etc. Tom Ligor, how many miles do you do? Wayne, about 100 miles of rail road. Paul for the records, I have no problem with Roundup, I understand how it works and biodegrades and runs through the ecosystem. I am concerned about the other chemicals you may be using. I would be concerned about the half life and how long those chemicals last and how they transport through the biological system over time. Round-up becomes inert when it hits the ground and is a very good chemical to use. Wayne if you want to go to the website they have the listed approved products. Paul, DDT was approved once too, I just wanted this to be on record. Wayne we will use different products at different times because some vegetation is good with one but not the other, we can and will use Roundup in combination with another approved product. No further Board questions, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination. All in favor

- 3) **Applicant:** William & Susan Laurence **File Number:** CC11-13
Representative: Bracken Engineering, Inc.
Project Address: 224 Circuit Avenue, Pocasset
Proposed Project: Rebuild and expand existing deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Chairman Bob Gray stepping down from the next four hearings, Co-chair Robert Palumbo taking his place.

Zachary Basinski representing: The applicant is proposing to demo an existing deck and construct a new deck. This property is located in an AE flood zone and within 100 feet of a resource area. The closest work to take place would be approximately 42 feet from cranberry bog. The closest point, 42 feet, was already there; as you can see in the submitted plan where the deck to be demolished is with the outline of the new deck and the proposed expansion. Brendan, this is in Hens Cove area, a developed lot with a cranberry bog adjacent to the property. The deck will not be moving closer to the cranberry bog than what currently exists. It is within the flood zone, no concerns with the project. No Board questions, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination. All in favor

- 4) **Applicant:** 91 Elgin Road Realty Trust, **File Number:** CC11-14
 c/o Steve Karlson
Representative: Bracken Engineering, Inc.
Project Address: 91 Elgin Road, Pocasset
Proposed Project: Construct a new deck and install sono-tube footings for existing deck within 100 feet of a Wetland Resource Area

Zachary Basinski representing: The applicant is proposing to replace 4 existing sono tubes in the back on an existing deck. No work is going to be closer to the wetland than what is already there. They are also proposing to construct a new deck on the front of the house also with 4 sono tubes, and bump out their existing foundation for a 3'x9' addition. All of this proposed work is outside of the coastal bank and flood zone. Brendan, this is a relatively simple project. You may remember this property was a COC in front of the Board a few months ago. There will be no structures closer than what exists now. The addition is on the street side of the property, no concerns with this project. No Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination. All in favor

7:15) **Notices of Intent:**

- 1) **Applicant:** Walter Sullivan **DEP File Number:** SE7- 1777
Representative: Bracken Engineering, Inc.
Project Address: 258 Shore Road, Monument Beach
Proposed Project: Construct garage and driveway within an AE Flood Zone and within the 200 foot Riverfront Area

Zachary Basinski representing: The applicant is proposing a new 36'x15' garage in the back with an associated driveway with minor grading. This property is within an AE flood zone some work will take place within the 200' riverfront area, and it will take place in land subject to coastal storm damage. The site is already existing developed residential lot with a house. All the wetlands are across the street, the work within the 200' buffer from a river is only the proposed driveway. Garage is in the flood zone. Brendan, this is on the opposite side of Shore Road from Back River. There is actually 600 sqft in between the 100'- 200' feet which they separate for regulatory purposes. There are more things allowed in the outer area than the inner areas. Basically this is a garage addition in a flood zone. Everything beyond that stretch of the driveway is outside the riverfront area. Very simple straight forward project with a gravel driveway, no other concerns with this project. No Board questions, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 5, 9, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Commission unanimously voted to move the Draft Order to Final. All in favor

2) **Applicant:** Thomas LeBlanc **DEP File Number:** SE7- 1773
 Representative: John Churchill, PE, PLS, JC Engineering, Inc.
 Project Address: 45-47 Cove Lane, Pocasset
 Proposed Project: Construct dwelling, garage, septic system, in-ground pool, and associated utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area
 (Continued from March 3, 2011)

Paul Lelito taking over as Chairman, he had been Chairing this hearing from the start.

Brad Bertolo representing: At the previous meeting it was recommended to have a landscaping plan submitted with this application. We have worked with the agent in finding a variety of species to be planted that would be suitable to this area. On the landscape plan the middle part is the delineation of where the grass will be, all the outside areas from that would be planted or covered with mulch or wood chips. We are planning on planting seven trees across the front to screen the lot and the house. Also, place Eastern Red Cedars, three along the front, couple on the southern side of the lot, and adding some and white spruces to mix it up. Along the back (southwest) of the property we will put a mix a variety of shrubs Bayberry and Creeping Junipers, note the backside is not visible from the street. The northern side is more visible to the street and we propose to put High Bush Blueberry's and Bearberry mixed in. We took a second look at the basin for the runoff and decided to have it increased it for more storage. The area would not be as manicured like a lawn but it will be maintained. The decreased elevation will provide more storage for the water runoff. Paul, in the lower elevations High Bush Blueberry would do very well in that setting, also the cistern was moved? Brad, Yes it was moved it to be in between the dwellings, we can discuss the lower elevations and planting of Blueberry. Paul, the Blueberry does very well in and around 18" from groundwater. Betsy, will you be clearing the property? Brad, only where the hay bales are noted on the plan will be cleared. Paul, you have a lot of mulch what happens after a couple years? Brad, it will be maintained as a mulched area. Brendan, this is what the Commission's concerns were at the last meeting. This new plan is sufficient and meets the Commission's criteria. They also did move some of those subsurface structures that there was some concern about within the footprint of the disturbance rather than inside that 50ft. buffer on the western side of the garage. If the Board has any further questions, I feel that the applicant has addressed all of the Board's other concerns at this time. No Board comments, no public comment.

On a motion made by Robert Palumbo and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-6, 10, 12, 13, 16-24, 29 and special conditions pursuant to the bylaw #'s 4, 5, 6, and 7, 8 and 9.

Additional special conditions pursuant to the Town of Bourne Natural Resources Protection By-Law Article 3.7:

ASC-1) No vegetation is to be removed beyond the proposed haybale line. The 25' buffer will be a no touch zone and must be maintained in perpetuity.

ASC-2) No additional structures or accessories are allowed within the 50' buffer zone.

ASC-3) No further developments are allowed on any of the five lots that are the subject of this application (Assessor's Map 38.3, Parcels 169,170,171,172,173). This condition is perpetual.

ASC-4) The grassed basin must be planted with high bush blueberry plants (*Vaccinium corymbosum*), with a minimum of 8 plants and a minimum height of 18".

General Conditions number(s) Special Conditions numbers 20, 24, 29 Bylaw Conditions number(s) 4, 5 and 6 and Additional Special Conditions number(s) ASC1, ASC2, ASC3 shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Commission unanimously voted to move the Draft Order to Final.

On a motion made by Robert Palumbo and seconded by Betsy Kiebala, the Commission voted to move the Draft Order to Final. Peter Holmes abstains.

Request to Extend Order of Conditions:

1) **Applicant:** Charles Pratt **DEP File Number:** SE7-1712
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 272 Scraggy Neck Road, Cataumet
Proposed Project: Coastal Bank erosion repair and installation of beach access path within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Bob Gray rejoins meeting as Chairman

This extension request was made prior to the determination of the Order of Conditions. Brendan, this actually doesn't expire until August, 2011. The reasoning for this request is due the weather and the tides the stability of the banking is repeatedly threatened. This extension would allow them to make timely repairs as needed; no work undertaken until prior notification to the Commission notified.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to grant the extension to the Order of Conditions. All in favor

Other Business

Vote – Excuse Absent Members: Martha Craig-Rheinhardt had to tend to a sick child.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to excuse Martha Craig-Rheinhardt's absence.

Approval of Minutes: February 17, 2011

On a motion made by Betsy Kiebala and seconded by Robert Palumbo, the Commission unanimously voted to approve 2/17/11 minutes.

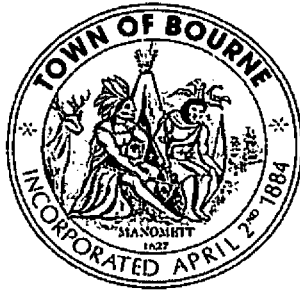
Any other business that may legally come before the Commission:

Brendan, we have an Emergency Certification request. Chairman Gray, this involves the culvert in the road at the southern end of Great Herring Pond. The culvert was almost to the point of total collapse. We had requests filed by Fire Department, Police Department and the DPW. Structure was quite weakened, so we are being asked to ratify the Emergency Certification that Brendan issued earlier in the week. The work has been started Wednesday 3/16/11. Brendan, this has been pieced together over 100 year time span. When they built the new footings on the inside of the outer embankments they created more hydraulic force. And what it has done is scoured out the underneath, and has started to sink on the backside of the culvert. We did get grant money for this last year. I do have engineered plans for this and a schedule for this fix; however when the ice all melted in Great Herring Pond it increased the volume of water, causing intense scouring and the culvert started to sink. We had it rated and anything over 3 tons shouldn't go over this, which is basically the weight of a Ford Explorer. So before there is serious injury, we decided to go about it in this manner. They will pour a new culvert in place with wing walls, the span will be rated for 60,000 lbs and this should be all done in approximately 2 weeks days with the pour and the curing of the cement. Bob, we want this to be done in a timely fashion because the Herring will be running soon. Betsy, who is doing the work? Brendan, Atlantic Concrete Construction, and Robert B. Our Excavation. This will be a vast improvement and the approximate cost is \$40-45000 dollars.

On a motion made by Paul Lelito and seconded by Robert Palumbo, the Commission unanimously voted to grant this Emergency Certification. All in favor.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Hearing ended 8:15 pm

Respectfully submitted by
Kimberly Perkins-Griffin



2011 MAR 31 AM 9 44

TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA – Amended
Thursday, April 7, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard W. Fontaine **File Number:** CC11-15
Representative: SAME
Project Address: 66 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Construct a four season room / addition over an existing patio within 100 feet of a Wetland Resource Area

- 2) **Applicant:** John Keaney **File Number:** CC11-16
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 5 Middle Way, Pocasset
Proposed Project: Construct deck and two additions, including landscaping, grading and utilities within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Richard J. Catrambone **File Number:** CC11-17
Representative: SAME
Project Address: 128 Wings Neck Road, Pocasset
Proposed Project: License changes in existing dock / float structure that differ from original Chapter 91 license within a VE Flood Zone and within a Wetland Resource Area

- 4) **Applicant:** Patrick Ross **File Number:** CC11-18
Representative: SAME
Project Address: 6 Benedict Road, Gray Gables
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Brian Cassidy **File Number:** CC11-19
Representative: SAME
Project Address: 7 Harbor Place, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

6) **Applicant:** Paul Furciniti **File Number:** CC11-20
Representative: SAME
Project Address: 419 Barlows Landing Road, Pocasset
Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone
(Hearing Under State Act Only)

7) **Applicant:** Richard Kretschmer **File Number:** CC11-21
Representative: SAME
Project Address: 18 Quamhasset Road, Buzzards Bay
Proposed Project: Replace failed glass sunroom, including new footings, within 100 feet of a
Wetland Resource Area

7:15) Request to Amend Order of Conditions:

1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
Representative: Heather Wright
Project Address: 394 Scraggy Neck Road
Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and
relocation of structures within AE and VE Flood Zones and within 100 feet of a
Wetland Resource Area

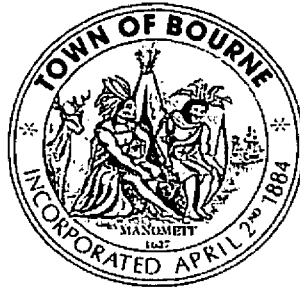
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – March 3, 2011

Update on Little Sandy Pond Road Culvert Replacement

Any other business that may legally come before the Commission



CONSERVATION COMMISSION Minutes

Thursday, April 7, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Martha Craig-Rheinhardt, Peter Holmes, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor.

Excused Absence: Co-Chair Paul Lelito and Co-Chair Robert Palumbo

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Barbara Frappier, Brenda Johnson, James Mulvey, Richard Fontaine, Richard Catrambone, Paul Furciniti, Patrick Ross, Richard Kretschmer.

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard W. Fontaine **File Number:** CC11-15
Representative: SAME
Project Address: 66 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Construct a four season room / addition over an existing patio within 100 feet of a Wetland Resource Area

Richard Fontaine representing. My proposal is to put a four season addition onto my existing house. Two walls will be new construction and the other two will be existing structure. The plan is not to exceed the footprint of the current house as it faces west toward the wetland area. The room will be 10.5' x 18', and will not impact upon the overall distance from the wetlands. There will be heat and electricity, no plumbing or closets. Board has no questions. Brendan, this is a property over on Buttermilk Bay and the project is not moving any closer to what exists now. Part of the project will be cantilevered, which has been traditionally accepted by the Board in the past. No Board questions for Brendan, no public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Three Determination:

BOURNE COMMISSION 1801
27 6 WY 21 1801

- 2) **Applicant:** John Keaney **File Number:** CC11-16
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 5 Middle Way, Pocasset
 Proposed Project: Construct deck and two additions, including landscaping, grading and utilities within 100 feet of a Wetland Resource Area

Barbara Frappier representing. This project is three small additions, not two we forgot the back of the garage area on the plan. All of the work, the governing resource area is a top of a coastal bank, adjacent to Buzzards Bay as shown with the pink line. The green line shows the 50 ft. no touch setback from the top of the bank. All of the work is outside of the 50 ft. no touch zone, and at the limit of work a filtration barrier will be installed. Thus, all the work is within the X Flood zone or the outer buffer. Brendan, this is the north side of wings Neck, the plans showing the sloping towards the water but not steep sloping. All the work is being done outside of the 50 ft. no touch zone. The limit of work is shown on the plan, I have no concerns with the project. No Board questions, no public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Peter Holmes, the Commission unanimously voted to approve the project under a Negative Three Determination.

- 3) **Applicant:** Richard J. Catrambone **File Number:** CC11-17
 Representative: SAME
 Project Address: 128 Wings Neck Road, Pocasset
 Proposed Project: License changes in existing dock / float structure that differ from original Chapter 91 license within a VE Flood Zone and within a Wetland Resource Area

Richard Catrambone representing. I am not proposing to do any new work, however I am looking to obtain licensing changes to the float at the end of my stable dock that was there when I purchased the property. I have pictures and the original license 1970 plans. The original float was 8' x 12' held down by anchors, and the current float is 10' x 23' with three permanent pilings. Brendan, Mr. Catrambone has inherited this when he purchased this property from the previous owner. In order to rectify this and bring the license into compliance, DEP requested that he get a permit from Bourne's Conservation Commission so that they can accept the revision of the license. Bob, how long has this been 10' x 23'? Mr. Catrambone, I do not know it was like this when I purchased this in 2003. Brendan, this is not to expand it this is just to correct the license. Bob, do we have anything for this property? Brendan, no we have no record showing the change from 1971 to 2003 when this was purchased. Bob, I question if this construction predated the dock regulations? This looks like from what you are presenting us with, it was likely that this was like this before the dock regulations and the dock itself looks like it predates the active coastal regulations from 1973. Bob, we have nothing on this property, so my conclusion is that the construction predates the active portion of the Wetland Protection Act/coastal regulations 1973, the date on the license is 1971. Brendan, in these instances if there were no current license it would be easier to license. All the Chapter 91 people want is a Negative Determination or an Order from the local Commission for any pre -1984 structure to issue another license. Bob, and all Mr. Catrambone is trying to do is amend this license. No further Board comment. John Foley, abutter to Mr. Catrambone, is in favor to this license change. Mr. Mulvey, are you aware that you would need to go through the Harbor Master in regards to this float? Mr. Catrambone, no I did not, I am just looking for this license to be in compliance with what is there. No further public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 4) **Applicant:** Patrick Ross **File Number:** CC11-18
 Representative: SAME
 Project Address: 6 Benedict Road, Gray Gables
 Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Patrick Ross representing. I am seeking approval to build a deck off the back of the house; this deck will extend 12 ft. off the house. Brendan, this is actually on a little marsh on Benedict Road, and this is outside the 50 ft. buffer zone. They are in front of us because they will be putting in footings. This is a relatively flat lot, no erosion concerns and minimal impact from the project. No Board questions, no public comment.

On a motion made by Martha Craig-Rheinhardt and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 5) **Applicant:** Brian Cassidy **File Number:** CC11-19
 Representative: SAME
 Project Address: 7 Harbor Place, Buzzards Bay
 Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

Brenda Johnson (home owner) representing. Brendan, the abutter notifications have not been submitted. Bob, in order to open the hearing we need to show proof that the abutters all have been notified. And if we cannot get that proof we cannot go forward with the hearing. Brendan, what if you ask them to notify all the abutters and continue this to the next hearing and they would not have to attend? Brendan, have the builder mail us the abutters cards showing proof – or signatures. Hearing postponed to 4/21/11.

- 6) **Applicant:** Paul Furciniti **File Number:** CC11-20
 Representative: SAME
 Project Address: 419 Barlows Landing Road, Pocasset
 Proposed Project: Construct a deck on rear of dwelling within an AE Flood Zone
 (Hearing Under State Act Only)

Paul Furciniti representing. We are requesting to construct a deck over an existing patio. This project is just in the flood zone. Brendan, this is AE flood zone only, no concerns with the project.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 7) **Applicant:** Richard Kretschmer **File Number:** CC11-21
 Representative: SAME
 Project Address: 18 Quamhasset Road, Buzzards Bay
 Proposed Project: Replace failed glass sunroom, including new footings, within 100 feet of a Wetland Resource Area

Richard Kretschmer representing. This project was approved in 1990 for footings. What happened with this project was the sunroom was being shipped from Kansas so at that time so had I used the old footings since I did not have the proper approvals for new footings. So over time it has gotten old and the glass is failing, so I am planning to replace this with Anderson windows and doors. Brendan, you can see in the pictures he shows stakes where the footings will be. Richard, Dennis Mascetta from Bay Builders will be completing this project. Brendan, it is just a new sunroom replacing the older sunroom, no concerns with this project. No Board comment, no public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination. All in favor.

7:15) Request to Amend Order of Conditions:

- 1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
 Representative: Heather Wright
 Project Address: 394 Scraggy Neck Road
 Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and relocation of structures within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Brendan, the applicant requested a continuance for this to 4/21/11

Other Business

Vote – Excuse Absent Members: Paul Lelito is out of state, Rob Palumbo is attending to family illness.

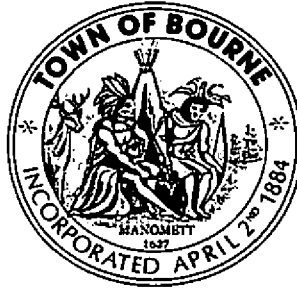
On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to excuse Paul Lelito and Robert Palumbo.

Approval of Minutes – March 3, 2011

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Commission voted to approve the minutes. Peter Holmes abstains from the 3/3/2011 minutes.

Update on Little Sandy Pond Road Culvert Replacement: This project has been completed, and it was done in a timely fashion. They did a great job. Brendan shows some pictures of the work being done and the completed project. The entire project was completed in approximately 2 weeks and was finished prior to DMF's Time of Year restriction of April 1. Overall, we are very pleased with the outcome.

Any other business that may legally come before the Commission - None



CONSERVATION COMMISSION AGENDA

Thursday, April 21, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Mark Caron **File Number:** CC11-22
Representative: SAME
Project Address: 10 Old Dam Road, Gray Gables
Proposed Project: Install natural gas line within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Neil P. Murphy **File Number:** CC11-23
Representative: SAME
Project Address: 4 Brom Dutcher
Proposed Project: Repair / reinforce concrete retaining wall within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Brian Cassidy **File Number:** CC11-19
Representative: SAME
Project Address: 7 Harbor Place, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from April 7, 2011)

7:15) Notices of Intent

- 1) **Applicant:** Arni Mohan **DEP File Number:** SE7-
Representative: Michael J. Koska & Associates, Inc.
Project Address: 118 Wings Neck Road, Pocasset
Proposed Project: Construct an addition, shed, and install a new Title V septic system including grading and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

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- 2) **Applicant:** R. Hunter & Elouise C. Scott **DEP File Number:** SE7-
 Representative: Bracken Engineering, Inc.
 Project Address: 290 Barlow's Landing Road
 Proposed Project: Construct single family dwelling, driveway, septic system, and associated grading
 within an AE Flood Zone, within the 200 foot Riverfront Area, and within 100
 feet of a Wetland Resource Area

Request to Amend Order of Conditions:

- 1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
 Representative: Heather Wright
 Project Address: 394 Scraggy Neck Road, Cataumet
 Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and
 relocation of structures within AE and VE Flood Zones and within 100 feet of a
 Wetland Resource Area

Certificates of Compliance:

- 1) **Applicant:** Susan Tsimortos **DEP File Number:** SE7-475
 Representative: SAME
 Project Address: 1110 Shore Road, Cataumet
 Proposed Project: Construct & maintain a bridge with culvert and driveway over a drainage swale
 within an AE Flood Zone and within 100 feet of a Wetland Resource Area

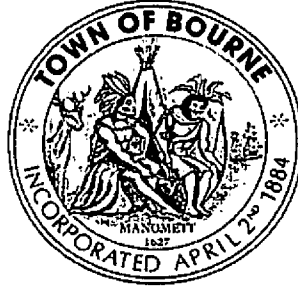
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – March 17, 2011

Any other business that may legally come before the Commission

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TOWN CLERK'S OFFICE



CONSERVATION COMMISSION MINUTES

Thursday, April 21, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Paul Lelito, Martha Craig-Rheinhardt, Peter Holmes, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: Co-Vice Chairman Robert Palumbo

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Neil Murphy, Mark Caron, Eleanor Wendell, Paul Gately, Arni Mohan, Jim Mulvey, Don Bracken, Ralph Brown, Gayle Stanart, Mya Cohen, Hunter Scott, Elousie Scott, Heather Wright.

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Mark Caron **File Number:** CC11-22
Representative: SAME
Project Address: 10 Old Dam Road, Gray Gables
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

Mark Caron representing. This property was built in 1999 without gas. All of the abutter's have been notified and after I reviewed their data cards I learned that most of their homes do have gas installed. I spoke to the Town Engineer, and he told me that where the gasoline is in the road is in a flood zone; but my house is not in the flood zone. Brendan, this is simple a project, gas installation in the AE flood zone. There are no other jurisdictional resource areas within 100 feet, no concerns with the project. No Board comments, no public comment

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- Applicant:** Neil P. Murphy **File Number:** CC11-23
Representative: SAME

Project Address: 4 Brom Dutcher, Buzzards Bay
Proposed Project: Repair / reinforce concrete retaining wall within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Neil P. Murphy representing. There is an existing retaining wall; the wall will be staying in place during this process. We are going to dig behind it and install a French drainage system. This system will be on the property side of the wall and this wall will be encased with a stainless steel lathing material. Currently this wall is covered in a stucco type material; we will be removing this before we install the lathing material. Once that is complete we will cover the stainless steel wrap with a more flexibond concrete material. Paul, you will not be removing any portion of the wall? Mr. Murphy, no, we are just digging behind it and keeping the wall in place. Behind the wall there is a steep grade entering into the wall causing a lot of pressure to the wall and it needs to be relieved. Paul, regarding the fabric on the house side of the wall - will it be going down to the footing? Neil, the French drainage will be dug down and stone will be put in place and then covered by a mesh like material so that the earth does not fall between the stones. This will be done on both sides of the wall. Betsy, high tide comes up in that area? Neil, yes it does; we will plan to work between the tides. Paul, so the wall will be free standing while you are doing all of this work? Neil, yes, we will be using a small excavator, we will not be doing any excavating in the beach area. Brendan, the condition of the wall shows dire need of repair. This will be less intrusive way to fix this instead of taking the entire wall out. It will have a positive impact since the current wall will stop eroding into the bay. All work on the upland side, overall the project will be an improvement for the area, no other concerns. No Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

3) **Applicant:** Brian Cassidy **File Number:** CC11-19
Representative: SAME
Project Address: 7 Harbor Place, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from April 7, 2011)

Brendan, this was a hearing that the applicant did not have the abutter's notifications, so we had to continue this from 4/7/11. The abutter notifications have been submitted to the office. This is just a deck, located right across from the town marina in Buzzards Bay. This will not be moving any closer to the marina that what currently exists; I have no concerns with the project. No board comment, no public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent

1) **Applicant:** Arni Mohan **DEP File Number:** SE7-1779
Representative: Michael J. Koska & Associates, Inc.
Project Address: 118 Wings Neck Road, Pocasset

Proposed Project: Construct an addition, shed, and install a new Title V septic system including grading and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Michael J. Koska representing. This is to construct a 6 foot addition on the west and south side of the house, also to install a new title 5 septic system and place a small shed on the property. Essentially, after talking with Board of Health, the system in the front did not meet the 4 foot separation from ground water table. We had dug an observation hole to obtain the highest water levels; we then designed a system to be 4 feet above the highest water level. This is an existing 2-story/ 3-bedroom home there will be no change in use. The resource area was delineated; the flood zone is VE 18/17 from the FEMA maps. The drainage patterns will remain exactly the same. There is a small area they are requesting a 1 ft high impervious area to keep the water from the driveway. We did go before the Board of Health and they approved this and called it an improvement of the area. Paul is there a portion of the driveway that you will be digging up for this addition? Michael, no the driveway will be left alone; we will be building to the end of the driveway. On this side of the house there is a deck there now that the addition will be taking the place of. Brendan, the addition and the shed was previously approved by the commission; this is now before us again because of Board of Health requiring a new septic system. Basically the addition and shed are the exact same as requested previously this is just for the new title five septic system. I have no concerns with the project. An abutter sent in a letter that he wanted read to the Commission. William Nolan, abutter living right next door at 120 Wings Neck Road. The plan other than the proposed septic system appears remarkably similar to the plan submitted to the Appeals Board this past February. The Appeals Board rejected this proposed addition because it came within the required setback to his lot line. I have no objection to the proposed septic system, however I do object to the proposed addition if it comes within the 12ft. setback requirement. Brendan, I did explain to him that this is actually a Board of Appeals matter, but he had just asked me to read this letter to the Commission anyway. Paul, how did you determine the high water elevation for the proposed septic design? Michael, the water came in coincidentally and we brought a benchmark down from the road that was on the FEMA maps. The measurement came out to 4, and ironically Cindy Coffin, Health Agent was there to inspect and confirm that number while we were all there. No further Board questions, no public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing. All in favor

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-5, 9, 10, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Commission unanimously voted to move the Draft Order to Final. All in favor

2) **Applicant:** R. Hunter & Elouise C. Scott **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 290 Barlow's Landing Road, Pocasset

Proposed Project: Construct single family dwelling, driveway, septic system, and associated grading within an AE Flood Zone, within the 200 foot Riverfront Area, and within 100 feet of a Wetland Resource Area

Chairman Bob Gray stepping down, Co-Chairman Paul Lelito taking over.

(We don't have a file number and have not received any correspondence from Natural Heritage.)

Don Bracken representing. Also, Mr. and Mrs. Scott are present tonight. This property was in front of the Commission a few years ago to construct a garage within a flood zone so you may be familiar with it. This is a 3 acre parcel of land that has an existing single family dwelling, barn and a small garage located on it. We are proposing to build another dwelling on this lot. The property itself has several resources associated with it. First, on the maps provided the Pocasset River is shown and we have located the top of the bank with the mean high water marker. Second, the 200 foot riverfront of the area marked by the dashed blue line; and third is the coastal bank itself highlighted in pink. In order to establish the coastal bank we actually were at the site and staked points every 30-40 feet at the exact elevation of 15ft which is the flood zone. Once those points were established cross sections to determine where the slope breaks where it is flatter than 10 to 1 or steeper than 10 to 1. To the west of the property it follows the elevation 15 flood zone. There is also on the west of the property a nice vegetated wetland, habitat area. Adjacent to the property line is the salt marsh area, the limit of salt marsh is also the limit of the ACEC which extends 200 feet from that salt marsh area. This proposal is for a single family dwelling, driveway and septic system. The septic tank and pump chamber will be by the house within the 100 ft buffer zone to the isolated wetland area. It will be pumped out from the front of the site out from the 100ft buffer area. Because the project is within the riverfront we calculated both the amount of land within the riverfront area, which was just over 40,000sq.ft. The regulations require that you can disturb up to 10% in the riverfront area or 5,000sq.ft. whichever is greater. In this case the 5,000 sq.ft is greater, so what we are proposing is 5,000sq.ft. of work which falls within the river front area. The proposed house itself will be outside the 50ft buffer zone from the coastal bank. We are proposing a patio with a pervious surface or pervious joints, a small portion of this does fall within the 50ft. buffer zone. Martha, requests Mr. Bracken to further explain the views in the pictures provided. Don, the poles with the ribbons are at elevation 15, this is where we staked out the flood zone. Betsy, what trees will be removed? Don, everything within the green shaded area on the plan submitted. Susan, any work outside the green areas? Don Bracken, no proposed work outside the green shaded area. Paul, (directs the question to Brendan) it is river front area, the alternatives analysis, what year was this lot established and how does this fall into the regulatory constraints based on when it was established? This has an interesting twist that it is an already developed lot. Brendan, first of three questions; this lot was established prior to August 1, 1996, which is the applicable date for certain Riverfront regulations. The alternatives analysis is not required if the disturbance is within the thresholds that Don mentioned. This is 10% or 5,000sqft allowed to be disturbed; whichever is greater without the alternatives analysis because there is no viable alternative to that. The third thing, there is already disturbance on the lot but there isn't any disturbance already within the Riverfront area. This area is all tree lined and undisturbed - all the disturbance that has already taken place is outside that 200ft Riverfront area. Paul, thanks for that, but since this is an already developed lot how does this fit in with the regulatory constraints? Is this a vernal pool? Brennan, this is not certified as a vernal pool; it may function as a vernal pool. I did go and look at this, there was no egg masses in it at this time it looks like it may dry up. Paul, when did you go look at this? Brendan, yesterday (4/20) it was murky you could not see the bottom, I would approximate about 2ft deep in the middle. Paul, if this was the first application on this site everything we have discussed is applicable; this is already develop so how does it factor? Brendan, if the whole entire lot was Riverfront area the questions you raise would be more applicable. This is a 3 acre lot and it was established before the regulatory date - there has been no disturbance within the area of jurisdiction under the Rivers Act; and basically the standards apply as if this was a vacant lot

(raw land) by itself. But it is open to interpretation. My opinion is that since there has been no previous disturbance within the Riverfront Area, the standards must apply as if this was an empty lot established prior to the applicable date. Don, the only comment I have in regards to the alternative analysis is that you cannot do any work 100 ft. of which we are not. Brendan's report, it is a bit of a squeeze between the resource areas. From the Commissions standpoint it is within the confines of what the Commission usually approves in this situation based on setbacks and regulatory standards. There is a small infringement in the 50ft. buffer zone with the patio and work to be done. I did speak to the project proponent and he said there was no lawn to be associated with this project which is positive thing. And no further removal of trees outside what is shown on the plan. This project does meet regulatory requirements, in my interpretation. No further Board questions, no public comment.

The applicant requests a continuance due to the lack of correspondence from Natural Heritage and no DEP file number. Hearing is scheduled for May 5, 2011 or Don Bracken will notify Brendan to reschedule if no letter is received from NHESP by that date.

Request to Amend Order of Conditions:

- 1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
 Representative: Heather Wright
 Project Address: 394 Scraggy Neck Road, Cataumet
 Proposed Project: Amend Order of Conditions to include reconfiguration of landscaping and relocation of structures within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

**** Bob Gray returns as Chairman****

Heather Wright representing. Betsy is concerned if all abutters were notified. Heather, informed her that she spoke to two abutters today, and Brendan mentioned that they have all been properly notified. Heather, I am just going to recap the existing conditions and then explain the changes. There is a driveway circle coming in, a pool facing towards the north, the pool does have a fence and wall around it. There are walls proposed to control some of the grade along the north. There are wrapped steps around the existing patio. The changes that are proposed, the wall is now parallel to the house and has been reduced in height, and the longer section of the wall is now connected with an arc. The steps have been moved and reduced due to some boulders in the area, with the reduced stairs you would be able to walk around the boulders now and get to the beach. All the walls are to control the grade, they will be a maximum height up to 3 feet or flowing down to grade. As shown on the plan the wall by the driveway is now 1 foot high. The patio will stay at the same elevation. We will install a 13 ft plant bed to absorb water. The changes to the wall will control the drainage in all sections of the lot. We did relocate the pool so that they could take the benefits of the west sun; and we will be mindful to the neighboring water views. There is a pump house that has been relocated, as well as a shower area has been added along with a storage area. There will be a single access step installed from the house to the patio as well as installing a gravel trench along the driveway. The trench was not on the changes but we want to add in an aluminum trench drain to eliminate the run off. Tom, what will the filtration be in the pool? Heather, it will be the same as what was in the original order. Brendan, I believe this will be saline type, but this may not be our purview? The swimming pool in the original is Pentair FNS cartridge filter or equivalent and a Jandy salt chlorine generator or equivalent. Paul, the 4 ft path to the water was this proposed in the original? Heather no, this is a worn in path that already exists to the water. Martha, what is the overall increase to the area is? Heather, we will be increasing the patio, from 600sqft to 657sqft; and the pool patio increasing from 890sqft to 1480sqft. Betsy, the

dimensions of the pool the same? Heather yes. Heather, we have reduced the driveway to 13 feet from 17-18 ft. Brendan's report, this is a reconfiguration of the landscaping, nothing majorly new for the amendment. I think this will be much better for drainage to the south and the driveway itself which is an improvement. Also, the office received a phone call from a gentleman named John Black. He asked that a letter he sent be read and wants the Commission to defer the hearing so that his engineers can review the plans. (Brendan reads letter from Mr. Black) For the record, Mr. Black and all abutters were sent certified letters on March 29th, which is over three weeks ago. This hearing was continued from April 7, 2011, so people have had ample time to review the file or call about this. Public comment - Eleanor Wendell, What are you using for the wall? Heather, we will be bringing in local stone. Ms. Wendell, what will you plant on the east side? Heather, we are still working on this, and will have this reviewed. Currently we are looking for native plants, cedar, lower grasses, nothing tall blocking anyone's view.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Commission unanimously voted to grant the request to the Amend the Order of Conditions. All in favor.

Certificates of Compliance:

1)	<u>Applicant:</u>	Susan Tsimortos	<u>DEP File Number:</u> SE7-475
	<u>Representative:</u>	SAME	
	<u>Project Address:</u>	1110 Shore Road, Cataumet	
	<u>Proposed Project:</u>	Construct & maintain a bridge with culvert and driveway over a drainage swale within an AE Flood Zone and within 100 feet of a Wetland Resource Area	

Bob, Brendan was there a site visit done? Brendan, yes there was. Bob, did you find that this was built in order of compliance? Brendan, yes.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to grant the Certificate of Compliance.

Other Business

Vote – Excuse Absent Members, if necessary: Robert Palumbo is attending to a family illness.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to excuse Robert Palumbo's absence.

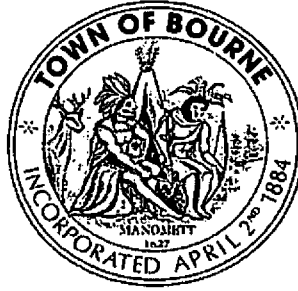
Approval of Minutes – March 17, 2011.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to approve 2/17/11 minutes.

Any other business that may legally come before the Commission. None

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Hearing ended 8:10 pm

Respectfully submitted by
Kimberly Perkins-Griffin



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TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA

Thursday, May 5, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Robin Pierson **File Number:** CC11-24
Representative: SAME
Project Address: 45 Presidents Road, Gray Gables
Proposed Project: Construct an addition within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Sean Roycroft **File Number:** CC11-25
Roycroft & Koehne Builders, Inc.
Representative: SAME
Project Address: 28 Monument Ave., Monument Beach
Proposed Project: Repair house foundation, repair deck footings, and expand basement egress within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Richard Wertz **File Number:** CC11-26
Representative: SAME
Project Address: 28D Hideaway Village, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Janet Clay **File Number:** CC11-27
Representative: Miscovsky Landscape
Project Address: 71 Eel Pond, Monument Beach
Proposed Project: Extend retaining wall across lot, construct shed, landscaping, and grading within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Margareth Murphy **File Number:** CC11-28
Representative: SAME
Project Address: 7 Bay Drive, Buzzards Bay
Proposed Project: Construct a deck / step within a VE Flood Zone

7:15) Notices of Intent

- 1) Applicant: Steve Karlson DEP File Number: SE7-
 Representative: Bracken Engineering, Inc.
 Project Address: 91 Elgin Road, Pocasset
 Proposed Project: Upgrade existing septic system within 100 feet of a Wetland Resource Area
- 2) Applicant: R. Hunter & Elouise C. Scott DEP File Number: SE7-1778
 Representative: Bracken Engineering, Inc.
 Project Address: 290 Barlow's Landing Road, Pocasset
 Proposed Project: Construct single family dwelling, driveway, septic system, and associated grading
 within an AE Flood Zone, within the 200 foot Riverfront Area, and within 100
 feet of a Wetland Resource Area
 (Continued from April 21, 2011)

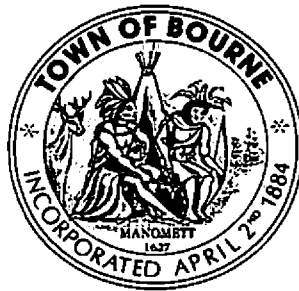
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – April 7, 2011

Any other business that may legally come before the Commission

2011 MAY 2 AM 10 02
TOWN CLERK'S OFFICE



CONSERVATION COMMISSION AGENDA (Amended)

Thursday, May 5, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Robin Pierson **File Number:** CC11-24
Representative: SAME
Project Address: 45 Presidents Road, Gray Gables
Proposed Project: Construct an addition within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Sean Roycroft **File Number:** CC11-25
Roycroft & Koehne Builders, Inc.
Representative: SAME
Project Address: 28 Monument Ave., Monument Beach
Proposed Project: Repair house foundation, repair deck footings, and expand basement egress within 100 feet of a Wetland Resource Area

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- 4) **Applicant:** Janet Clay **File Number:** CC11-27
Representative: Miscovsky Landscape
Project Address: 71 Eel Pond, Monument Beach
Proposed Project: Extend retaining wall across lot, construct shed, landscaping, and grading within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Margareth Murphy **File Number:** CC11-28
Representative: SAME
Project Address: 7 Bay Drive, Buzzards Bay
Proposed Project: Construct a deck / step within a VE Flood Zone

7:15) Notices of Intent

- 1) **Applicant:** Steve Karlson **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 91 Elgin Road, Pocasset
Proposed Project: Upgrade existing septic system within 100 feet of a Wetland Resource Area
- 2) **Applicant:** R. Hunter & Elouise C. Scott **DEP File Number:** SE7-1778
Representative: Bracken Engineering, Inc.
Project Address: 290 Barlow's Landing Road, Pocasset
Proposed Project: Construct single family dwelling, driveway, septic system, and associated grading within an AE Flood Zone, within the 200 foot Riverfront Area, and within 100 feet of a Wetland Resource Area
(Continued from April 21, 2011)

Other Business

Violation (discussion regarding enforcement options and possible vote) – 34 Benedict Road, Gray Gables

Violation (discussion regarding enforcement options and possible vote) – Monument Neck Road (Map 26, Parcel 29), Gray Gables

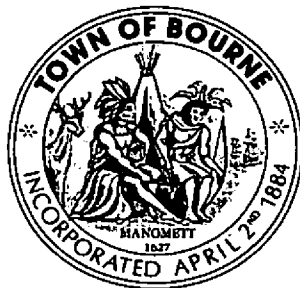
Vote – Excuse Absent Members, if necessary

Approval of Minutes – April 7, 2011

Any other business that may legally come before the Commission

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TOWN CLERK'S OFFICE



CONSERVATION COMMISSION MINUTES

Thursday, May 5, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Martha Craig-Rheinhardt, Peter Holmes, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: Co-Vice Chairman Paul Lelito

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Robin Pierson, Sean Roycroft, Richard Wertz, Paul Miskovsky, Zachary Basinski, Paul Gately, Barbara Frappier, Athelstan Spillhaus, Jim Mulvey.

** Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Robin Pierson **File Number:** CC11-24
Representative: SAME
Project Address: 45 Presidents Road, Gray Gables
Proposed Project: Construct an addition within an AE Flood Zone
Hearing Under State Act Only

Robin Pierson representing: I am requesting a small addition 18' x 12.5' off the back of the home which will be a bedroom. I am also adding an additional bathroom in the existing portion of the house. Brendan, this house is in Gray Gables, in an AE flood zone only no other jurisdictional resource areas within 100 ft of the project. No concerns with the project. No Board comment, no public comment.

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Sean Roycroft **File Number:** CC11-25
Roycroft & Koehne Builders, Inc.
Representative: SAME

Project Address: 28 Monument Ave., Monument Beach
Proposed Project: Repair house foundation, repair deck footings, and expand basement egress within 100 feet of a Wetland Resource Area

Sean Roycroft and Stephen Cook representing: We are looking to repair the footings underneath the deck, they are inadequate, and also some parts of the foundation are in need of repair. There will be excavation done on the foundation itself during the repair process. Not increasing the footprint, with the exception of a request for an expanded egress coming from the basement. The retaining walls in that area are crumbling and falling apart and we will have to request permission to repair and widen these walls. Brendan, this is a simple project they are before us because they are within 100' to the coastal bank. There is no expansion to this project they are only doing repairs, no concerns with the project. No Board comment, no public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Three Determination. Susan Weston abstained.

3) **Applicant:** Richard Wertz **File Number:** CC11-26
Representative: SAME
Project Address: 28D Hideaway Village, Buzzards Bay
Proposed Project: Construct a deck on side of dwelling within an VE Flood Zone and within 100 feet of a Wetland Resource Area

Susan Weston stepping down

Richard Wertz representing: The abutter's notices were sent out however only two responded out of five. I am looking to add a 7'x 24' pressure treated deck to the east side of the cottage. Brendan, this house is over in Hideaway Village and it is within 100' from the coastal bank which is actually the top of the stone revetment. However there is a house between this property and the stone revetment. This is a basic simple project of building a deck onto a home, no concerns with the project. No Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

4) **Applicant:** Janet Clay **File Number:** CC11-27
Representative: Miscovsky Landscape
Project Address: 71 Eel Pond, Monument Beach
Proposed Project: Extend retaining wall across lot, construct shed, landscaping, and grading within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Paul Miscovsky representing: This applicant acquired an additional 35ft of property from the next door neighbor. With this property she would like to level off her property and grow a garden and also add a shed onto her property. There is an existing retaining wall that is already approved by this Commission, however now we would like to extend this wall to the corner of the property (towards the road) and level the land off. There will be no run off towards the neighbor because the two meet at the same grade. This wall overall is under 3 ft., and right now the pitch of the land is going towards the shoreline/eel pond. Brendan, this property has been before the Commission over the past couple years, all have been in compliance. They did purchase a slice of land from the neighbor; I think this project would be a nice extension for the property. No Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 5) **Applicant:** Margareth Murphy **File Number:** CC11-28
 Representative: SAME
 Project Address: 7 Bay Drive, Buzzards Bay
 Proposed Project: Construct a deck / step within a VE Flood Zone

Brendan, Ms Murphy was unable to attend this meeting. I have spoken to her, obtained the abutters notices and told her that the Commission would take the Request under consideration. This is over on Taylor's Point just within the VE flood zone. This is basically a small deck on the front of the property, footings and foundations to be added. There are no other jurisdictional resource areas within a 100' of the proposed property. No Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent

- 1) **Applicant:** Steve Karlson **DEP File Number:** SE7-1780
 Representative: Bracken Engineering, Inc.
 Project Address: 91 Elgin Road, Pocasset
 Proposed Project: Upgrade existing septic system within 100 feet of a Wetland Resource Area

Bob Gray stepping down, Robert Palumbo taking over as Chairman

Zachary Basinsky representing: The applicant has been required to update their existing septic system. The scope of work under the RDA will now include a new Title V septic system. We are proposing to maintain the existing leaching field that was installed last September. All the work taking place is within 100' to the top of coastal bank and above the flood plain. This project was reviewed and accepted by the Board of Health. Brendan, they are in close proximity to a coastal bank by definition in the front yard, which is a retaining wall. This is a very simple project which will be an improvement. No concerns with the project. No Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing. All in favor.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-4, 9, 10, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Commission unanimously voted to move the Draft Order to Final.

- 2) **Applicant:** R. Hunter & Elouise C. Scott **DEP File Number:** SE7-1778
Representative: Bracken Engineering, Inc.
Project Address: 290 Barlow's Landing Road, Pocasset
Proposed Project: Construct single family dwelling, driveway, septic system, and associated grading within an AE Flood Zone, within the 200 foot Riverfront Area, and within 100 feet of a Wetland Resource Area
(Continued from April 21, 2011)

Zachary Basinsky representing: This hearing was continued because a letter from Natural Heritage was not obtained, it has been received and that they have given their approval for the project. This is a residential house inside the flood zone and inside the river front as stated at the prior meeting by Don Bracken. He at the prior meeting gave a full description of this project and I am here tonight representing to answer any questions. Brendan, the last time this topic was discussed Paul Lelito had questions in regards that this is already a developed lot. Because of his questions I took a look at the regulations as well as spoke to DEP. Since there was no disturbance within that 200' river front, which is what we had stated last time, this lot is looked at as a vacant empty lot. You can allow up to 10% or 5000 sqft whichever is greater, as long as the lot was recorded prior to August 1, 1996; and in this case it was. As far as I see they are in full compliance with the Rivers Act and they are also outside the 50 ft buffer to the small isolated wetland to the southwest of where the dwelling is proposed. Beyond that, this was the only other outstanding issue. There is no lawn proposed and I do feel that is a good thing that they are leaving this as is.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to close the hearing. All in favor.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-6, 9, 12, 13, 16-24, 29 and special conditions pursuant to the bylaw #'s 4, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, 29 Bylaw Conditions number(s) 6
Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to move the Draft Order to Final.

Other Business

Violation (discussion regarding enforcement options and possible vote) – 34 Benedict Road, Gray Gables

Barbara Frappier representing: Mia Tinkjian from 34 Benedict Road, present. (Barbara) I received a phone call from the Tinkjian's, that there was a patio being built without a permit, there was a stop order issued. I was before you for an addition and relocated a septic system on this property. Barbara, I am looking to see how we can remedy this issued stop order, the homeowners did not know they were doing anything wrong. Mia, we are not trying to pull one over on the Commission, what can I do to fix this. Jeff King, owner of the landscape company that performed the work, I did not think I needed a permit to put in a patio. Bob, work that is within

100 ft of a wetland or a flood zone would trigger some permit. There is a landscaped policy online under our website, and that should be reviewed. Call if you are in doubt. This seems to be extensive because you have raised the elevation; there was a lot of machinery at the site. I would like to see what we can do to achieve compliance on this property. Barbara, the Tinkjian's would like some kind of patio out in their yard to keep the grill from sinking into the lawn and also place a table and chairs in their yard. We would like the opportunity to file a new request, and have a patio that would meet your criteria.

Bob, how complete is this? Jeff - about 95%. Robert Palumbo, what is the 5%? Jeff we just need to loam this up to the edge. Susan, would we have approved a patio that goes this close to the edge? Jeff one of the reasons this had to go out so far is because the steps from the house took up 8ft of the patio.

Susan, I feel this is too close to the coastal bank, and this is my opinion. Bob, why don't you reconfigure the steps, add a landing so that this patio can be moved back. Also would you re-vegetate this area, bayberry? Barbara would 1 to 1 in sq ft mitigation area be sufficient? Should this be done under an enforcement order or should I put a filing in for this. Brendan, we could utilize the enforcement method but since there is an agreement, it would be easier to let you file to do this work. And in the meantime if you want to clean the site up and do some plantings I don't feel that anyone would have a problem with that. Bob, if you reduce the size of the patio, you could get the stone and stuff out of there; and in the meantime we will be awaiting the filing.

Violation (discussion regarding enforcement options and possible vote) – Monument Neck Road (Map 26, Parcel 29), Gray Gables

Bob, this is a property where the owner was doing work on the marsh, the Commission allowed him to increase the size of a swale that allows tidal flow into the marsh. Brendan received a call that a large area on the other side of the marsh was cleared. Mr. Spilhaus owns the property and is hear to explain. Rick Spilhaus, property owner, we have alpacas and we decided we wanted to use this area for grazing. This was formerly a sheep pasture, but in the last 12 years we have not used this meadow; we went in with machines and cleared this all out. We decided to clear this back to pasture, and after talking to Brendan we stopped. I did not realize that I needed a permit to perform this work

Bob, I arrived at this site and there was a little machine there – no one else. There was a neighboring person working on his garden, so I asked when all of this happened. He said few days ago. While I was speaking to this neighbor the machine starts up, I look over and no one was in the machine. I am puzzled, it is starting to move; this was remotely controlled by a couple guys over by the marsh. It was very interesting and quite the site. I would like to know what your intensions are now? Rick, after talking with Brendan, I am going to reseed this to grass, and the first 25ft closest to the salt marsh I will be repopulating with plantings. I am looking at beach plums or something along those lines. Betsy, what was growing there when you cleared? Rick, cedars and scrub oaks. Betsy, how big is this lot? Rick, 6 acres. Betsy, how much did you clear? Rick, 1 to 2 acres.

Bob, this is a type of habitat that is disappearing all over the Cape and I think it will be a good project as long as there is a buffer maintained to the salt marsh. Other Commission members agree. It is determined that Mr. Spilhaus will work with Brendan and replant the .25 foot buffer to the salt marsh with native species. No further Board action at this time.

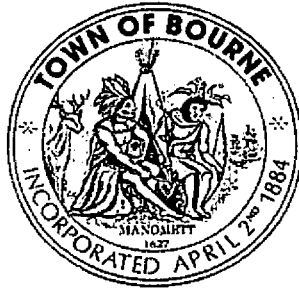
Vote – Excuse Absent Members, if necessary: Paul Lelito, he is out of town building a barn.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to excuse Paul Lelito absence.

Approval of Minutes – April 7, 2011

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to approve 4/7/11 minutes.

Hearing ended 8:30 pm
Respectfully Submitted
Kimberly Perkins-Griffm



CONSERVATION COMMISSION AGENDA

Thursday, May 19, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Steve Bisson **File Number:** CC11-29
Representative: SAME
Project Address: 180 Scraggy Neck Road, Cataumet
Proposed Project: Repair / replace existing tennis court and fence within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Kathy Riley **File Number:** CC11-31
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 68 Megansett Road, Cataumet
Proposed Project: Remove and replace approximately 20 feet of existing concrete / stone seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Town of Bourne **File Number:** CC11-26
Representative: Brendan Mullaney
Project Address: 285 Head of the Bay Road, Buzzards Bay
Proposed Project: Construct deck/steps on top of existing foundation within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent

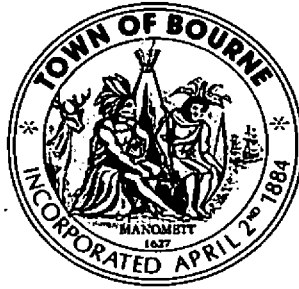
- 1) **Applicant:** Anne Garefino **DEP File Number:** SE7-
Representative: Stephen Doyle & Associates
Project Address: 9 Canal Drive, Pocasset (Wings Neck)
Proposed Project: Raze and rebuild an existing dwelling including all landscaping, grading, utilities, and associated appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – April 21, 2011

Any other business that may legally come before the Commission



2011 JUL 14 AM 10 45

MINUTES TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, May 19, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Co-Vice Chairman Paul Lelito, Martha Craig-Rheinhardt, Peter Holmes, Susan Weston, Betsy Kiebala, Alternate Member Thomas Ligor

Excused Absence: None

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Robert Shea, Barbara Frappier, Chip Shultz, Stephen Bisson, Jim Mulvey, Paul Gately

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Steve Bisson **File Number:** CC11-29
Representative: SAME
Project Address: 180 Scraggy Neck Road, Cataumet
Proposed Project: Repair / replace existing tennis court and fence within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Steve Bisson representing: This past winter, one of the wind storms blew down all of the fencing around these tennis courts. In addition, they were completely rotted. I was not intending in doing the repairs to the tennis courts so soon however I feel it would be best to just repair the entire tennis court. My goal is to cut out and just repair the cracks that are in the court and repave about 1.5 inches over it. I am hoping that is all that I will have to do, but if needed I may take the entire court pavement out and repave it all. The light poles will have the same configuration as existing and I am staying within the existing foot print. The existing fencing can be re-used; and I am hoping to do that. I am requesting to put in 4 to 6 sono tubes for future tennis court lighting. Peter Holmes, will you be putting the sono tubes in by hand? Steve Bisson, it is all sand in that area and it will be either by hand or a small auger to install the sono tubes and backfill. Brendan, this is a straight forward project, this will be all in the same footprint that currently exists. As you can see from the aerial pictures that these are relatively old courts, nothing is being expanded than what currently exists, no erosion issues. Betsy, will the lighting be in the fenced in area? Steve, I am not sure at this time if it will be within the fenced in area

or just outside of it. There is special tennis court lighting that I have been looking into, the kind of lighting that would be restricted to the courts itself. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Robert Palumbo, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Kathy Riley **File Number:** CC11-31
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 68 Megansett Road, Cataumet
 Proposed Project: Remove and replace approximately 20 feet of existing concrete / stone seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This is a dwelling located on Squeteague Harbor, Megansett Road; this is a fully armored coastal bank. There is a lot of work that needs to be done to the wall but for the moment the focus is on the corner. This will be taken out to the existing base, no excavation of the ground because the base is solid and good. It will be jack hammered and chipped out by hand removed and new stone will be placed on the existing base. Second component of the job, is the low area in that corner you can not grow any vegetation there at all. At one time they did bring in material and reseeded this area trying to get something to grow, and it did not work. High tide could be putting brackish water into the root system. The plan in that low area is to bring in some clean fresh sandy loam and reseed it. Also part of the plan is to drill with an auger some cores throughout this area and fill them with sand. This would create little drainage shoots. We have no details on the construction methodology; we will have to figure that out when we get the old stones out. Once completed it will match what is currently there. Chip Shultz from the WS Shultz Company, will be doing the work and will be able to answer the construction questions. Susan, how will you keep from wrecking the salt marsh? Chip, the corner will stay and we will be performing all work from the upland, we are hoping that we will be able to work through the tides. Paul, on your profile cross sections A-A and B-B, neither of those are through the work area, why? Barbara, you are correct we did not do a profile of the work area; this area is just a heap of stone. We will be back with another filing for other portions of the wall. Paul Lelito, Brendan did you look at this site? Brendan, yes. Paul, does it look like it is newly planted? Brendan, it appears that there has been an attempt to repair this area. Besides the aesthetic appearance, being ugly, I did not see that much deterioration in that area it looked to be pieced back together. Paul, the re-pointing is extensive through out. Brendan, I agree there seems to have been some work done without benefit of a permit. Bob Gray, Brendan, are you comfortable with the grasses? Are you sure it is turf grass on the landward side of the wall and not spartina grasses? Brendan, this area is mowed and maintained so it is hard to tell, and it did look like an amateur job on the corner itself. Barbara, it use to always be green grass, now it is yellowing; all she is looking for is to get her lawn back. Bob, do you propose to put fill there to raise it up. Barbara, yes we are proposing one foot of fill/sand. Bob before we go to that point, we need to identify this as upland vs. Salt Marsh. Mr. Shea, direct abutter, it is grass; however I am concerned with the amount of fill you will be adding, I don't want water draining onto my yard. Brendan, I think this may be a combination of spartina and turfgrass; is there a reason you couldn't make drainage holes in the wall? Barbara, we do not believe that will solve the problem. Paul, we are bound to act on the regulations as they exist, if there is spartina species there per the definition of Salt Marsh, we will have to act and restrict the work that is proposed to be done. No further comments from the Board, no public comment. Bob, my suggestion is that we should all arrange for a site visit.

The applicant requests a continuance so that the Board can further review and conduct a site visit. Continued to the next hearing June 2, 2011.

- 3) **Applicant:** Town of Bourne **File Number:** CC11-26
Representative: Brendan Mullaney
Project Address: 285 Head of the Bay Road, Buzzards Bay
Proposed Project: Construct deck/steps on top of existing foundation within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: This is the old Henshaw property, now Little Buttermilk Bay Woods. Troop 76 and Troop 44 representatives are present. There is an abandoned boathouse with a large amount of debris scattered in that area. These Troops approached the Open Space Committee to build an observation deck on top of the boathouse. The project will be to build a lookout deck on top of the boathouse with steps leading to the ground. There is existing path that we will place rail road ties in certain areas to alleviate rain washout. There will be removing some of the old boat house, it's a mess up there, so this removal is a part of the project. The boathouse has been looked at by some builders (Bob Bilodeau & Jack MacDonald) to make sure that this was structurally sound; this will hold a lookout deck. The access to this deck will be from the back, there will be no steps to the water. We will not be filling the foundation of this boathouse, we plan to leave this open for storm/flooding purposes. This is for public and it is public property with walking trails. Shawn Trepanier, Troop Leader, and Tinmaichiaq Kennedy, Eagle Scout candidate, further explain the project to the Board. Jim Mulvey has offered his property to help out using the property as a staging location. No further comments from the Board no further public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) **Notices of Intent**

- 1) **Applicant:** Anne Garefino **DEP File Number:** SE7-1781
Representative: Stephen Doyle & Associates
Project Address: 9 Canal Drive, Pocasset (Wings Neck)
Proposed Project: Raze and rebuild an existing dwelling including all landscaping, grading, utilities, and associated appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Steve Doyle representing: This project is located at the westerly end of Wings Neck. There is an existing ranch on a lot about 8600 sqft; we are separated from the waters of the bay by a gravel way. This area is a small community of about 11 homes. We have loose stone revetment all along the shores, the entire area is quite flat. The entire site has an existing dwelling, garage and lawn area, so 100% of the site has been disturbed. We want to raze the existing and elevate a new structure in a VE zone. We are at VE elevation 18, on this site contours front to back range from 9 to 11 ft. Proposing to remove the garage, and there will be no reconstruction of the garage. There is a new septic system, pump chamber with fast treatment and UV treatment for 3 bedrooms. Ms. Garefino (the owner) has redesigned this home; it will be elevated quite high. It will still be a one story three bedroom home with a garage for one car under. It will be all in the footprint it is now. Paul how high will this be elevated? Steve, 12 ft, it is not elevated right now. We will have a work limit area with hay bales all around the site, and silt fences. Right now this has a shared driveway; we are proposing to construct a new driveway. Brendan, we did have a couple people in the office to look at this file but no problems. There will be erosion controls around the entire project. This is just a reconstruction of a dwelling and this will meet the

flood zone regulations for construction. Bob, Brendan do you think they will need both hay bales and silt fence during this project? I think just a silt fence would suffice. Brendan, I agree the silt fence would be the only thing needed because this area is flat and I feel there will not be erosion issues. No further Board comment, no public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes, the Commission unanimously voted to close the hearing. All in favor

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 16-24 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the Commission unanimously voted to move the Draft Order to Final. All in favor

Other Business

Vote – Excuse Absent Members, if necessary: none

Approval of Minutes – April 21, 2011

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the Commission unanimously voted to approve 4/21/11 minutes.

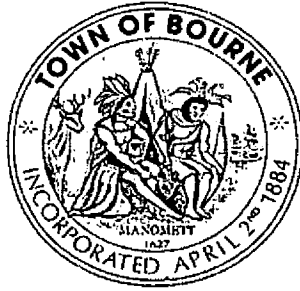
Any other business that may legally come before the Commission: None

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Hearing ended 8:00 pm

Respectfully submitted by
Kimberly Perkins-Griffin

2011 MAY 26 AM 8 47

TOWN CLERK'S OFFICE



CONSERVATION COMMISSION AGENDA

Thursday, June 2, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Rick & Kelly Mastria **File Number:** CC11-32
Representative: Jay Desmarais, Duxbury Gardeners
Project Address: 38 Wianno Road, Mashnee Island
Proposed Project: Landscape property, including walls, walks, planting, and lawn installation within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Kathy Riley **File Number:** CC11-31
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 68 Megansett Road, Cataumet
Proposed Project: Remove and replace approximately 20 feet of existing concrete / stone seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from May 19, 2011)

- 3) **Applicant:** Town of Bourne **File Number:** CC11-33
Representative: Brendan Mullaney
Project Address: Off Island Drive Pocasset (Assessor's Map 43.3, Parcel 41)
Proposed Project: Removal of invasive vegetation and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Sandra M. Bender **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 2 Wabash Avenue, Pocasset
Proposed Project: Construct addition, deck, and upgrade existing septic system within an AE Flood zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Gregory A. White **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 28 Benedict Road, Gray Gables
Proposed Project: Construct wooden beach access stairs within a VE Flood Zone, within 100 feet of a Wetland Resource Area, and within a Wetland Resource Area (Coastal Bank)

Certificates of Compliance:

- 1) **Applicant:** Brian Shortsleeve **DEP File Number:** SE7-1045
 Representative: SAME
 Project Address: 130A Megansett Road, Cataumet
 Proposed Project: Construct an addition and upgrade septic system, including landscaping and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Brian Shortsleeve **DEP File Number:** SE7-1183
 Representative: SAME
 Project Address: 130A Megansett Road, Cataumet
 Proposed Project: Construct an addition and relocate shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

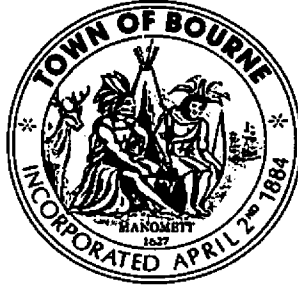
Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – May 5, 2011

Discussion of Open Meeting Law memo regarding “Topics” requirements from Town Counsel

Any other business that may legally come before the Commission



2011 JUL 14 AM 10 45

TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS

CONSERVATION COMMISSION MINUTES

Thursday, June 2, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Martha Craig-Rheinhardt, Peter Holmes, Susan Weston, Betsy Kiebal, Alternate Member Thomas Ligor

Excused Absence: Co-Vice Chairman Paul Lelito

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Barbara Frappier, Kelly Mastria, Jay Desmarais, Rick Mastria, Louise Innis, Steve Walsh, Jim Dineen, Chris Shultz, Don Bracken, Brian Shortsleeve, Jim Mulvey, Paul Gately

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Rick & Kelly Mastria **File Number:** CC11-32
Representative: Jay Desmarais, Duxbury Gardeners
Project Address: 38 Wianno Road, Mashnee Island
Proposed Project: Landscape property, including walls, walks, planting, and lawn installation within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Jay Desmarais representing: Originally as you can see, in photos, there is a fence that outlines the property in the back this was existing prior to any landscaping. The plant material, the fence, and approximately 35% of the lawn still exists today. What we are looking to do is construct a patio with a sitting wall that frames out this deck. The changes in this plan are because of grading issues and construction, we have eliminated two steps on that deck. The patio gets moved in 24" from what was originally designed. Looking at the print showing the coastal bank this pink line designates the bank, and with the construction eliminating two steps we are going to frame this deck with a sitting wall which now moves it in to 20 ft. The coastal bank is now shown to be 24ft away on this new plan. We are looking to construct the sitting wall with a drainage system to take all the rain runoff from this patio and be drained down into the soil, none to be drained through the lawn area. My observations over the past 8 months on this site, shows no erosion on this site. The plan is to construct the patio, concrete pavers and create a sitting wall with walkways connecting down and over so that we can exit and enter on the driveway. Also we will be doing some plantings to soften the foundation, also putting grass down and blending this in with the existing lawn that is there now. Brendan, this property was before us before for an

addition. Someone had called the office because they noticed a lot of hardscaping going on at this property as well as landscaping that was beyond what had been approved. After checking the file to see what was previously approved I went to the site and determined this work was not part of that prior filing. So I had advised the homeowner that a filing would be necessary for the work to comply with all the rules and regulations. They were very cooperative, Mr. Desmarais came in to the office and got the paperwork that day.

Chairman Gray asks for clarification regarding one of the photographs and the orientation of the property. Betsy Kiebala asks if this is the house that was built on the tennis court. The applicant states that house is actually across the street and this is a separate property. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Robert Palumbo, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Kathy Riley **File Number:** CC11-31
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 68 Megansett Road, Cataumet
 Proposed Project: Remove and replace approximately 20 feet of existing concrete / stone seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area
 (Continued from May 19, 2011)

Chairman Gray states that this matter was continued from the previous meeting. After the meeting, a number of Commission members visited the site to determine if there was any evidence of fill in a Salt Marsh, and visited the site again the following week with the applicant's representative. Brendan also researched some historic aerials of the property in order to determine when the wall was built.

Chairman Gray states that there is evidence of Salt Marsh vegetation in the vicinity of the wall and the area designated for fill. *Spartina patens*, as well as saltwort and marsh orch were observed. However, we have also found evidence that the wall and fill likely predates the Wetlands Protection Act. Brendan shows an aerial from 1960 that shows the wall in the same configuration as today.

Barbara Frappier, representative, first thanks the Board for the opportunity to meet at the site and discuss the project. She states that the surveyors went back out and shot spot grades along and adjacent to the wall. These elevations show that the area of fill is above the spring tide of elevation 3.2, which means that the area technically is not defined as Salt Marsh. She also states that it does not have any function as a Salt Marsh. Ms. Frappier hands out photographs showing the area as a lawn over the years. She also states that *Spartina patens* is an invasive in Washington and seen as a major problem there.

Chairman Gray states that he is more comfortable with the project with the new evidence that has been presented and adds that the wall and fill do have a Chapter 91 license. He goes on to state that even if the area was filled, it appears to predate any applicable regulations and therefore would not be any kind of violation. Betsy Kiebala asks how the replanting would be done. Ms. Frappier states they would scrape away the existing topsoil and bring in a sandy material for better drainage. They would also dig sand "cores" for additional drainage. No further Board questions, no public comment.

On a motion made by Robert Palumbo and seconded by Peter Holmes, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 3) **Applicant:** Town of Bourne **File Number:** CC11-33
 Representative: Brendan Mullaney
 Project Address: Off Island Drive Pocasset (Assessor's Map 43.3, Parcel 41)
 Proposed Project: Removal of invasive vegetation and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: This is a small Conservation Area over on Island Drive that has become severely overgrown. He hands out pictures showing the area. We would like to remove the vegetation approximately 30 feet back, which is mostly bittersweet that has taken over. The area can then be maintained and we would also like to repair the sign. We may also treat the area with an aquatic herbicide to prevent the bittersweet from quickly re-establishing.

From the audience: Steve Walsh, I do not think 30 feet is enough, in my opinion you should cut more since it will grow right back. Brendan, we have demarcated a larger area, we may cut back a bit more but we want to leave a buffer to the pond. Mr. Walsh, can I use the herbicide you mentioned? Brendan, it has to be applied by a licensed herbicide applicator.

Jim Mulvey: Do you plan to restore the swale areas that were created during the stormwater project in this area? Brendan, that it is not part of this project. Mr. Mulvey? What about the phragmites in the pond? Brendan, those have been cut and it appears they are not growing back as vigorously as other areas. Chairman Gray adds that the phragmites in the pond appear to be somewhat under control. No further Board questions.

On a motion made by Robert Palumbo and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

Chairman Gray steps down from the next two Hearings

Vice Chairman Robert Palumbo takes over as Chairman

- 1) **Applicant:** Sandra M. Bender **DEP File Number:** SE7-
 Representative: Bracken Engineering, Inc.
 Project Address: 2 Wabash Avenue, Pocasset
 Proposed Project: Construct addition, deck, and upgrade existing septic system within an AE Flood zone and within 100 feet of a Wetland Resource Area

Donald Bracken representing: This property is in the Hen's Cove area and currently consists of a two bedroom dwelling that is elevated with a wraparound deck. There is a Coastal Dune adjacent to the property that was delineated by Stan Humphries of LEC Environmental. We are proposing an addition to the dwelling, new deck and an upgrade to the septic system in the rear of the property. The current system is slightly elevated to meet

the separation to groundwater and the new system will be the same. We have had an informal discussion with the Board of Health regarding the new system and we will be appearing before them soon. They are more concerned with the Salt Marsh to the north, where we will meet the 150 foot setback as opposed to the Coastal Dune which is closer. We have also been before the Board of Appeals for a Special Permit which was received.

Brendan hands out photographs of the site. This is an existing developed lot off of Circuit Avenue. There is no expansion of the footprint and the new septic system will be an improvement to the area. A portion of the property is within Estimated Habitat, but I believe they qualify for an exemption under NHESP's regulations. There is further discussion regarding the exemption and it is determined that since there is no expansion of the footprint of the structure and the septic is an upgrade only, no further action is necessary from NHESP. No further Board comment, no public comment.

On a motion made by Betsy Kiebalá and seconded by Peter Holmes, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-5, 9, 10, 12, 13, 16-24, 29 and special conditions pursuant to the Bylaw #'s 4, 6-9

Special Conditions numbers 20, 24, and 29 and Bylaw Conditions number(s) 4, and 6 shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Robert Palumbo and seconded by Peter Holmes, the Commission unanimously voted to move the Draft Order to Final.

- 2) **Applicant:** Gregory A. White **DEP File Number:** SE7-
 Representative: Bracken Engineering, Inc.
 Project Address: 28 Benedict Road, Gray Gables
 Proposed Project: Construct wooden beach access stairs within a VE Flood Zone, within 100 feet of
 a Wetland Resource Area, and within a Wetland Resource Area (Coastal Bank)

Donald Bracken representing: This is a property in Gray Gables and the project consists of installing access stairs over a Coastal Bank. The stairs will be anchored on footings and built in accordance with this plan, almost every other property in this area has similar stairs. There is an area that is currently used to get up and down the bank with a rope that will be abandoned.

Brendan hands out photographs. The Bank is well vegetated except the portion that is currently used for traversing the Bank. These stairs are proposed next to this area, some vegetation will have to be removed, it is mostly honeysuckle. Peter Holmes asks where the stairs will terminate, is it in the Salt Marsh? Brendan shows the area on a photograph, the bottom of the stairs will be at the toe of the bank, above the Salt Marsh. Brendan, perhaps we could put in a condition that the area currently used to traverse the bank should be replanted after the stairs are constructed? The Board agrees this is a good idea. No further Board comment, no public comment.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to close the hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-3, 5, 9, 12, 13, 16-24 and special conditions pursuant to the Bylaw #'s 4, 7-9

ASC-1) The bare/eroded area that is currently used to traverse the bank must be replanted with native species after the stairs are constructed.

Special Conditions numbers 20, and 24 and Bylaw Conditions number(s) 4 shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to move the Draft Order to Final.

Certificates of Compliance:

- 1) **Applicant:** Brian Shortsleeve **DEP File Number:** SE7-1045
 Representative: SAME
 Project Address: 130A Megansett Road, Cataumet
 Proposed Project: Construct an addition and upgrade septic system, including landscaping and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan - a site visit was done, and I found the site was in compliance with one major exception. There was a large "shed" in the shape of a lighthouse built in the rear of the dwelling, in close proximity to the Salt Marsh. However, I did find out that Mr. Shortsleeve had applied for and received a building permit for the structure, so in my opinion he cannot be found entirely at fault.

Chairman Gray asks how the structure is anchored. Mr. Shortsleeve states it is just sitting on patio blocks, no footings. Chairman Gray states we have a policy for sheds and this is probably why a permit was not required.

On a motion made by Peter Holmes and seconded by Rob Palumbo, the Commission unanimously voted to grant the Certificate of Compliance.

- 2) **Applicant:** Brian Shortsleeve **DEP File Number:** SE7-1183
 Representative: SAME
 Project Address: 130A Megansett Road, Cataumet
 Proposed Project: Construct an addition and relocate shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan – this is basically the same project as the previous one, same comments regarding compliance.

On a motion made by Robert Palumbo and seconded by Peter Holmes, the Commission unanimously voted to grant the Certificate of Compliance.

Other Business

Vote – Excuse Absent Members, if necessary

Approval of Minutes – May 5, 2011

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to approve the draft minutes as final.

Discussion of Open Meeting Law memo regarding “Topics” requirements from Town Counsel

Chairman Gray states that we have just received a memo from the Town Administrator stating that we should defer this discussion because Town Counsel Robert Troy has issued an 11 page opinion clarifying the opinion we were set to discuss. There is a brief discussion regarding the issue of “Topics” and Chairman Gray states that we will need to seek a legal opinion specifically on how to handle “Emergency Requests and Certifications”, since these would seem to not be in compliance with any aspect of the Open Meeting Law.

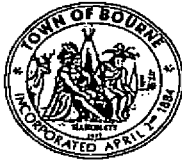
It is determined that we will place this matter on a future agenda for discussion after receiving the new legal opinion from Town Counsel.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting.

Meeting adjourned at 8:15 P.M.

Respectfully submitted,

Brendan Mullaney



Town Clerk
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext 505



Barry H. Johnson
Town Clerk

Wendy J. Chapman
Asst. Town Clerk

June 2011

Conservation Commission
Robert Gray
21 Observatory Lane
Pocasset, MA 02559

To : All Boards and Committees

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, the minutes for all meetings should be filed with the Town Clerk's Office. We have enclosed excerpt from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

Minutes missing

(2/3/11)

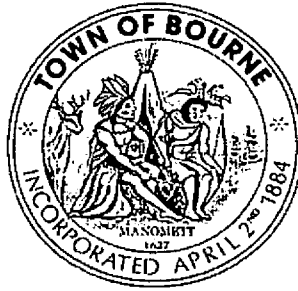
no quorum
5/16/11

Your attention to this matter would be appreciated.

Sincerely,

Wendy J. Chapman
Asst. Town Clerk

Town Clerk



2011 JUN 9 AM 9 54

TOWN CLERK'S OFFICE
CONSERVATION COMMISSION AGENDA (Amended)
Thursday, June 16, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) **Requests for Determination of Applicability:**

- 1) **Applicant:** Roy & Clare Heffernan **File Number:** CC11-34
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 40 Squeteague Harbor Road, Cataumet
Proposed Project: Landscape property, including stone walls, patios, plantings, steps, hot tub, cobble driveway, and grading within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Mary Huether **File Number:** CC11-35
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Bryant Road, Gray Gables
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)

- 3) **Applicant:** Kevork Tinkjian **File Number:** CC11-36
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 34 Benedict Road, Gray Gables
Proposed Project: Install stone patio, rinse station, and buffer plantings within AE and VE Flood Zones and within a Wetland Resource Area and within 100 feet of a Wetland Resource Area
After-the-fact Filing

- 4) **Applicant:** Erin C. Healy & John T. Noyes **File Number:** CC11-37
Representative: Erin C. Healy
Project Address: 35 Ward Swift Road, Cataumet
Proposed Project: Replace crawl space with full foundation including walls for future additions, relocation of septic tank, associated landscaping, grading and appurtenances within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Peter Scott **File Number:** CC11-38
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 55 South Road, Pocasset (Wings Neck)
Proposed Project: Raze and rebuild existing barn within an AE Flood Zone
(Hearing Under State Act Only)
- 6) **Applicant:** Cottage Realty Trust **File Number:** CC11-39
Representative: Rick Anderson
Project Address: 8 Bell Road Extension, Bourne
Proposed Project: Remove and replace farmer's porch within an AE Flood Zone and within 100 feet
of a Wetland Resource Area
- 7) **Applicant:** Steven & Elizabeth Karlson **File Number:** CC11-40
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 91 Elgin Road, Pocasset
Proposed Project: Install an aluminum walkway on an existing groin and replace existing ramp and
float within AE and VE Flood Zones, within a Wetland Resource Area, and within
100 feet of a Wetland Resource Area

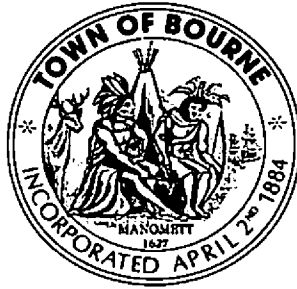
Certificates of Compliance:

- 1) **Applicant:** Cumberland Farms **DEP File Number:** SE7-1457
Representative: Michael Parrault, P.M.P. Associates, LLC
Project Address: 160 Main St, Buzzards Bay
Proposed Project: Amend OOC to allow for a change in design of proposed project: raze and
remodel an existing building, install underground storage tanks, and construct gas
islands and associated appurtenances within an AE Flood Zone
Hearing Under State Act Only
- 2) **Applicant:** Steven Bisson **DEP File Number:** SE7-1736
Representative: Jack Gillis
Project Address: 178/180 Scraggy Neck Rd, Cataumet
Proposed Project: Raze guesthouse and rebuild the boathouse within AE and VE Flood Zones and
within 100' of a Wetland Resource Area
- 3) **Applicant:** Peter Newell **DEP File Number:** SE7- 1678
Representative: SAME
Project Address: 22 Quamhasset Road, Buzzards Bay
Proposed Project: Construct a private pier within a Wetland Resource Area, within 100' of a
Wetland Resource Area, and within an AE Flood Zone

- 4) **Applicant:** Richard Prevett **DEP File Number:** SE7- 1721
Representative: John DeSimone, John M. DeSimone Consulting
Project Address: 779 Shored Road, Pocasset
Proposed Project: Construct a garage, addition, and upgrade septic system including associated grading, landscaping and utilities within an AE Flood Zone, within 100' of a Wetland Resource Area and within a 200' Riverfront Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – May 19, 2011
- ▶ July 7th Meeting – Possible Vote to Cancel / Change
- ▶ Joint Meeting of the Board of Selectmen, Planning Board, and Conservation Commission - Tuesday, June 21, 2011 at 6 pm at the Veterans Memorial Community Building, to decide on the disposition of approximately 40 parcels of Town-owned land
- ▶ Discuss memoranda from Town Counsel Robert Troy regarding the Open Meeting Law and Public Comment Policies
- ▶ Any other business that may legally come before the Commission



CONSERVATION COMMISSION MINUTES

Thursday, June 16, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Co-Vice Chairman Paul Lelito, Martha Craig-Rheinhardt, Susan Weston, Betsy Kiebal, Alternate Member Thomas Ligor

Excused Absence: Peter Holmes

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Lamont Healy, Erin C. Healy, John Noyes, Barbara Frappier, Rick Anderson, Jim Mulvey, Paul Gately, and Roy Heffernan.

** Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Roy & Clare Heffernan **File Number:** CC11-34
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 40 Squeteague Harbor Road, Cataumet
Proposed Project: Landscape property, including stone walls, patios, plantings, steps, hot tub, cobble driveway, and grading within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This is a project where the applicant's landscaper came to the property to do some work. The work came to a halt because there was no filing with the Conservation Commission. They stopped and here we are. Here is the sketch of what they are planning; mostly it will be grading, some patios, retaining walls, steps, a hot tub and plans for planting beds. This is out of the flood zone - it's all within buffer zone to the top of the coastal bank. They want to cobble the driveway, it is currently shallow gravel. The cobbles will be dry set, the stonework will be pervious so that we do not have a run off issue. Brendan, as you can see from the pictures this job was in progress. I was unaware at the time of filing that the work was already started, but they did stop this immediately as they were advised by Ms. Frappier. The closest area of disturbance from the coastal bank is 65ft. There is a relatively large lawn that slopes down towards the water so there is some room for infiltration if there is any runoff. Basically some retaining walls as Ms. Frappier stated, with associated grading. Landscaping beyond what is allowed in our landscaping policy requires a filing of an RDA permit. This is the way to bring the property into compliance. Martha, I have a colored plan, what is this red on

TOWN CLERK'S OFFICE

the plan? Ms. Frappier, it is a stone step, so they are not stepping on the sloped grass. No further Board comment, no public comment.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination.

- 2) **Applicant:** Mary Huether **File Number:** CC11-35
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 14 Bryant Road, Gray Gables
 Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
 (Hearing Under State Act Only)

Barbara Frappier representing: This is a failed septic system, no other work proposed. This is flood zone only. The only other work in addition to the new Title V system is they have to sleeve a water line. There are no other issues other than flood zone. The old system will be pumped and filled. Paul, is this flood zone elevation 16, this line here on the plan. Ms. Frappier, that is not the flood zone line, let me give you the bigger plan so that you can see the flood zone line. All the work will be done in the AE zone, none in the VE zone. Brendan, this is a flood zone only, the upgrade will be improvement for the area. There are no other jurisdictional resource areas within 100 feet of the project. No concerns with the project. No further Board comments, no public comment.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 3) **Applicant:** Kevork Tinkjian **File Number:** CC11-36
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 34 Benedict Road, Gray Gables
 Proposed Project: Install stone patio, rinse station, and buffer plantings within AE and VE Flood Zones and within a Wetland Resource Area and within 100 feet of a Wetland Resource Area *(After-the-Fact Filing)*

Barbara Frappier representing: This was a situation that they were putting up a patio behind the house. They had done an addition and moved their septic system. Brendan gave them a stop work order. We previously discussed what we can and can't do on this site. What was agreed upon was that the patio could not protrude any further seaward than the 4ft wide stairwell (as shown on the pictures) I did add a gravel swale on the waterside edge; so that during any heavy rain events the water will not go onto the grass. The shrubbery we added as mitigation, 464 sqft. of plantings at the base of the coastal bank all along the seawall. This is what we all agreed on for mitigation for the hardscape up above. I have also included is a rinse station. This will be placed next to the bulkhead under the kitchen. The Tinkjian's may forgo this part of the application because of its location; I had just chosen to keep this on the application just in case they change their mind. I did talk to the Board of Health, they will not require them to hook up to the septic system but will require a drywell if they do build this rinse station; as long as it remains over 50ft. from the stonewall the Board of Health is ok with this part of the project. Brendan, as you recall, this patio was put in without benefit of a permit. Pictures were taken 6/14/11, showing they removed all the debris that was previously on site. Paul, Brendan did you see the plantings? Brendan, yes you can see them here in the pictures. Bayberry and beach plum were planted. No further Board questions, no public comment.

On a motion made by Martha Craig-Rheinhardt and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 4) **Applicant:** Erin C. Healy & John T. Noyes **File Number:** CC11-37
 Representative: Erin C. Healy
 Project Address: 35 Ward Swift Road. Cataumet
 Proposed Project: Replace crawl space with full foundation including walls for future additions, relocation of septic tank, associated landscaping, grading and appurtenances within 100 feet of a Wetland Resource Area

Lamont Healy representing: The proposal is to relocate the building in such a way that proposed addition will be the same distance from the bog as the existing house now. The existing corner and the proposed addition's corner are the same distance from the wetland; nothing closer to the wetland. In the back we are relocating the septic tank, and this will be the bulk of the work. We will keep the existing leaching system and pump. Paul, the wetland resource area is a cranberry bog? Lamont, yes. Brendan, the property is surrounded by cranberry bogs on all sides. As Mr. Healy pointed out the structure is not moving any closer to the bogs than currently exists. Basically it is just a relocation of the dwelling on the site. It is not in the flood zone and there are no other jurisdictional resource areas - from my understanding the owner of the cranberry bogs has no issues with this project. No other concerns with this proposal. No further Board comment, no Public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination. Robert Palumbo abstains.

- 5) **Applicant:** Peter Scott **File Number:** CC11-38
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 55 South Road, Pocasset (Wings Neck)
 Proposed Project: Raze and rebuild existing barn within an AE Flood Zone
 (Hearing Under State Act Only)

Barbara Frappier representing: This plan shows a proposed barn and exiting barn. This barn will be 128 ft. from the saltmarsh. There will be a small loss of trees during this project. He is planning to keep an outdoor shower, it is existing. Brendan, this project is in the flood zone only. There was a transect done to make sure there was no coastal bank on the property. The only resource area in proximity is the saltmarsh, which is over 100 ft. from the barn. No concerns with this project. No Board questions, no public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 6) **Applicant:** Cottage Realty Trust **File Number:** CC11-39
 Representative: Rick Anderson
 Project Address: 8 Bell Road Extension, Bourne
 Proposed Project: Remove and replace farmer's porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Rick Anderson representing: I represent Ruth Viscus she is the trustee of this parcel. I just got this survey back, this depicts the two story cottage, and where it sits on the lot of land. This is adjacent to the Cape Cod Canal. The work proposed is limited, we want to take an existing farmers porch which is located on two sides

of the building, back and side. The request is to have a little more room on the farmer's porch since it is only 5 foot wide, so they want to bump out so it is 8 foot wide and change the pitch of the roof slightly so that they can maintain the same view. Brendan, this is a straight forward project. The work at the closest point will be about 75 feet from the resource area. It is in the flood zone and will require new footings. No concerns with erosion this is a well vegetated area. No Board questions, no public comment.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 7) **Applicant:** Steven & Elizabeth Karlson **File Number:** CC11-40
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 91 Elgin Road, Pocasset
 Proposed Project: Install an aluminum walkway on an existing groin and replace existing ramp and float within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This project is on an existing licensed groin. The project is to install an aluminum walkway on the top of the groin. The framework is going to be bolted to the rock; one of the components on this is that the grading is removable in the event of a storm. The float will be attached to the aluminum truss, so all of it is removable. This is in a velocity flood zone. One of the better things is to have a flat walkway on the groin that will not shift; you can adjust the bolts as needed. Susan, so the ramp and float are existing? Barbara, what is now there is a wooden ramp and float to be replaced by this aluminum one. This will not stick out any further than what is there now, following what their license allows. Betsy, this will be the full length of the groin? Barbara, yes it will run the whole length of the groin. Betsy, will this be slippery? Barbara, no this walkway has texture to it, walking will be fine. Paul, will this stay all out all winter? Barbara, no this will be taken in seasonally, but the foundation will stay. Brendan, as you can see in the pictures it is pretty clear what their intention is over this groin. This property has been in front of the Commission a couple times, septic change, COC's etc. The structure is licensed, so they can substantially replace the float as long as it is within 10% of the existing size. And the walkway is allowed over a licensed groin as long as it is built properly. I feel this is the best way to place a walkway over a groin because of the ability to remove it at any time. No other concerns with this proposal. No further Board comment, no public comment.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

Certificates of Compliance:

- 1) **Applicant:** Cumberland Farms **DEP File Number:** SE7-1457
 Representative: Michael Parrault, P.M.P. Associates, LLC
 Project Address: 160 Main St, Buzzards Bay
 Proposed Project: Amend OOC to allow for a change in design of proposed project: raze and remodel an existing building, install underground storage tanks, and construct gas islands and associated appurtenances within an AE Flood Zone
 Hearing Under State Act Only

Bob Gray, Brendan did you visit this property and find that they were in compliance with the project? Brendan, yes a site visit was made and yes it was in compliance.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to grant the Certificate of Compliance.

- 2) **Applicant:** Steven Bisson **DEP File Number:** SE7-1736
 Representative: Jack Gillis
 Project Address: 178/180 Scraggy Neck Rd, Cataumet
 Proposed Project: Raze guesthouse and rebuild the boathouse within AE and VE Flood Zones and within 100' of a Wetland Resource Area

Bob Gray, Brendan did you visit this property and find that they were in compliance with the project? Brendan, yes a site visit was made and yes it was in compliance.

On a motion made by Robert Palumbo and seconded by Betsy Kiebala, the Commission unanimously voted to grant the Certificate of Compliance

- 3) **Applicant:** Peter Newell **DEP File Number:** SE7- 1678
 Representative: SAME
 Project Address: 22 Quamhasset Road, Buzzards Bay
 Proposed Project: Construct a private pier within a Wetland Resource Area, within 100' of a Wetland Resource Area, and within an AE Flood Zone

Bob Gray, Brendan did you visit this property and find that they were in compliance with the project? Brendan, yes a site visit was made and yes it was in compliance.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to grant the Certificate of Compliance.

- 4) **Applicant:** Richard Prevett **DEP File Number:** SE7- 1721
 Representative: John DeSimone, John M. DeSimone Consulting
 Project Address: 779 Shored Road, Pocasset
 Proposed Project: Construct a garage, addition, and upgrade septic system including associated grading, landscaping and utilities within an AE Flood Zone, within 100' of a Wetland Resource Area and within a 200' Riverfront Area

Bob Gray, Brendan did you visit this property and find that they were in compliance with the project? Brendan, yes a site visit was made and yes it was in compliance.

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to grant the Certificate of Compliance.

Other Business

► Vote – Excuse Absent Members, if necessary- Peter Holmes is attending another Town meeting tonight in regards to the wind turbine.

On a motion made by Susan Weston and seconded by Robert Palumbo, the Commission unanimously voted to excuse Peter Holmes absence.

► Approval of Minutes – May 19, 2011

On a motion made by Robert Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve 5/19/2011 minutes. Paul Lelito abstains.

► July 7th Meeting – Possible Vote to Cancel / Change.... No action, decision is to keep the July 7th meeting, we will have a quorum.

► Joint Meeting of the Board of Selectmen, Planning Board, and Conservation Commission -
Tuesday, June 21, 2011 at 6 pm at the Veterans Memorial Community Building,

Brendan, this meeting is to decide on the disposition of approximately 40 parcels of Town-owned land, by recommendations of the Town Planner. There are some recommendations directly to the Conservation Commission, if it directly abuts conservation land, gives beach access for the public, over 50% wetland we would want to pick them up. Bob, Betsy, Martha, Paul, and Tom do plan to attend.

► Discuss memoranda from Town Counsel Robert Troy regarding the Open Meeting Law and Public Comment Policies

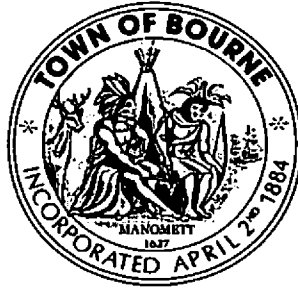
Betsy, at the discretion of the Chairman, after something has been published or noted, you have the ability to add to the agenda? Brendan, under the procedural rules the agenda is to be posted 48 hours before a hearing – if within that 48 hour period the Chairman finds there is something to add he can at his discretion add to the agenda instead of bringing it up out of the blue. It is up to the public to keep checking agendas. Bob Gray, did we get any clarification on emergencies? Brendan, no we have received nothing at this time. Bob Gray, how about site visits? Brendan, as long as there are no deliberations or decisions made out on the site visit, a site visit is to gather information on a proposed project.

Bob one thing I would like to add to our agenda under other business would be to add questions and answers relative to 131.40 and its regulations as well as the Bylaw, Article 3.7. That way since we have it there if something is brought up we can discuss it at the meeting. I don't want to be in a position that I could not answer a question from the public regarding the regulations. We also should have a report from the Conservation Agent, so that you can report to us if there is correspondence from other Boards or Departments that we as Board members should be aware of. I don't want to shut down communication between the Board members and the Agent. Paul Gately, Bob Troy has argued the fact that I cannot come to a meeting and ask questions. The Attorney General's Office, has stated that yes I can ask a question and not be ruled out of order. There are various views on this, and they are mostly vague.

► Any other business that may legally come before the Commission: The Scraggy Neck Recreation Association project that was denied by the Commission has been subsequently appealed, the onsite visit is on 6/21/11 at 9:45 am with Mass DEP if anyone wants to attend.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Hearing ended 8:15 pm. Respectfully submitted by

Kimberly Perkins-Griffin



CONSERVATION COMMISSION AGENDA

Thursday, July 7, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

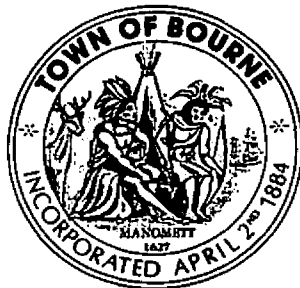
- 1) **Applicant:** Richard Whitcomb **File Number:** CC11-41
Representative: Stephen Devellis
Project Address: 573 Circuit Avenue, Pocasset
Proposed Project: Construct addition to existing porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Norman J. Cartmill **File Number:** CC11-42
Representative: David Cartmill
Project Address: 18 Old Bridge Road, Buzzards Bay
Proposed Project: Construct addition to existing dwelling within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 3) **Applicant:** William Ribich **File Number:** CC11-43
Representative: Jeffrey Curran
Project Address: 215 Scraggy Neck Road, Cataumet
Proposed Project: Excavate existing crawl space and install new foundation walls within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Carlos Arroyo **File Number:** CC11-44
Representative: Linda J. Pinto, CSN Engineering
Project Address: 19 Marilyn Road, Monument Beach
Proposed Project: Replace existing failed cesspools with new Title V Sewage Disposal System within 100 feet of a Wetland Resource Area

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CONSERVATION COMMISSION MINUTES

Thursday, July 7, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Peter Holmes, Martha Craig-Rheinhardt, Alternate Member Thomas Ligor

Excused Absence: Robert Palumbo, Paul Lelito, Susan Weston, Betsy Kiebala

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Stephen Devellis, John Hanson, David Cartmill, Dick Whitcomb, Jim Mulvey, Paul Gately

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard Whitcomb **File Number:** CC11-41
Representative: Stephen Devellis
Project Address: 573 Circuit Avenue, Pocasset
Proposed Project: Construct addition to existing porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Stephen Devellis representing: This project consists of enlarging an existing porch in order to provide more room for the homeowners. Currently the porch is rather narrow and is mostly filled with deck furniture, the homeowners are getting older and need the additional space and may need space for a wheelchair sometime in the future. Brendan – this is a simple project over on Circuit Ave., the property is in the Flood Zone and the work is within 100 feet of the Coastal Bank, which is on the opposite side of the street. The project has been approved by the ZBA, no concerns with the project. No Board comment, no public comment.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to approve the project under a Negative 2 determination.

2) **Applicant:** Norman J. Cartmill **File Number:** CC11-42
Representative: David Cartmill
Project Address: 18 Old Bridge Road, Buzzards Bay
Proposed Project: Construct addition to existing dwelling within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

David Cartmill states he did not understand the abutter notification procedure and he will need to continue the matter until the next meeting in order to notify abutters.

Continued until 7/21/2011

3) **Applicant:** William Ribich **File Number:** CC11-43
Representative: Jeffrey Curran
Project Address: 215 Scraggy Neck Road, Cataumet
Proposed Project: Excavate existing crawl space and install new foundation walls within 100 feet of a Wetland Resource Area

At the request of the applicant, this matter has been continued until 7/21/2011.

4) **Applicant:** Carlos Arroyo **File Number:** CC11-44
Representative: Linda J. Pinto, CSN Engineering
Project Address: 19 Marilyn Road, Monument Beach
Proposed Project: Replace existing failed cesspools with new Title V Sewage Disposal System within 100 feet of a Wetland Resource Area

Linda Pinto representing: This property had a failed system, we moved the new system as far from the wetland as possible. The work has actually already been completed, I discussed this with Brendan and Health Agent Cindy Coffin and we determined the work needed to be completed as soon as possible. Brendan, this was a failed system, the work is complete and this will be an improvement for the area. No Board comment, no public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Peter Holmes, the Commission unanimously voted to approve the project under a Negative 3 determination.

5) **Applicant:** John Hanson **File Number:** CC11-45
Representative: SAME
Project Address: 34 Pasture Road, Cataumet
Proposed Project: Upgrade to new Title V Sewage Disposal System within an AE Flood Zone (Hearing Under State Act Only)

John Hanson representing: This is my mother's home, the project consists of upgrading the septic system in order to sell the property. Brendan, this is over on Pasture Road on Scraggy Neck, the property is in the AE

Flood Zone only and there are no other jurisdictional Resource Areas within 100 feet of the proposed work. No Board comment, no public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Peter Holmes, the Commission unanimously Voted to approve the project under a Negative 2 determination.

Other Business

▶ Vote – Excuse Absent Members, if necessary – Betsy is out due to a medical issue, on a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to excuse Betsy Kiebala.

Paul Lelito was not sworn in, and therefore is technically not a member at the moment. We will wait to hear from Rob and Susan to determine if their absences are excusable.

▶ Approval of Minutes – June 2, 2011

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to approve the 6/2/2011 minutes.

▶ Reorganization of Commission (Possible vote) – due to the lack of members present, this matter will be continued until 7/21/2011

▶ Discuss memorandum from Town Counsel Robert Troy regarding the procedures for issuing Emergency Certifications

Chairman Gray begins the discussion by summarizing the memo from Town Counsel. Apparently the Commission has made some procedural errors when issuing Emergency Certifications and Attorney Troy has stated that a Certification can only be issued by the Commission, rather than by the Chairman or Agent and then ratified at a subsequent hearing. This causes an apparent conflict since it is difficult to convene a meeting of the Commission and obtain a quorum on short notice, which would be necessary according to the memo. This may also cause issues with the Open Meeting Law, which is what prompted the request for legal opinion in the first place. There is discussion regarding the Open Meeting Law, the various opinions on the new changes, and the way that individual Boards and Committees in town have responded to these opinions.

Chairman Gray goes on to state that we could run into a real problem during an emergency situation if members of the Commission are not available. After reviewing some of the Regulations, he states that we could issue an Enforcement Order if there is an extreme emergency to force work to be completed, however this is more of a fallback and this matter should be addressed by DEP. The procedure for issuing Enforcement could be easily converted for Emergencies. Martha states that DEP is currently revising the Wetlands Protection Act Regulations and perhaps this would be a good time to suggest some changes. The Commission agrees that this is a good idea and decides Brendan should draft a letter.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously votes to have Brendan draft a letter to DEP suggesting changes for the Emergency Certification procedure.

It is agreed that this letter will be reviewed and possibly signed at the next meeting.

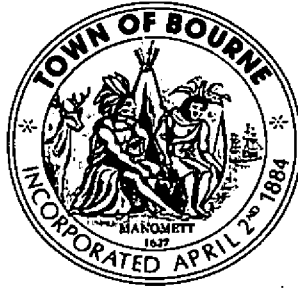
▶ Any other business that may legally come before the Commission

Brendan states that at the next meeting we will have our first new dock application in quite some time.

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to adjourn the meeting. Hearing ended 8:05 pm. Respectfully submitted by

Brendan Mullaney



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TOWN CLERK'S OFFICE
BOURNE, MASS.

CONSERVATION COMMISSION AGENDA

Thursday, July 21, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Francis & Anne Marie Feeney **File Number:** CC11-46
Representative: Bracken Engineering, Inc.
Project Address: 92 Gilder Road, Gray Gables
Proposed Project: Construct one-story garage and associated shell driveway within an AE Flood Zone
(Hearing Under State Act Only)
- 2) **Applicant:** Eileen MacCormack **File Number:** CC11-47
Representative: Shawn MacInnes, PE
Project Address: 85 Puritan Road, Buzzards Bay
Proposed Project: Upgrade to new Title V septic system within 100 feet of a Wetland Resource Area
- 3) **Applicant:** Jean Mason **File Number:** CC11-48
Representative: JC Engineering, Inc.
Project Address: 405 Circuit Avenue, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)
- 4) **Applicant:** Paula & Michael Keefe **File Number:** CC11-49
Representative: Joe Mullins
Project Address: 563 Circuit Avenue
Proposed Project: Relace existing balcony including footings within an AE Flood Zone
(Hearing Under State Act Only)
- 5) **Applicant:** Norman J. Cartmill **File Number:** CC11-42
Representative: David Cartmill
Project Address: 18 Old Bridge Road, Buzzards Bay
Proposed Project: Construct addition to existing dwelling within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area
(Continued from 7/7/2011)

- 6) **Applicant:** William Ribich **File Number:** CC11-43
Representative: Jeffrey Curran
Project Address: 215 Scraggy Neck Road, Cataumet
Proposed Project: Excavate existing crawl space and install new foundation walls within 100 feet of a Wetland Resource Area
(Continued from 7/7/2011)

7:15) **Notices of Intent:**

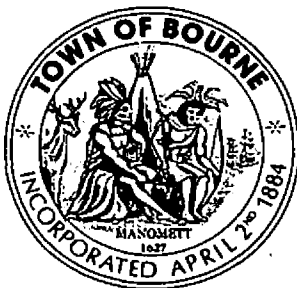
- 1) **Applicant:** Anne (Maher) Talley **DEP File Number:** SE7-
Representative: Warwick & Associates, Inc.
Project Address: 594 Circuit Avenue, Pocasset
Proposed Project: Install a seasonal wooden pile supported dock, ramp, & float within an AE Flood Zone and within a Wetland Resource Area

Request to Amend Order of Conditions:

- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: J.E. Landers-Cauley, PE
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Amend OOC to relocate pedestrian lateral access stairs within an AE Flood Zone and within a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – June 16, 2011
- ▶ Reorganization of Commission (Possible vote)
- ▶ Bassetts Island – Request for use of Conservation/Beach area for “Family Campout” (Request by William Mansfield, July 29-July 30, 2011, Possible Vote)
- ▶ Review draft letter to MA DEP regarding Emergency Certifications (Possible Vote)
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, July 21, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Peter Holmes, Susan Weston, Betsy Kiebala

Excused Absence: Co-Vice Chairman Robert Palumbo, Co-Vice Chairman Paul Lelito, Martha Craig-Rheinhardt, Alternate Member Thomas Ligor

Call to Order: Chairman Robert Gray called the meeting to order at 7:20 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Jim Mulvey, Paul Gately, Zac Basinski, Shawn MacInnes, Mike Pimental, Joe Mullins, David Cartmill, Bill Ribich, Gary Moore, Grace Moore, Jack Landers-Cauley

**** Note:** Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) **Requests for Determination of Applicability:**

- 1) **Applicant:** Francis & Anne Marie Feeney **File Number:** CC11-46
Representative: Bracken Engineering, Inc.
Project Address: 92 Gilder Road, Gray Gables
Proposed Project: Construct one-story garage and associated shell driveway within an AE Flood Zone (**Hearing Under State Act Only**)

Zac Basinski representing: Chm. Gray stated that in doing work for Bracken Engineering, Inc. in the past, normally he would recuse himself from discussion and vote. However, at this time, he evoked a Rule of Necessity due to a quorum issue. No objections from the public.

Brendan Mullaney stated proposed project is in a flood zone only and a flat developed lot is reported. This is to be reviewed under the State Act only. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Eileen MacCormack **File Number:** CC11-47
Representative: Shawn MacInnes, PE
Project Address: Puritan Road, Buzzards Bay

Proposed Project: Upgrade to a new Title V septic system within 100 feet of a Wetland Resource Area

Shawn MacInnes, PE representing: This is an upgrade, we have actually moved the system further from the wetland than originally proposed. Brendan Mullaney stated that said system is moved further outside the 100 foot butter, and will be an improvement of the area. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 3) **Applicant:** Jean Mason **File Number:** CC11-48
Representative: JC Engineering, Inc.
Project Address: 405 Circuit Avenue, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone (**Hearing Under State Act Only**)

Chm. Gray stated that in doing work for JC Engineering, Inc. in the past, normally he would recuse himself from discussion and vote. However, at this time, he invoked a Rule of Necessity due to a quorum issue. No objections from the public.

Mike Pimental representing: Applicant proposes to use old septic tank and to replace the leaching facility. Brendan Mullany stated property is located within a Flood Zone and work will be outside of jurisdiction of the buffer zone and would be an improvement for the area. Hearing Under State Act Only. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 4) **Applicant:** Paula & Michael Keefe **File Number:** CC11-49
Representative: Joe Mullins
Project Address: 563 Circuit Avenue
Proposed Project: Replace existing balcony including footings within an AE Flood Zone (**Hearing Under State Act Only**)

Joe Mullins Representing: Original balcony fell off when re-siding the house, therefore looking to replace. Brendan Mullaney stated property is in a Flood Zone and no other jurisdictional resource areas within 100 feet of the proposed work. No other concerns with the project. No further Board questions, no public comment

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 5) **Applicant:** Norman J. Cartmill **File Number:** CC11-42
Representative: David Cartmill
Project Address: 18 Old Bridge Road, Buzzards Bay

Proposed Project: Construct addition to existing dwelling within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area (**Continued from 7/7/2011**)

David Cartmill representing: Hearing was continued due to abutters not being properly notified. Addition is primarily for elderly parents. Board member Susan Weston questioned sewage and if it would be an issue. Brendan Mullaney stated that if that would be a question that would have to be determined by the Sewer Inspector, but he believed was allowed in this section of town. He further stated that dwelling is 95 feet from Town fish way, but in compliance with the regulations as it is not moving closer than what currently exists.

Jim Mulvey questioned the construction debris and storm rain run off issues. Brendan Mullaney stated that the driveway is between the stream and work area and said the area is vegetated. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

6) **Applicant:** William Ribich **File Number:** CC11-43
Representative: Jeffrey Curran
Project Address: 215 Scraggy Neck Road, Cataumet
Proposed Project: Excavate existing crawl space and install new foundation walls within 100 feet of a Wetland Resource Area (**Continued from 7/7/2011**)

William Ribich representing: Jeffrey Curran was not present. Mr. Ribich explained how dust gets sucked into the air conditioning ventilation through the crawl space. House was remodeled in 2005, but originally built in 1911. Site is within jurisdictional coastal bank and is within 100 feet. Brendan Mullaney reported that site is not within the Flood Zone. Work to be done from the street side, jack up the house to set walls and then put house back down. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination.

7:15) Notices of Intent:

1) **Applicant:** Anne (Maher) Talley **DEP File Number:** SE7-
Representative: Warwick & Associates, Inc.
Project Address: 594 Circuit Avenue, Pocasset
Proposed Project: Install a seasonal wooden pile supported dock, ramp and float within an AE Flood Zone and within a Wetland Resource Area.

Applicant's representative Warwick & Associates, Inc. requested a continuance. Proposed project continued to 8/18/11.

Request to Amend Order of Condition

1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: J.E. Landers-Cauley, PE

Project Address: 23 Quamhasset Road, Buzzards Bay
Proposed Project: Amend OOC to relocated pedestrian lateral access within an AE Flood Zone and within a Wetland Resource Area

J.E. Landers-Cauley, PE representing. Looking to change lateral access from the ends of the lot to immediately beside the dock. This is a liability issue. Brendan Mullaney stated the Board should recall this was the project where a former dock was rebuilt into two (2) docks. In his opinion, any change with the approved plan needs to be formally reviewed and approved by the Conservation Commission due to the history of the project. No concerns with the changes. Commission member Susan Weston questioned if other docks were near property. Pictures supplied by applicant's representative depict another dock from another property in place.

Susan Weston moved and was seconded by Betsy Kiebala to close public hearing with a unanimous vote.

On a motion by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to grant the Amendment. Brendan Mullaney stated this amends the existing order and that the Order of Conditions is valid until September 2012.

Other Business

Vote – Excuse Absent Members, if necessary

On a vote by Susan Weston moved and seconded by Betsy Kiebala, the Commission unanimously voted to excuse absent members Co-Vice Chairman Robert Palumbo, Co-Vice Chairman Paul Lelito, Martha Craig-Rheinhardt, Alternate Member Thomas Ligor.

Approval of Minutes – June 16, 2011

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to approve the draft minutes as final.

Reorganization of Commission (Possible vote)

The matter is tabled to when more members are present

Bassetts Island – Request for use of Conservation/Beach area for “Family Campout” (Request by William Mansfield, 7/29/11 – 7/30/11, Possible Vote)

Request withdrawn by applicant.

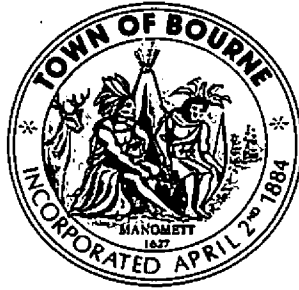
Review draft letter to MA DEP regarding Emergency Certifications (Possible Vote)

Commission unanimously agreed to send letter as written by Brendan Mullaney, will be signed at next meeting when more members are present

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Meeting adjourned at 7:55 P.M.

Respectfully submitted,

Lisa Groezinger, sec.



CONSERVATION COMMISSION AGENDA

Thursday, August 4, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Frank & Kathleen Robey **File Number:** CC11-50
Representative: SAME
Project Address: 31 Buttermilk Way, Buzzards Bay
Proposed Project: Install natural gas line and rebuild patio / deck within a VE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Joseph & Pamela Palumbo **DEP File Number:** SE7-1785
Representative: Holmes & McGrath, Inc.
Project Address: 61 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including attached garage, porches, decks, patio, driveway reconfiguration, drainage, drywells, utilities, and all associated excavation, grading, and landscaping within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Alan Quaglieri **DEP File Number:** SE7-
Representative: Evan Wilmarth, Dover Land Surveying
Project Address: 43 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including installation of septic system, landscaping, grading, utilities, and associated appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area and repair existing licensed groin and reconfigure existing licensed dock within a VE Flood Zone and within a Wetland Resource Area

TOWN CLERK'S OFFICE
BOURNE, MASS.

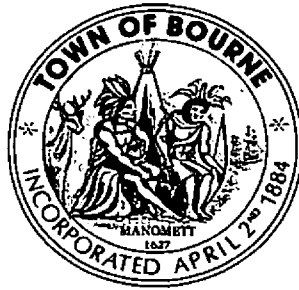
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Certificates of Compliance:

1) **Applicant:** Jay Kevin Ross **DEP File Number:** SE7- 1582
 Representative: Jay Chapin
 Project Address: 4 Chickadee Lane, Pocasset
 Proposed Project: Construct a new single family dwelling, Title V septic, and associated utilities,
grading and appurtenances within an AE flood zone

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – July 7, 2011
- ▶ Reorganization of Commission (Possible vote)
- ▶ Violation – unpermitted installation of concrete anchor along Scraggy Neck Causeway – (Possible Vote and issuance of Enforcement Order)
- ▶ Sign draft letter to MA DEP regarding Emergency Certifications (Possible Vote)
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



CONSERVATION COMMISSION AGENDA (Amended)

Thursday, August 4, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Frank & Kathleen Robey **File Number:** CC11-50
Representative: SAME
Project Address: 31 Buttermilk Way, Buzzards Bay
Proposed Project: Install natural gas line and rebuild patio / deck within a VE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Joseph & Pamela Palumbo **DEP File Number:** SE7-1785
Representative: Holmes & McGrath, Inc.
Project Address: 61 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including attached garage, porches, decks, patio, driveway reconfiguration, drainage, drywells, utilities, and all associated excavation, grading, and landscaping within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Alan Quaglieri **DEP File Number:** SE7-
Representative: Evan Wilmarth, Dover Land Surveying
Project Address: 43 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including installation of septic system, landscaping, grading, utilities, and associated appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area and repair existing licensed groin and reconfigure existing licensed dock within a VE Flood Zone and within a Wetland Resource Area

TOWN CLERK'S OFFICE
BOURNE, MASS.

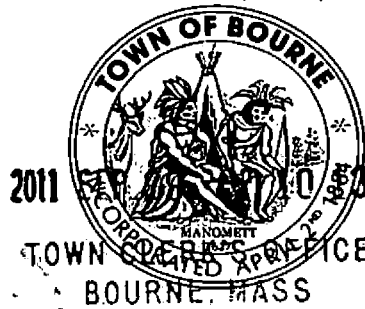
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Certificates of Compliance:

1) **Applicant:** Jay Kevin Ross **DEP File Number:** SE7- 1582
 Representative: Jay Chapin
 Project Address: 4 Chickadee Lane, Pocasset
 Proposed Project: Construct a new single family dwelling, Title V septic, and associated utilities,
grading and appurtenances within an AE flood zone

Other Business

- ▶ Violation – 94 Lake Drive, excavation, grading, landscaping, and construction of stone retaining walls adjacent to Picture Lake (Flax Pond) – (Possible Vote and issuance of Enforcement Order)
- ▶ Violation – Scraggy Neck Causeway, installation of concrete anchor within Coastal Dune / Barrier Beach – (Possible Vote and issuance of Enforcement Order)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – July 7, 2011
- ▶ Reorganization of Commission (Possible vote)
- ▶ Sign draft letter to MA DEP regarding Emergency Certifications (Possible Vote)
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



CONSERVATION COMMISSION MINUTES

Thursday, August 4, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Robert Palumbo, Peter Holmes, Betsy Kiebala, Rob Palumbo, Martha Craig-Rheinhardt, Alternate Member Thomas Ligor

Excused Absence: Co-Vice, Chairman Paul Lelito, Susan Weston

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Jim Mulvey, Paul Gately, Diana Barth

** Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Frank & Kathleen Robey **File Number:** CC11-50
Representative: SAME
Project Address: 31 Buttermilk Way, Buzzards Bay
Proposed Project: Install natural gas line and rebuild patio / deck within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Applicant not present, but all green mailing cards returned. Brendan Mullaney described proposed project and stated no concerns. No further Board questions, no public comment.

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Joseph & Pamela Palumbo **DEP File Number:** SE7-1785
Representative: Holmes & McGrath, Inc.
Project Address: 61 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including attached garage, porches, decks, patio, driveway reconfiguration, drainage, drywells, utilities, and

all associated excavation, grading, and landscaping within 100 feet of a Wetland Resource Area

Robert Palumbo stepping down from discussion and vote.

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Joel Kubick, Holmes & McGrath, Inc. representing: Applicant seeking to construct garage, new single-family house, and access driveway (stabilized gravel). Title V septic staying where it is, off the street line. Gazebo will remain. Retaining wall with terrace area will be removed.

Betsy Kiebala questioned the 80 foot limit line. Brendan Mullaney explained that recent filings on this property include new septic system, stone wall that is in the process of being rebuilt and a gazebo. This is a standard raze and rebuild, with some lateral expansion in terms of footprint. Structure is not moving closer to Resource Area than currently exists. Patio will replace gazebo and wall, which will be 20 feet to the east, a little different, but not closer to the water, just towards the property line on the side. There is also a secondary coastal on the bank due to topography. Chairman Gray asked if the Board has enough information to close the Hearing. No further Board questions, no public comment.

Betsy Kiebala motioned and seconded by Martha Craig-Rheinhardt to close public hearing, unanimous vote.

Draft order – B. Mullaney said Chapter 91 license requirement was noted on the DEP file letter. Representative will discuss with the company.

Brendan Mullaney stated all general conditions.

On a motion made by Martha Craig-Rheinhardt and seconded by Betsy Kiebala, the Commission unanimously voted to finalize notice of intent.

- 2) **Applicant:** Alan Quaglieri **DEP File Number:** SE7-
 Representative: Evan Wilmarth, Dover Land Surveying
 Project Address: 43 Harbor Drive, Pocasset
 Proposed Project: Raze and rebuild existing single family dwelling including installation of septic system, landscaping, grading, utilities, and associated appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area and repair existing licensed groin and reconfigure existing licensed dock within a VE Flood Zone and within a Wetland Resource Area

No file # at this time.

Evan Wilmarth Representing: Existing house has a failed Title V system in backyard. Looking to add a paved driveway and there will be lawn going to a beach line. The concrete walk is broken near groin. Part of the project is to repair and replace rocks on the groin. Looking to shift house to conform to setbacks and maintain same footprint. Decreasing surface area by diminishing width of driveway, making it an all seashell driveway. One issue owner addressed was that the patio was not listed in original plans. The pool needs to be re-grouted and current patio will be removed and replaced. Installing and moving a new septic near the street.

Betsy Kiebala asked if the concrete patio will be the same size. It will be widened on the house side by approximately 5 feet.

Robert Palumbo asked about the addition of a catch basin for the low point of all water and water issues at the end of the driveway. Existing catch basin on the street, previous owner buried it. Current catch basin is on a private road, making it a private catch basin (buried two feet deep). To address water issues, he plans to make a crest in the middle of yard and water quality swales to assist with drainage. He also asked applicant to discuss with Association looking into a better solution for applicant. There is no flow through the pipe at the present time.

Mr. Wilmarth said the catch basin and existing 8-inch pipe running down the property is not actually on the property but does come back on. The catch basin is not on actual property. There is an existing swale now and will run through the seashells instead of an asphalt driveway.

Brendan Mullaney discussed the upgrade of septic would be an improvement, the house being in same footprint, but not proposed being closer to the 50 foot Wetland setback line. No coastal bank on property because of the gentle slope. House itself and work appears to be fine. Other component is the tip of the jetty is in very bad shape, but the rest is not as bad. The structure is licensed now; the float comes in towards the property and probably no water at low tide. DEP was contacted regarding amending license to rotate float. Dave Hill (DEP Waterways) felt this change would be more than can be done under an amendment. He suggested Commission approval and then re-license the portion of the structure. Jetty amendment would be an improvement for navigation of boat and the land under the boat. Existing pool on site and work will need to be done, but staying in place.

Martha Craig-Rheinhardt questioned the size of the float 5x15. It will be amended to an 8x20 float. Brendan Mullaney said this would require a re-license of said float, jetty will remain under existing license, but float will need to be relicensed. This is a seasonal float.

Paul Lelito asked how applicant would repair the groin. Applicant stated he would bring an excavator to reach around the area which would be about a 5- hour job. No heavy equipment will be moved onto the rocks. The rocks are big enough to stay in place.

Martha Craig-Rheinhardt inquired about the float increase with regards to the current bylaw as it is licensed and existing. Brendan Mullaney said any new float or change shall be for seasonal use only. No further questions by Board or the public.

Bob Gray said hearing to be continued as there is no DEP file number issued at this time. This hearing will be continued to 8/18/11 at 7:15 pm.

Certificates of Compliance:

- | | | | |
|----|---------------------------------|---|--|
| 1) | <u>Applicant:</u> | Jay Kevin Ross | <u>DEP File Number:</u> SE7- 1582 |
| | <u>Representative:</u> | Jay Chapin | |
| | <u>Project Address:</u> | 4 Chickadee Lane, Pocasset | |
| | <u>Proposed Project:</u> | Construct a new single family dwelling, Title V septic, and associated utilities, grading and appurtenances within an AE flood zone | |

Brendan Mullaney did a site visit and recommends granting compliance

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to grant certificate of compliance.

Other Business

► Violation – 94 Lake Drive, excavation, grading, landscaping, and construction of stone retaining walls adjacent to Picture Lake (Flax Pond) – (Possible Vote and issuance of Enforcement Order)

Brendan Mullaney showed the Commission photographs he took after receiving a registered complaint. No erosion controls. Large landscaping project right up to the edge of Picture Lake. No permit for the job. Issued a cease and desist order to contractor. Contractor complied. Applicants hired a local contractor who told them they did not require a permit for landscape work. He leaves to the Commission for their discretion.

Owners present, not contractor (Bentley Tree & Landscape out of Falmouth. Richard Bentley was who Brendan Mullaney spoke to). Bob Gray asked applicant if other work on the property was done. Applicant said project is primarily a safety concern with regard to retaining walls. House was built in 1970. Applicant comes to property seasonally. Landscaper hired to replace walls and replace with large boulders. Applicant plans to keep property and improve. Safety and erosion are applicant's top concerns.

Bob Gray said he is surprised the landscaper is from the Town of Falmouth and does not know permitting responsibilities.

Brendan Mullaney said the work is well beyond what could have been approved under the Landscape Policy, but property needs to be repaired and rectified. Options are to allow going forward and filing permit after the fact; issuing enforcement order and instruct in a way the Commission sees fit; or file permit on a regular time scale and do work once reviewed.

Bob Gray recommends moving forward with enforcement order to allow work to continue so that site becomes fully stabilized. Leave erosion control barriers in place and prepare application. All work in the buffer zone. Material in Lake was picked up. Request for determination to be processed and get site stabilized.

Betsy Kiebala asked about site vegetation. There were weeds, but applicant will put down sod with plantings once walls installed.

Robert Palumbo asked from most pondward wall, what the distance from the water is. Brendan Mullaney said about 20-30 feet to the pond. As part of the plan, need to add good, healthy vegetation between wall and lake. (Applicant asked about putting sand in area next to pond, which would be a separate permit). Current issue is to get enforcement order to allow work crew back on site, and applicant can begin the process application.

Jim Mulvey asked if the landscaper's penalty. Brendan Mullaney said the Commission can only enforce a violation upon the homeowners, not the contractors.

Martha Craig-Rheinhardt recommends reviewing a planting plan with application when comes back to the Commission for review. Brendan Mullaney can get the enforcement moving.

Brendan Mullaney has enforcement order ready to go. No further questions by the Board.

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to issue enforcement order.

Brendan Mullaney will work with applicant and contractor specifying what they need to do as far as stabilization and what steps need to be done to bring site into compliance.

► Violation – Scraggy Neck Causeway, installation of concrete anchor within Coastal Dune / Barrier Beach – (Possible Vote and issuance of Enforcement Order)

Bob Gray said violation occurred on Association property. Brendan Mullaney gave background, site needs to be brought into compliance. Received a call about a hidden mooring block structure on dike, given instructions to find, small concrete block covered with seaweed on north side of dike going to Scraggy Neck just before new work done where roadway started to erode. This is a coastal dune and is under wetlands restriction. Brendan Mullaney contacted the Association regarding this matter. There was a court case involving a dinghy stored on the property between a home owner and Association. Homeowner won prescriptive easement and it was determined they had the right to place something they claimed had been there for 43 years.

Structure still in place, but needs to be either be removed, moved, or taken out and replaced with something that is in compliance in the area. Brendan Mullaney recommends as a simple solution to have eye bolt drilled and epoxied into existing stones and remove the concrete block. He defers to the Board.

John and Joe Lambert, property owners who installed the block: Scraggy Neck Association determined the place to put said block to replace what was originally there, which was a cement block that had been there since 1950 (Bob Gray notes this would pre-date the regulations).

Pam Pollock, representing the Association, says the Association agreed to settle due to being a volunteer board and not wanting to pay large court costs. As part of the settlement, the Lamberts were responsible for any permitting.

Bob Gray asked why the Lamberts didn't obtain a permit. Joe Lambert said they couldn't apply for permits as they didn't own the land. They simply used concrete block to secure rowboat as it has been stolen in the past. Lamberts had settled with the Association on repair and restoration of the anchor. They met with the Association on the dyke to determine the new location, and as a result of meeting at the Causeway moving forward, the Association chose the spot and Lamberts agreed to location.

Location was agreed upon by Lamberts and representatives, but Association would like input as well. Location of anchor block is something the Association cannot allow to stay in place. Bob Gray asked both parties to agree upon a rock where an eye bolt can be placed, come back before the Board in two (2) weeks, mark on a photograph and part of enforcement order will be to have block removed and eye bolt placed in the rock. Brendan Mullaney thinks this can be done without a permit and the Commission does not have to be involved anymore.

Representatives from each party discussed which rock to place eye bolt. Association not opposed to placing eye bolt into rock applicant suggested.

Enforcement will only include removal and restoration of area disturbed. Brendan Mullaney said sledgehammer would break up anchor and can be removed by hand (no equipment coming over the dune). Removal is between applicant and Association.

Bob Gray asked applicant about location of where material can be disposed and Joe said Lambert family will dispose and take responsibility. Brendan Mullaney said it was hard to tell dune vegetation disturbed but anchor covered with seaweed, applicant said no vegetation was removed.

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to issue the Enforcement Order enforcement order.

▶ Vote – Excuse Absent Members, if necessary

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to excuse Paul Lelito and Susan Weston.

▶ Approval of Minutes – July 7, 2011

On a motion made by Martha Craig-Rheinhardt and seconded by Robert Palumbo to approve of minutes of 7/7/11 as submitted, the Commission voted 4-0-1 (abstention Betsy Kiebala).

▶ Reorganization of Commission (Possible vote)

Board to postpone to September when have a full board. Bob Gray suggested moving reorganization of Commission to the month of May moving forward.

▶ Sign draft letter to MA DEP regarding Emergency Certifications (Possible Vote)

On a motion made by Betsy Kiebala and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to approve letter to MA DEP regarding Emergency Certifications. Board members signed said letter.

▶ Any other business that may legally come before the Commission

Peter Holmes asked about property on Herring Pond. Brendan Mullaney said Open Space is pursuing and wanted to finish up work at Buttermilk Bay Woods (Henshaw property).

▶ Report of the Conservation Agent

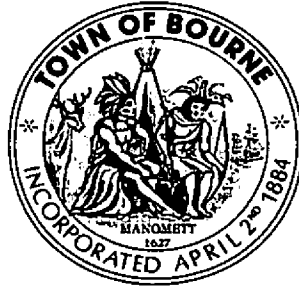
▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Robert Palumbo and seconded by Martha Craig-Rheinhardt, the Commission unanimously voted to adjourn the meeting. Meeting adjourned at 8:18 P.M.

Respectfully submitted,

Lisa Groezinger, sec.



CONSERVATION COMMISSION AGENDA

Thursday, August 18, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Gary Bacchiocchi **File Number:** CC11-51
Representative: SAME
Project Address: 134 Main Street, Buzzards Bay
Proposed Project: Install natural gas lines to three buildings within an AE Flood Zone

- 2) **Applicant:** Earl Mayhofer, Jr. **File Number:** CC11-52
Representative: SAME
Project Address: 154 Puritan Road, Buzzards Bay
Proposed Project: Rebuild front landing and steps and remove and replace shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Roderick O'Flaherty **File Number:** CC11-53
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Parcel 89, Bassetts Island
Proposed Project: Construct two dry laid stone patios within 100 feet of a Wetland Resource Area

- 4) **Applicant:** George Towers **File Number:** CC11-54
Representative: Barbara Frappier; Warwick & Associates, Inc.
Project Address: 396 Barlow's Landing Road
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone

- 5) **Applicant:** Jonathan & Susan Billings **File Number:** CC11-55
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 47 Wianno Road, Mashnee Island
Proposed Project: Construct an 8' by 12' addition within AE and VE Flood Zones

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6) **Applicant:** Patricia C. Thoma et als Trust **File Number:** CC11-56
Representative: Shawn MacInnes, P.E.
Project Address: 829 Shore Road, Pocasset
Proposed Project: Upgrade / repair septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area

7) **Applicant:** Doreen Shea **File Number:** CC11-57
Representative: SAME
Project Address: 66 Megansett Road, Cataumet
Proposed Project: Repair existing stone sea wall within a VE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) **Notices of Intent:**

1) **Applicant:** Kenneth Legg **DEP File Number:** SE7-
Representative: Timothy Brady, East Cape Engineering, Inc.
Project Address: 0-C Emmons Road, Monument Beach
Proposed Project: Reconstruct existing licensed stone revetment within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

2) **Applicant:** Alan Quaglieri **DEP File Number:** SE7-
Representative: Evan Wilmarth, Dover Land Surveying
Project Address: 43 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling including installation of septic system, landscaping, grading, utilities, and associated appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area and repair existing licensed groin and reconfigure existing licensed dock within a VE Flood Zone and within a Wetland Resource Area
(Continued from 8/4/2011)

3) **Applicant:** Anne (Maher) Talley **DEP File Number:** SE7-1784
Representative: Warwick & Associates, Inc.
Project Address: 594 Circuit Avenue, Pocasset
Proposed Project: Install a seasonal wooden pile supported dock, ramp, & float within an AE Flood Zone and within a Wetland Resource Area
(Continued from 7/21/2011)

Certificates of Compliance:

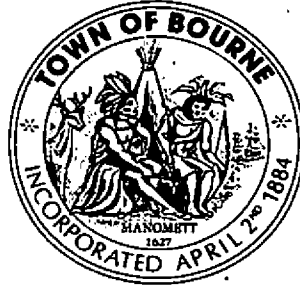
- 1) **Applicant:** Joseph & Patricia Tarantino **DEP File Number:** SE7- 1698
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 35 Benedict Road, Gray Gables
Proposed Project: Construct a concrete patio, install native shrubs, and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Clark Fisher **DEP File Number:** SE7- 1234
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 16 Fisher Lane, Sagamore Beach
Proposed Project: Construct an addition to an existing dwelling within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – July 21, 2011
- ▶ Reorganization of Commission (Possible vote)

- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, August 18, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members Present: Chairman Bob Gray, Co-Vice Chairman Paul Lelito, Susan Weston, Betsy Kiebala

Excused Absence: Peter Holmes, Robert Palumbo, Martha Craig-Rheinhardt, Alternate Member Thomas Ligor

Call to Order: Chairman Robert Gray called the meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public Present: Barbara Frappier, Doreen Shea, Earl Mayhofer, Richard Menkello, Joanne Menkello, Evan Wilmarth, Alan Quaglieri, Paul Gately, Shawn MacInnes, Jim Mulvey, Tim Brady, John Chuckran, Diana Barth

** Note: Chairman Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting they are free to do so however it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting**

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Gary Bacchiocchi **File Number:** CC11-51
Representative: SAME
Project Address: 134 Main Street, Buzzards Bay
Proposed Project: Install natural gas lines to three buildings within an AE Flood Zone
(Hearing Under State Act Only)

Brendan states that Mr. Bacchiocchi had a conflict this evening and that he turned in all abutter notifications prior to the meeting. He states that the project is for the installation of natural gas service into three buildings at G&S Marine on Main Street. Project is in the Flood Zone only and no concerns with the project.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 2) **Applicant:** Earl Mayhofer, Jr. **File Number:** CC11-52
Representative: SAME
Project Address: 154 Puritan Road, Buzzards Bay

Proposed Project: Rebuild front landing and steps and remove and replace shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Earl Mayhofer representing: The project consists of the removal of the bricks and steps at the front entrance to the house and replacing them with a new deck and landing. It will be slightly larger than what is currently there. The bricks have become deteriorated over the years. Also, at some point I would like to replace the shed and make it larger. It will be shifted so that it meets the required 12 foot property line setback.

Brendan shows pictures and aerials to the Commission. He states this is a project on Bumps Pond, the lot is developed and the proposed work will not encroach any closer to the Wetland Resource Areas than currently exists. No concerns with the project.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 3) **Applicant:** Roderick O'Flaherty **File Number:** CC11-53
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Parcel 89, Bassetts Island
Proposed Project: Construct two dry laid stone patios within 100 feet of a Wetland Resource Area

Barbara Frappier representing: This project consists of two dry laid stone patios that the O'Flaherty's would like to construct adjacent to an existing deck on the property. They rent the home out and have concerns about the large amount of grilling that takes place on the lawn area and think stone patios would be a safer option.

Brendan states this is on the northern tip of Bassetts Island and this is a straightforward project. It could have possibly been accomplished under the Landscaping Policy, but the Request was brought forth and thus is in front of the Commission. He states that the O'Flaherty's have taken great care of the property in the past and he has no concerns with the project.

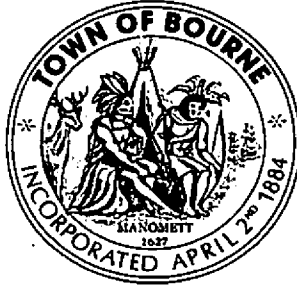
On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Three Determination.

- 4) **Applicant:** George Towers **File Number:** CC11-54
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 396 Barlow's Landing Road
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)

Barbara Frappier representing: this is an upgrade of a septic system within the Flood Zone only.

Brendan states this is a simple project, there are no other jurisdictional Resource Areas within 100 feet of the project and that it will be an improvement over existing conditions.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, September 1, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Maureen Dunn **File Number:** CC11-58
Representative: SAME
Project Address: 14 Wright Lane, Buzzards Bay
Proposed Project: Rebuild existing deck and install fence within a VE Flood Zone

- 2) **Applicant:** Joseph Fabbriotti **File Number:** CC11-59
Representative: SAME
Project Address: 87 Eel Pond Road, Monument Beach
Proposed Project: Install natural gas line within an AE Flood zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Robert Conners **File Number:** CC11-60
Representative: Daniel DuBerger
Project Address: 14 Alona Avenue, Monument Beach
Proposed Project: Remove and replace existing deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Richard Dragoni **File Number:** CC11-61
Representative: Daniel DuBerger
Project Address: 75 Jefferson Road, Gray Gables
Proposed Project: Raze and rebuild existing detached building within an AE Flood Zone
(Hearing Under State Act Only)

- 5) **Applicant:** Kathryn Hanson **File Number:** CC11-62
Representative: Collins Civil Engineering Group, Inc.
Project Address: 50 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Upgrade septic system and construct front porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 6) **Applicant:** Khoren & Dorien Keusseyan **File Number:** CC11-63
Representative: SAME
Project Address: 94 Lake Drive, Pocasset
Proposed Project: Landscape property including construction of stone walls, regarding, and planting within 100 feet of a Wetland Resource Area
(After-the-fact Filing)
- 7) **Applicant:** Town of Bourne **File Number:** CC11-64
Representative: Brendan Mullaney
Project Address: Along Shore Road (Pocasset River Bridge)
Proposed Project: Perform structural steel repairs within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) **Notices of Intent:**

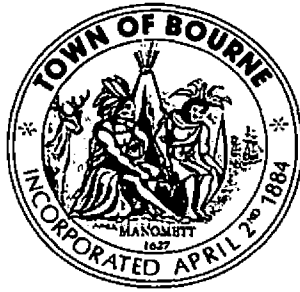
- 1) **Applicant:** Kenneth Legg **DEP File Number:** SE7-1786
Representative: Timothy Brady, East Cape Engineering, Inc.
Project Address: 0-C Emmons Road, Monument Beach
Proposed Project: Reconstruct existing licensed stone revetment within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from 8/18/2011)

Certificates of Compliance:

- 1) **Applicant:** Mass. Maritime Academy **DEP File Number:** SE7- 1737
Representative: William Maher, Nitsch Engineering, Inc.
Project Address: 101 Academy Dr, Buzzards Bay
Proposed Project: Construct a new library building and associated appurtenances within an AE Flood Zone and within 100' of a Wetland Resource Area.

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – August 4, 2011
- ▶ Reorganization of Commission (Possible vote)
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2011 NOV 10 PM 3 06
TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, September 1, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Peter Holmes, Betsy Kiebala, Co-Vice Chairman Rob Palumbo, Susan Weston, Alternate member Thomas Ligor

Excused Absence: Co-Vice Chairman Paul Lelito, Martha Craig Rheinhardt

Staff: Brendan Mullaney, Conservation Agent

Call to Order: Co-Vice Chairman Rob Palumbo called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Public present: Jim Mulvey, Paul Gately – Bourne Courier, Maureen Dunn, Neil Langille, Khoren & Dorien Kusseyan, George Collins, Sonya Davis, William Maher, Dan DuBerger

Note: Co-Vice Chairman Palumbo addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00 Requests for Determination of Applicability:

1) Applicant: Maureen Dunn

File No. CC11-58

Project Address: 14 Wright Lane Buzzards Bay

Proposed project: Rebuild existing deck and install fence within a VE Flood Zone

Mr. Dunn representing: Looking to build an open 16x16 deck at the back of the house. Sono tubes will be hand dug.

Brendan Mullaney stated property is located at Taylor's Point in a flood zone only. There are no other jurisdictional resource areas within 100 feet of the proposed project and no other concerns with said project. No further Board questions, no public comment.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the Commission unanimously voted to approve the project under a Negative Two Determination.

2) Applicant: Joseph Fabbricotti

File No. CC11-59

Representative: same

Project Address: 87 Eel Pond Rd., Monument Beach

Proposed Project: Install natural gas line within an AE Flood zone and within 100 feet of a Wetland Resource Area.

Representative: Mr. Fabbriotti : Looking to convert from oil to gas, running pipes alongside the driveway.

Brendan Mullaney stated property at Eel Pond is within 100 feet, minimal intrusion and no concerns with project. No further Board questions, no public comment.

On a motion made by Peter Holmes and seconded by Betsy Keibala, the Commission unanimously voted to approve the project under a Negative Two Determination.

3) Applicant: Robert Conners

File No. CC11-60

Representative: Daniel DuBerger

Project Address: 14 Alona Ave., Monument Beach

Proposed Project: Remove and replace existing deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Daniel DuBerger representing. Existing deck is rotted and would like to replace deck with same footprint, stairs remain the same, footings made of sono tubes which will be hand dug. Aerial pictures shown to the Board.

Brendan Mullaney stated that closest resource area to project is a coastal dune which is approximately 80 feet away. Project will have no impact on resource area. Basically a simple deck replacement and no additional concerns with project. No further Board questions, no public comment.

On a motion made Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative Two Determination.

4) Applicant: Richard Dragoni

File No. CC11-61

Representative: same

Project Address: 75 Jefferson Rd., Gray Gables

Proposed Project: Raze and rebuild existing detached building within an AE Flood Zone (Hearing under State Act Only)

Mr. Dragoni representing: Seeking to rebuild a small detached building that is deteriorated and rotted out. Replace with new 30'x12' building. Footings will be hand dug. Current building has a long narrow shape and we want to keep same square footage and streamline building.

Brendan Mullaney stated building is within an AE flood zone. This is basically a rebuild of a large shed in the Gray Gables area. No concerns with project. No further Board questions, no public comment.

On a motion made by Betsy Keibala and seconded by Peter Holmes, the Commission voted to approve the project under a Negative Two Determination. One abstention from Bob Gray.

(Bob Gray arrived at meeting at 7:13 pm)

5) Applicant: Kathryn Hanson

File No. CC11-62

Representative: Collins Civil Engineering Group, Inc.

Project Address: 50 Rip Van Winkle Way, Buzzards Bay

Proposed Project: Upgrade septic system and construct front porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

George Collins representing: Looking to repair septic and to construct a new open porch on the west side of Rip Van Winkle Way. Cohasset Narrows, Buttermilk Bay are to the west. Topical coastal bank and abutters depicted on map as well as property lines. Currently has a failed septic system and are replacing with new Title V. Some renovations on house will be converting from a 4-bedrooms to a 3-bedroom, reducing nitrogen loading. At the rear of house proposing an open deck with hand dug sonotubes. Work should take 4-5 business days. Landscaped with loam and seed immediately upon completion of project.

Brendan Mullaney said project was straight forward. Only issue with regard to the wetland lines, there appears to be a Coastal Bank on the property based on topography that is not delineated on the plan. For clarity, he asked Mr. Collins to provide a revised plan after the fact referencing the top of the bank (elevation approximately 13 associated with the beach area) and showing the setbacks. Overall, new septic will be an improvement for the area.

Susan Weston asked what year is stamped on the assessors map. Applicant said it was 1945. Peter Holmes asked about existing leaching pits. Mr. Collins will remove soil and fill with sand or flowable fill to eliminate the void. No further Board questions, no public comment.

On a motion made by Bob Gray and seconded by Betsy Keibala, the Commission voted unanimously to approve the project under a Negative Two Determination.

6) Applicant: Khoren & Dorien Keusseyan

File No. CC11-63

Representative: Same

Project Address: 94 Lake Dr., Pocasset

Proposed Project: Landscape property including construction of stone walls, regarding and planting within 100 feet of a Wetland Resource Area (After-the-fact Filing)

Ms. Keusseyan representing: Applicant worked with Conservation Agent. Walls and planting were put in place. Brendan Mullaney showed arials and pictures of completed landscape project to the Board.

Brendan Mullaney stated this project was the result of an Enforcement Order given for unpermitted work adjacent to Picture Lake. The first meeting was in August. He said the Order requested homeowners to complete the project to minimize erosion and install plantings near the pond. Sand and seashells were installed in the vicinity in accordance with plans provided by landscaper.

Ms. Keusseyan inquired about removing one tree as discussed with Brendan Mullaney who stated that is not a problem. She further stated that no erosion occurred with hurricane Irene and added that material from the shells to the pond is natural.

Alternate Thomas Ligor asked if areas with sand will remain sand, Ms. Keusseyan answered they will. He further asked about once the erosion fence is removed if there will be an issue. Brendan Mullaney said the sand and seashells don't require fertilizer and will infiltrate some of the water. No further Board questions. Ms. Dawn McNally and Ms. Sonya Davis, direct abutters, had original concerns with seashells with regard to heavy rain coming onto their property. Jim Mulvey asked if landscaper was informed of the permitting process. Brendan Mullaney suggested applicant could contact the Better Business Bureau. No further public comments.

On a motion made by Peter Holmes and seconded by Bob Gray, the Commission unanimously voted to approve project under a Negative Three determination.

7) Applicant: Town of Bourne

File No. CC11-64

Representative: Brendan Mullaney

Project Address: Along Shore Rd., Pocasset (Pocasset River Bridge)

Proposed project: Perform structural steel repairs within an AE Flood Zone and within 100 feet of Wetland Resource Area

Brendan Mullaney representing: All direct abutters and Shore Road residents within the vicinity were notified. Technically project doesn't need a filing, but it is in the best interest of the Town to file. The State recently down graded the acceptable weight limit on the bridge going over Pocasset River. The Town hired an engineering company to come up with some options. The Town opted to repair the structural steel and stringers under the bridge. No work done to the abutments or anything on the ground or within the river. There will be reinforcement of beams as the steel has become corroded. This project will be accomplished by staging at the Pocasset Marina. Steel will be lifted by boom truck. Boom truck will be brought to bridge. A winch will be put into place and the new steel supports will be welded or bolted into place. Specifications are available.

Alternate Thomas Ligor asked if project includes raising the railing. Brendan Mullaney said only working underneath the bridge. Steel will come prefinished and minimal painting will occur. Work is scheduled tentatively to begin October 1, but maybe be the end of October early November depending on availability of steel. No further Board questions. Paul Gately, Bourne Courier asked who the contractor is. Contractor is Lawrence Lynch who went through a bid process. Mr. Richard Churchill is the site engineer for Lawrence Lynch. Pare Corporation is the Town's engineering company. No further public comment.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two determination.

7:15 Notices of Intent:

1) Applicant: Kenneth Legg

DEP File No. SE7- 1786

Representative: Timothy Brady, East Cape Engineering, Inc.

Project Address: 0-C Emmons Rd, Monument Beach -

Proposed project: Reconstruct existing licensed stone revetment within a VE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area (Continued from 8/18/2011).

Brendan Mullaney said repair was just over the Emmons bridge next to the Monument Beach marina. Stone revetment is approximately 560 feet long. Repaired in the licensed footprint. Project was mostly piles of stone and reviewed last meeting, which was pending comment from Natural Heritage and Bourne DNR. Natural Heritage stated that based upon review of project, it will not adversely affect and will not result in a prohibited take. DNR stated as long work is performed away from the roadway, no concerns with shellfish resources from the area.

On a vote made by Bob Gray and seconded by Susan Weston, the Commission voted to close hearing. One abstention from Peter Holmes.

Brendan Mullaney read conditions: All General conditions, special conditions pursuant to MGL 131.40 numbers 1,2,3 and 9-13, 16-24 and special conditions pursuant to bylaw 7,8,9, special conditions 20,24 listed in perpetuity. He can add additional conditions per the Board. All work will be done on wall by hand. No further Board questions and no public comment.

On a motion made by Betsy Keibala and seconded by Bob Gray, the Commission voted to approve Notice of Intent. Abstentions from Peter Holmes and Rob Palumbo.

Certificates of Compliance:

1) Applicant: Mass Maritime Academy,

DEP File No. SE7-1737

Representative: William Maher, Nitsch Engineering, Inc.

Project Address: 101 Academy Dr., Buzzards Bay

Proposed Project: Construct a new library building and associated appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Bill Maher representing: Received order of conditions in 2009. Having a grand opening of the building and looking for a Certificate of Compliance. Brendan Mullaney made a site visit and determined said project is in compliance. No further Board questions and no public comment.

On a motion by Bob Gray and seconded by Betsy Keibala, the Commission voted to unanimously to approve Certificate of Compliance.

Other Business:

Vote - Excuse Absent Members, if necessary.

On a motion made by Susan Weston and seconded by Peter Holmes, the Commission unanimously voted to excuse absent members Co-Vice Chairman Paul Lelito, Martha Craig Rheinhardt.

Approval of Minutes - August 4, 2011

On a motion made by Peter Holmes and seconded by Betsy Kielbala, the Commission voted to approve draft minutes as final. Abstention from Susan Weston.

Reorganization of Commission (Possible Vote)
Tabled until next meeting, October 6, 2011.

Any other business that may legally come before the Commission

Report of the Conservation Agent

Hurricane Irene. The Town held up quite well. Bob Gray said the State issued emergency regulations and are in effect. Brendan Mullaney added that regulations are in effect through September 27, if residents utilize these provisions the work must be completed by October 27, regulations are for storm related issues only. Due to the emergency nature caused by Irene, he changed the location of tonight's meeting to the Veteran's Community Building for tonight only and was able to reach all Board members and all applicants and representatives.

Questions and Answers re: MGL Chapter 131, Section 40 and 310 CMR 10.00-10.99

Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Bob Gray and seconded by Susan Weston, the Commission unanimously voted to endorse Conservation Agent's actions due to the emergency circumstances for tonight's new meeting place and contacting all parties involved.

On a motion made by Peter Holmes and seconded by Susan Weston, the Commission unanimously voted to adjourn the meeting. Meeting adjourned at 7:50 PM.

Respectfully submitted,
Lisa Groezinger, sec.



TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA

Thursday, October 6, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Leonidha & Aida Sevi **File Number:** CC11-65
Representative: Thomas Roux
Project Address: 8 Scraggy Neck Road Extension, Cataumet
Proposed Project: Install new Title V septic system, including grading and landscaping, within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Brett Ellis **File Number:** CC11-66
Representative: SAME
Project Address: 56 Rope Walk, Mashnee Island
Proposed Project: Replace existing failed septic system with new Title V system, including grading and landscaping, within a VE Flood Zone

- 3) **Applicant:** Brett Ellis **File Number:** CC11-67
Representative: SAME
Project Address: 322 Circuit Avenue, Pocasset
Proposed Project: Replace existing cesspool with new Title V system, including grading and landscaping, within an AE Flood Zone
(Hearing Under State Act Only)

- 4) **Applicant:** Brett Ellis **File Number:** CC11-68
Representative: SAME
Project Address: 9 Penobscot Avenue, Pocasset
Proposed Project: Replace existing cesspool with new Title V system, including grading and landscaping, within an AE Flood Zone
(Hearing Under State Act Only)

- 5) **Applicant:** Town of Bourne **File Number:** CC11-69
Representative: Brendan Mullaney
Project Address: Along Main Street, Buzzards Bay
Proposed Project: Perform streetscape improvements, including construction of concrete sidewalks and crosswalks, reconfiguration of pavement, installation of benches, streetlights and trash receptacles, including all landscaping, grading, and associated appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Ricardo & Jill Adrogue **DEP File Number:** SE7-1788
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 45 Harbor Drive, Pocasset
Proposed Project: Raze and rebuild existing single family dwelling, including new Title V septic system with enhanced denitrification, utilities, landscaping, and other appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** James McIntyre **DEP File Number:** SE7-1789
Representative: Matthew Costa, Christopher Costa & Associates, Inc.
Project Address: 24 Pasture Road, Cataumet (Scraggy Neck)
Proposed Project: Demolish existing single family dwelling destroyed by fire, rebuild new dwelling & garage, including associated clearing, grading, utilities, and landscaping within an AE Flood Zone
(Hearing Under State Act Only)

Request to Extend Determination of Applicability:

- 1) **Applicant:** Scraggy Neck Recreation Association **File Number:** CC08-87
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Along Scraggy Neck Causeway, Cataumet
Proposed Project: Repair eroded banking along causeway within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Certificates of Compliance:

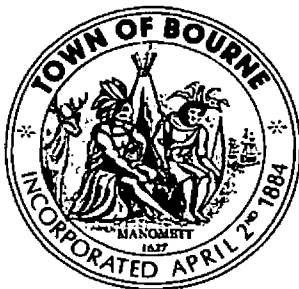
- 1) **Applicant:** Buttermilk Bay Development **DEP File Number:** SE7-307
Representative: J. Ford O'Connor, Esq.
Project Address: 9 Main Street, Buzzards Bay
Proposed Project: Conversion of an existing building into a restaurant within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – August 18, 2011
- ▶ Reorganization of Commission (Possible vote)
- ▶ Request from Waquoit Bay National Estuarine Research Reserve for Commission Member contact info regarding Coastal Training Program comprehensive survey

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, October 6, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Co-Vice Chairman Rob Palumbo, Co-Vice Chairman Paul Lelito, Peter Holmes, Betsy Kiebala, Martha Craig Rheinhardt and Susan Weston. Alternate member Thomas Ligor

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Brett Ellis, Barbara Frappier, Anthony & Joanie Cubellis, Ernie & Sean (SMK Building), Irene Carbone, Thomas Roux

Before the meeting began, TA Guerino requested for a minimum of four (4) members of the Conservation Commission to sit in a joint session with Planning Board and Selectmen to look at two (2) additional properties for either next Wednesday, 10/12/11 or Thursday, 10/13/11. Chm. Gray will contact TA Guerino of members that can attend once PB and BOS arrange.

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- | | | |
|---------------------------------|--|------------------------------------|
| 1) <u>Applicant:</u> | Leonidha & Aida Sevi | <u>File Number:</u> CC11-65 |
| <u>Representative:</u> | Thomas Roux | |
| <u>Project Address:</u> | 8 Scraggy Neck Road Extension, Cataumet | |
| <u>Proposed Project:</u> | Install new Title V septic system, including grading and landscaping, within 100 feet of a Wetland Resource Area | |

Representative Thomas Roux: Replacement of existing septic system. House was purchased and failed inspection, Mr. Roux designed a new system. There is issue of a pond in the back yard and could not put system on any other part of the yard. Stayed away from the pond as much as possible. System has a low profile, maximum separation distance to satisfy all requirements of Title V.

Brendan Mullaney: Septic is 70' from pond. This would be an improvement. Minimal grading to be done.

Peter Holmes asked how many bedrooms in the house. It is a 3-bedroom home.

No further comments or questions from the Board. No comment from the public.

A motion was made by Peter Holmes and was seconded Rob Palumbo for a Negative 2 Determination. Commission voted 6-0-1 to approve. Abstention from Susan Weston.

- 2) **Applicant:** Brett Ellis **File Number:** CC11-66
 Representative: SAME
 Project Address: 56 Rope Walk, Mashnee Island
 Proposed Project: Replace existing failed septic system with new Title V system, including grading and landscaping, within a VE Flood Zone

Brett Ellis representing: Basic upgrade with minimal size lot as far as septic, which needs pump chamber. No elevations or gradings. Flood zone area.

Brendan Mullaney: Flat developed lot, an improvement, no other jurisdiction resource areas within 100 feet of proposed project, no issues and no other concerns with project.

No further comments or questions from the Board. No public comments.

A motion was made by Paul Lelito and was seconded by Rob Palumbo for a Negative 2 Determination. The Commission voted unanimously to approve.

- 3) **Applicant:** Brett Ellis **File Number:** CC11-67
 Representative: SAME
 Project Address: 322 Circuit Avenue, Pocasset
 Proposed Project: Replace existing cesspool with new Title V system, including grading and landscaping, within an AE Flood Zone
 (Hearing Under State Act Only)

Brett Ellis representing: Failed cesspool, upgrade septic tank for 5-bedroom home. Slight grading for a distance of 8-10' at the end of the system.

Brendan Mullaney: In the Patuisset area. Flood Zone only, no other jurisdictional resource areas within 100 feet of proposed project. However, septic is close to a portion of the marsh at 150 feet. Board of Health will mark permit if additional work is proposed, applicant will have to establish wetland more accurately. Septic is between 145' and 160' in two directions, but is outside 100 feet.

No further comments or questions from the Board. No comments from the public.

A motion made by Paul Lelito and seconded by Rob Palumbo for a Negative 2 Determination. The Commission voted unanimously to approve.

- 4) **Applicant:** Brett Ellis **File Number:** CC11-68

Representative: SAME
Project Address: 9 Penobscot Avenue, Pocasset
Proposed Project: Replace existing cesspool with new Title V system, including grading and landscaping, within an AE Flood Zone
(Hearing Under State Act Only)

Brett Ellis representing: Failed cesspool, replacing with 1,500 gallon septic and adding to leach field. It is within the flood zone area.

Brendan Mullaney: In the Patuisset area, flood zone only. Flat area and would be an improvement. No concerns with project.

No further questions or comments from the Board. No comments from the public.

A motion made by Peter Holmes and seconded by Betsey Kiebala for a Negative 2 Determination. The Commission voted unanimously to approve.

5) **Applicant:** Town of Bourne **File Number:** CC11-69
Representative: Brendan Mullaney
Project Address: Along Main Street, Buzzards Bay
Proposed Project: Perform streetscape improvements, including construction of concrete sidewalks and crosswalks, reconfiguration of pavement, installation of benches, streetlights and trash receptacles, including all landscaping, grading, and associated appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: Showing a Flood map and plans of project area, which is basically from Ryan's Amusement Center down to the Way Ho Restaurant. Small portion of proposed work area is within jurisdiction of the Commission, mostly in vicinity of Bourne Pond This is a 3-phase project the Town is undertaking. First 2 phases came before the Commission 7 years ago. All plans are here for review tonight, but only applicable ones were presented to the Commission.

Paul Lelito asked about portion of project in flood zone (Brendan points out area where old sidewalks end and where new ones would begin). He also asked about the duration of project. Brendan Mullaney said the Town is waiting for funding from the State and estimated work beginning in the spring of next year lasting 2-6 months depending on weather and traffic, and is an estimate.

Paul Lelito asked if redoing the drainage and if soils disturbed, what are accommodations. Brendan Mullaney said the existing catch basins will have filter socks or hay bales around them and there will also be installation of new catch basins along Main Street. Mr. Lelito also asked about deep sumps and suggested to clean out existing ones before beginning work.

No further questions or comments from the Board. Barbara Frappier asked about dry brick or asphalt.

Brendan Mullaney said new proposed sidewalks are within the existing paved areas. No additional paving.

Jim Mulvey asked about siltation at the bottom of the pond, if it was a swale that drains into the pond from the road area and to look at plans to see how handle in the future. Brendan Mullaney said the pipe from the gas station/real estate office (Century 21) will be tied into the new system.

No comment from the public.

A motion made by Paul Lelito and seconded by Rob Palumbo for a Negative 2 Determination. The Commission voted unanimously to approve.

7:15) Notices of Intent:

- 1) **Applicant:** Ricardo & Jill Adrogue **DEP File Number:** SE7-1788
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 45 Harbor Drive, Pocasset
 Proposed Project: Raze and rebuild existing single family dwelling, including new Title V septic system with enhanced denitrification, utilities, landscaping, and other appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: Property was visited before and most recently for upgrade of Title V septic of the existing house. New owners want to demolish the existing house. The existing house has a 38' setback to the coastal bank. Proposed house moves back a couple of feet at 40'. Previous septic was changed to pressure dosed field and far away from wetland resources as allowed. Septic is at the top of a coastal bank. In summary, build new house with a new septic with denitrification system, add driveways and landscape around the dwelling. Project has Board of Health approval.

Chm. Bob Gray asked about the 3 groins. Barbara believes they have been licensed. Brendan Mullaney said he believes they are in process of licensing but he doesn't have any record they were licensed at this point. Ms. Frappier will follow up.

Paul Lelito asked how many bedrooms would be in the new septic. Ms. Frappier said the existing septic is if for 4-bedrooms and the new is increasing to 5-bedrooms.

Chm. Bob Gray asked for the profile to check the septic.

Martha Craig Rheinhardt asked if the denitrification was required. Ms. Frappier stated applicant wanted to get nitrogen numbers below 5 ppm.

Brendan Mullaney: Standard tear down and rebuild. Structure is not moving closer to resource. Area was mounded in the past which has created a Coastal Bank on the property, unlike next door where they are currently building a new dwelling. Project is within compliance of all applicable rules and regulations. Only outstanding issue is the groins, but no work being done at this time and groins are in process of being licensed.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-6, 9, 10, 12, 13, 16-24. No Bylaw Conditions since property is in AE Flood Zone only.

General Conditions, Special Conditions numbers 20, 24 shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

A motion made by Rob Palumbo and seconded by Paul Lelito to approve Notice of Intent. All in favor.

Request to Extend Determination of Applicability:

- 1) **Applicant:** Scraggy Neck Recreation Association **File Number:** CC08-87
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: Along Scraggy Neck Causeway, Cataumet
 Proposed Project: Repair eroded banking along causeway within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Paul Lelito and Betsey Kiebalá abstained from discussion and vote.

Brendan Mullaney received a letter from Scraggy Neck Recreation Association requesting 3-year extension for the current permit, which expires this December. The MACC handbook states no procedures in the regulations to grant extensions for determinations, however if the Commission is willing to issue extension, they should explain that said extension can be appealed to court by an abutter. The Commission can extend at their discretion or require the applicant file a new permit.

Chm. Bob Gray asked for clarification of current permit. Brendan Mullaney said it expires in December 2011. Extension requested to allow time to make repairs to loose stone on the stone wall preventing erosion. All work will be per the current permit in effect at this time.

Susan Weston asked about work and clarification on work to be done. The original work was to repair eroded banking along causeway. Applicant utilized some stones that were existing. Vegetation didn't hold up as expected. If the Board cannot come to conclusion, matter can be continued to next meeting.

Peter Holmes asked if it was done right in the first place and had concerns about new work failing again. Brendan Mullaney said it is somewhat sacrificial in nature depending upon the weather and feels the original work was done well.

Rob Palumbo asked what the danger is as explained in proposal. Brendan Mullaney said the ultimate danger is Scraggy will eventually become a true island.

Martha Craig Rheinhardt asked if the Board can continue hearing until a representative is available to further discuss.

Jim Mulvey asked if there was any challenge to the first decision and if the minutes reflect any opposition to begin with. He also asked if the extension is an exact duplication and detail to the first approval, including material and area.

Brendan Mullaney told applicant the Commission can take under advisement or continue rather than dismiss request.

Barbara Frappier's thoughts are that the work is generic unless permanent (example: sea wall). New RDA is a good thing.

Jim Mulvey suggested the Board have a representative come in before them and clarify the difference between the extension and original application.

Chm. Bob Gray is comfortable having representative come before the Board. He feels they had 2 ½ years plus, including some of Oct, November and December (12/22/11) left to complete the work. He shares Ms. Frappier's point of concern with regard to the location and shape would be automatic Notice of Intent. He cannot remember a Board granting an extension for a determination and instructed Brendan Mullaney to speak to applicant as the Board would like to have work continued within the timeframe of the current permit.

Brendan Mullaney added this was not advertised in the newspaper as an extension is not required to do so.

The consensus of the Board is to continue to the November 3, 2011 meeting. Brendan Mullaney to notify applicant.

Certificates of Compliance:

- | | | | |
|----|--------------------------|---|---------------------------------|
| 1) | <u>Applicant:</u> | Buttermilk Bay Development | <u>DEP File Number:</u> SE7-307 |
| | <u>Representative:</u> | J. Ford O'Connor, Esq. | |
| | <u>Project Address:</u> | 9 Main Street, Buzzards Bay | |
| | <u>Proposed Project:</u> | Conversion of an existing building into a restaurant within an AE Flood Zone and within 100 feet of a Wetland Resource Area | |

Brendan Mullaney: Formerly the Fiddlebees Restaurant. Restaurant is gone and owner selling property. Work approved was never done and applicant requesting Invalid Order of Conditions. Dwelling was torn down as it fell into disrepair.

A motion was made by Rob Palumbo and was seconded by Peter Holmes to invalidate Orders of Condition. All in favor.

Other Business

- Vote – Excuse Absent Members, if necessary
- All members present, not applicable.

▶ **Approval of Minutes – August 18, 2011**

A motion made by Susan Weston and was seconded by Peter Holmes to approve minutes of 8/18/as submitted. The Commission voted 5-0-2. Abstentions by Paul Lelito and Rob Palumbo.

▶ **Reorganization of Commission (Possible vote)**

A motion was made by Betsey Kiebala and seconded by Martha Craig Rheinhardt to retain Robert Gray as Chairman of the Conservation Commission. The Commission voted unanimously to approve.

A motion was made by Paul Lelito and was seconded by Rob Palumbo for Martha Craig Rheinhardt as the Vice Chairman to the Conservation Commission. The Commission voted unanimously to approve.

▶ **Request from Waquoit Bay National Estuarine Research Reserve for Commission Member contact info regarding Coastal Training Program comprehensive survey**

Request sent to Brendan Mullaney with regard to a survey of training programs and requested all Board members contact information. Request was handed out to the Board and asked if anyone was interested to fill out the form for the survey.

▶ **Any other business that may legally come before the Commission**

Chm. Bob Gray reiterated the request of 4 Board members availability to attend a Planning Board/Selectmen joint meeting at a time to be determined. Betsey Kiebala said she can attend.

▶ **Report of the Conservation Agent**

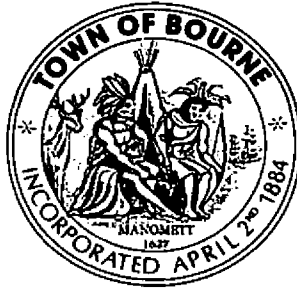
▶ **Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99**

▶ **Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16**

Adjournment

A motion made by Susan Weston and was seconded by Paul Lelito to adjourn. All in favor. Meeting adjourned at 8:30 pm.

Respectfully submitted,
Lisa Groezinger, sec.



2011 OCT 27 PM 12 12

TOWN CLERK'S OFFICE CONSERVATION COMMISSION AGENDA

BOURNE, MASSACHUSETTS November 3, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Laurie Bailey-Gates **File Number:** CC11-70
Representative: Christopher Costa & Associates, Inc.
Project Address: 348 Barlow's Landing Road, Pocasset
Proposed Project: Install new Title V septic system, including grading and landscaping, within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Diane Beatty **DEP File Number:** SE7-
Representative: Sean Riley, PE, Coastal Engineering Company, Inc.
Project Address: 25 Nick Vedder Road, Buzzards Bay
Proposed Project: Construct two single-family dwellings, including associated access, utilities, landscaping, and appurtenances and remove invasive species within 100 feet of a Wetland Resource Area

Request to Extend Determination of Applicability:

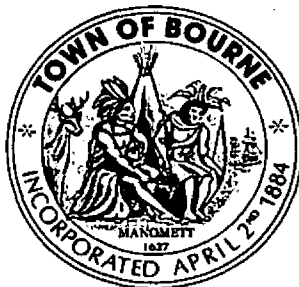
- 1) **Applicant:** Scraggy Neck Recreation Association **File Number:** CC08-87
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Along Scraggy Neck Causeway, Cataumet
Proposed Project: Repair eroded banking along causeway within a VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from October 6, 2011)

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – September 1, 2011
- ▶ Proposed Conservation Restriction – 27 Beverly Road, Pocasset (Discussion & Vote)

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2011 DEC 9 AM 10 02

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, November 3, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Peter Holmes. Alternate member Thomas Ligor as voting member.

Members absent: Betsy Kiebala, Paul Lelito, Rob Palumbo and Susan Weston.

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Matt Costa, Sean Riley, Diane Beatty, Mark Robinson

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Laurie Bailey-Gates **File Number:** CC11-70
Representative: Christopher Costa & Associates, Inc.
Project Address: 348 Barlow's Landing Road, Pocasset
Proposed Project: Install new Title V septic system, including grading and landscaping, within 100 feet of a Wetland Resource Area

Matt Costa representing: Looking to install a 3-bedroom septic system. Paved driveway comes along side of site. System will be in the back of the house. An isolated fresh water wetland formed from storm water run off is located at the rear of the property, setbacks are depicted on site plan.

Brendan Mullaney said property is in between 2 wetlands and agrees the area to the right is isolated but is a functioning wetland. Said project would be an overall improvement for the area and has no concerns with project. He added a small deck addition will be constructed.

No further comments or questions from the Board. No comment from the public.

On a motion made by Peter Holmes and seconded Martha Craig Rheinhardt, the Board voted unanimously for a Negative 3 Determination

TOWN CLERK'S OFFICE

7:15) Notices of Intent:

- 1) Applicant: Diane Beatty DEP File Number: SE7-1790
- Representative: Sean Riley, PE, Coastal Engineering Company, Inc.
- Project Address: 25 Nick Vedder Road, Buzzards Bay
- Proposed Project: Construct two single-family dwellings, including associated access, utilities, landscaping, and appurtenances and remove invasive species within 100 feet of a Wetland Resource Area

Sean Riley representing: Brief update of 11 months ago shore front work has not progressed due to issue with banks. After receiving order of conditions, work was sent out to bid. The banks have asked applicant to seek permits for structures before lending for stabilization project. The entire area is developed, but there is a coastal bank to the south of Nick Vedder Road.

The parcel was subdivided into two (2) parcels, but has not gone into effect. Mr. Riley worked with both the Fire Department and Town Planner to minimize pavement and bring it down to 16 feet. The proposed drainage system is at the entrance to road at the southern end (paved aversion berm), adding catch basin and leaching basin. Project will use the existing footprints and a large paved parking area will service work. There are proposed plans to utilize granite block for some of the shore front stabilization work. Paved area depicted on map in red will be removed and disposed of properly. Applicant plans to build a three (3) bedroom building on Lot B, as well as a four (4) bedroom and 4 bedroom system on Lot A. The majority of work is in the buffer zone. There are Invasive vines within 50' buffer which are damaging the trees. Mr. Riley will work with Conservation Agent to clear. He is also working on a planting plan. When stabilization work is begun, a planting plan will be devised to work for everyone.

Peter Holmes asked about the boathouse. Mr. Riley said it is part of the restoration project which was bid out and will be incorporated as a large single project.

Martha Craig Rheinhardt asked for clarification of pictures submitted. Thomas Ligor asked what type of vines are on the property. Brendan Mullaney said it was a combination of bittersweet, black raspberry, multiflora rose and there is also a large amount of scotch broom.

Chm. Gray has an issue with the 4-bedroom house as there needs to be a 50' offset from the structure to the Coastal Bank and asked if applicant is willing to shift the house to achieve the setback. Applicant is agreeable, Mr. Riley will submit revised plans.

No further comments from the Board. No public comment.

Brendan Mullaney recommends the stabilization work be done on Lot A first as it needs to be established before building the house. Mr. Riley states that a building permit will not be pursued on Lot A until a

Certificate of Compliance is issued on the shorefront work. Brendan states he should leave permit open and valid in case there needs to be any additional work. However, he would like to propose a condition that bank stabilization be substantially completed before construction of Lot A begins. Applicant is agreeable.

Mr. Bob Sheehan, abutter, is in favor of said project as it would be a vast improvement to the area.

Mr. Mulvey asked about further subdivision, but it was stated that only two lots will be the only work done.

On a motion by Peter Holmes and seconded by Martha Craig Rheinhardt, the Board unanimously voted to close the public hearing.

Brendan Mullaney will issue the OOC once he receives revised plans.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-4,6, 9, 10, 12, 13, 16-24, 27 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

Additional Special Conditions:

ASC-1) The "Construction Protocol" submitted with the Notice of Intent is incorporated into this Order of Conditions and must be followed to ensure compliance on the project

ASC-2) The "Shoreline Stabalization Project", approved under a separate Order of Conditions (MA DEP File SE7- 1766), must be substantially completed prior to construction of the dwelling on "Lot A" as shown on the Plan of Record. The Conservation Agent must determine that the eroding Coastal Bank has been stabilized prior to the issuance of a building permit for any work on "Lot A".

General Conditions number(s) Special Conditions numbers 20, 24, Bylaw Conditions number(s) 4, and 6 Additional Special Conditions number(s) above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion by Peter Holmes and seconded by Martha Craig Rheinhardt, the Board unanimously voted to move draft Order to Final.

Request to Extend Determination of Applicability:

- 1) **Applicant:** Scraggy Neck Recreation Association **File Number:** CC08-87
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Along Scraggy Neck Causeway, Cataumet
Proposed Project: Repair eroded banking along causeway within a VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from October 6, 2011)

Brendan Mullaney reported said request is unusual. He gave brief review of application at the last meeting and added that the applicant did not have representation. There has been no case history of extending

Determination of Applicability and there is no method in the Wetlands Protection Act allowing this type of permit. The Board was hesitant at the last meeting to approve.

Chm. Gray said as this is the second meeting without representation for applicant to convince the Board that the project has merit. Even through the MACC guidance is available, he would like to adhere to the regulations as much as possible and recommends the Board not entertain this request. He suggests the Commission requests the applicant to file a new RDA which will require another hearing and notice to abutters.

Peter Holmes said the other point is that the Board has never given an extension for a Determination of Applicability. Tom Ligor and Martha Craig Rheinhardt both concur.

Brendan Mullaney: Agrees that extension should not be granted. This type of filing is a simple procedure and if applicant cannot put up a shed, deck within 3 years, then it is very simple to just file again.

On a motion by Tom Ligor and seconded by Martha Craig Rheinhardt, the Board unanimously voted to deny applicant's request to Extend Determination of Applicability.

Other Business

▶ Vote – Excuse Absent Members, if necessary

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Board unanimously voted to excuse absent members based on their illnesses.

▶ Approval of Minutes – September 1, 2011

On a motion made by Peter Holmes and seconded by Tom Ligor, the Board voted unanimously to approve minutes of 9/1/11 as submitted.

▶ Proposed Conservation Restriction – 27 Beverly Road, Pocasset (Discussion & Vote)

Mark Robinson, as representative for the Compact and Bourne Conservation Trust, working with property owner at 27 Beverly Road in Pocasset, attempting to gift property to the Bourne Conservation Trust. Land will be donated to the Compact prior to the Trust for State Income Tax Credit. This would be both a State and Federal Tax Credit. Mr. Robinson asking for review and approval of proposed Restriction, which he will bring to the Selectmen for final approval on behalf of the Town before sending on to state. Said restriction will be held by both the Compact and the Bourne Conservation Trust.

Chm. Gray asked how much wetland vs. upland on the subject property. It is all flood plane and Mr. Robinson would guess the majority is wetland.

Brendan Mullaney handed out pictures and plans showing proposed restriction as well as some aerials showing the property. He said about 80% of the land would meet definition of wetland.

Chm. Gray asked about the Revetment as far as Chapter 91. Mr. Robinson said he wasn't sure but they had no intention of doing anything with the structure and no dredging will be done. Brendan Mullaney didn't find a license for dredging or the structure in the past.

Chm. Gray said the former owner of property put feelers out about a marina at some point. It was determined that there was no incentive to try to open the area up.

Chm. Gray added the Town has been interested in this piece of land for some time. Some culvert work was done in the past and the salt marsh came back nicely with increased flushing, and would like to see the Conservation Trust pick this land up. The house will stay on a conforming lot.

Martha Craig Rheinhardt asked about public access. Mr. Robinson said there are two (2) ways: a) access from the water; and b) walking on the town-owned land.

Brendan Mullaney said the Board needs to make a recommendation as to the value of the property and then sign in property as a Municipal Certification. Said recommendation would be attached with application to the State to obtain Restriction.

Peter Holmes asked about future dredging of the culvert. Chm. Gray said Conservation needs to conclude the outcome of the study done on the culvert prior and believes it was a Woods Hole group. Mr. Robinson said tidal flow would be favorable. Brendan Mullaney will look into.

Jim Mulvey asked about reserved rights of land by the owner and how much of land is buildable as this may come up later. Mr. Robinson stated there are no reserved rights by owner on this property.

No further questions by the board. No comments from the public.

On a motion made by Tom Ligor and seconded by Peter Holmes, the Board unanimously voted to approve Conservation Restriction.

Municipal Certification document was signed by Board members.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

Open Meeting Law informational meeting on 11/14/11 at 4:45 pm. Brendan Mullaney will attend and put matter on the 11/14/11 for discussion at the next Board meeting.

Peter Holmes asked if this needs to be done every year. Chm. Gray said at the moment, rules have come from the State and Atty. Troy wants to emphasize information.

Chm. Gray discussed draft action plan for regulations of reform at Mass Dep. Regulation changes in proposal stages for review. There will be a short comment period. Recommended changes to streamline permitting

process. Plan will consolidate dredging projects and minimize duplication of information, putting wind energy in limited status at the Board's discretion. Chm. Gray said all changes do not require legislative approval. Plan will allow changes to be implemented quickly by the Board without opening things to the legislature. Brendan Mullaney to put under other business at 11/17/11 meeting to discuss in detail. Chm. Gray asked for Board input and may send individual comments.

Violation that came up today at 68 Rocky Point Road in Gray Gables. Cutting violation. Brendan Mullaney shared pictures with the Board. He received a call about the cutting down trees next the marsh and visited the area. He has zero sympathy with everyone involved in violation. The homeowners are Jonathan and Carol Pettee of Dallas, TX. Investor bought and worked with local contractor to restore property and is still in process of trying to sell.

Chm. Gray said the cutting of the underbrush (bayberry and bittersweet) is more disturbing than cutting down the trees and believes this contractor should know about destroying a 50' buffer or a 35' no-touch zone.

Brendan Mullaney said the options are numerous with regard to enforcement orders, violations, replant plan, and file permit application to do any future work.

Chm. Gray asked that at some point the Board should figure a way to involve a landscapers association with projects.

A motion was made by Peter Holmes and was seconded by Thomas Ligor, the Board voted unanimously to issue an Enforcement Order and for the owners to file a restoration plan.

Jim Mulvey asked about imposing something on the licensed professionals. Brendan Mullaney said there is no mechanism to impose.

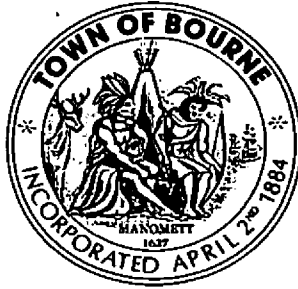
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Board unanimously voted to adjourn. Meeting adjourned at 8:45 pm.

Respectfully submitted,

Lisa Groezinger, sec.



2011 NOV 10 PM 3 06
TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, November 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** John F. Cook, Jr. **File Number:** CC11-72
Representative: SAME
Project Address: 25 Harrison Avenue, Buzzards Bay
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

- 2) **Applicant:** Michele M. Farrell **File Number:** CC11-71
Representative: Neale Gasper
Project Address: 336 Barlow's Landing Road, Pocasset
Proposed Project: Construct stairs on deck, install fence, and perform landscaping within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and install new foundation under existing garage within an AE Flood Zone, within a Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 2) **Applicant:** Charles & Joan Pratt **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 272 Scraggy Neck Road, Cataumet
Proposed Project: Extend stone revetment along face of eroded Coastal Bank within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

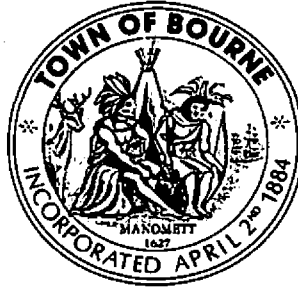
- 3) **Applicant:** Kenneth & Sandra Liebowitz **DEP File Number:** SE7-
Representative: Zachary Basinski, PE, Bracken Engineering, Inc.
Project Address: 5 Bayside Lane, Pocasset
Proposed Project: Construct additions to existing single family dwelling, install new septic tank, construct new garage, enlarge paved driveway, construct pervious patio, and construct new beach stairs over Coastal Bank within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Certificates of Compliance:

- 1) **Applicant:** Frederick G. Fisher, III **DEP File Number:** SE7-586
Representative: Peter N. Conathan, Counselor at Law
Project Address: 88 Sagamore Road, Sagamore Beach
Proposed Project: Construct an addition including landscaping and appurtenances within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – October 6, 2011
- ▶ Commissioner’s Draft Action Plan for Regulatory Reform at MassDEP (Discussion & Possible Vote)
- ▶ Review of Open Meeting Law and Conflict of Interest Seminar
- ▶ Review of 2012 Hearing Dates (Discussion & Possible Vote)
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2011 DEC 22 AM 9 45

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, November 17, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Peter Holmes and Betsy Kiebala. Alternate member Thomas Ligor as voting member tonight.

Members absent: Paul Lelito, Rob Palumbo and Susan Weston.

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, John Cook, Michele Farrell, Neale Gasper, Barbara Frappier, Chip Schultz, Peter Conathan

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** John F. Cook, Jr. **File Number:** CC11-72
Representative: SAME
Project Address: 25 Harrison Avenue, Buzzards Bay
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

John Cook representing: Requesting to add a gas line on Harrison Avenue to convert from oil to gas heat.

Brendan Mullaney said project is in a flood zone only, no other resource areas are close to the property. He has no concerns with the project.

No Board questions. No public comment.

On a motion by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted Negative 2 Determination.

- 2) **Applicant:** Michele M. Farrell **File Number:** CC11-71
Representative: Neale Gasper
Project Address: 336 Barlow's Landing Road, Pocasset
Proposed Project: Construct stairs on deck, install fence, and perform landscaping within 100 feet of a Wetland Resource Area

Neale Gasper representing: Work proposed in area that is currently lawn. There is a slight berm in back which interrupts lot area from the low area behind the dwelling, which is being called the wetland. There are a couple of trees questionable. One stump from a tree that fell as a result of Hurricane Irene will need to be ground and removed, but no excavation. The fence will begin at the building landing and end at the set of stairs off existing deck. Currently there is no ground contact. There will be a landing carried by the footing and the patio will carry the bottom of the stairs. Minimal excavation will be done. The fence will have some concrete at the corners securing corner posts. The picket fence is all on the street side. Current shrubs will be removed and replanted as they are overgrown and close to the house.

No questions from the Board. No public comment.

Brendan Mullaney said some of the work falls within the Landscape Policy. The wetland appears to be due to road run off over the years but does function as and meets the criteria of an isolated wetland. He has no concerns with the project.

On a motion made by Betsey Kiebal and seconded by Peter Holmes, the Commission unanimously voted a Negative 3 Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-1791
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and install new foundation under existing garage within an AE Flood Zone, within a Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier representing: The property is at end of Wenaumet Bluffs Drive. There is a dwelling with an existing garage. There exists a licensed concrete seawall. The existing wall was installed 15 years ago, and is a straight-faced wall which is now eroding underneath. Applicant looking to replace wall by installing a one-to-one sloped back wall. Mr. Chip Shultz is doing the work and will keep vegetation loss to a minimum. All work to be done from the upland side. This is one phase of the project. We are currently requesting to build wall to the end of the property line, but may have to stop short by as much as 10 feet to avoid issues with abutting wall on the neighbor's property, which is in dismal condition. Project will begin from the stone steps to the back of the property line.

Chm. Gray asked Ms. Frappier if the abutter has been approached as the condition of the wall. Ms. Frappier said the Conservation Agent and DNR Director Tim Mullen have contacted abutter with regard to the wall. No action was taken by abutter.

Barbara Kiebala asked Mr. Schultz if he plans to keep existing stones for the new wall. Mr. Schultz will use as many stones as possible.

Chm. Gray asked if any stone work extension is being proposed. Ms. Frappier said it is not. He brought to the attention of the Board a letter from the Division of Marine Fisheries (DMF) stating concern about the section moving seaward with regard to toe stone, as it is a mapped area for oysters and quahogs. The land containing shellfish is deemed significant. The addition of toe stone beyond the existing footprint, would require an alternative method to prevent expansion beyond existing footprint. Ms. Frappier said this cannot be done. Mr. Schultz said this alternative would result in removing multiple trees and possibly removing the garage.

Mr. Schultz said the toe stones will be needed, the only way to build a new wall properly is to move the whole wall back and he doesn't see any way to do so because of the existing trees and agrage. The lack of proper toe stones and footings is the reason why the existing wall is failing.

Brendan Mullaney said he took the file number SE7-1791 off the website, but hasn't received any documentation from the state. The Board is comfortable in making a decision without said documentation. No input from the DNR at this time.

Peter Holmes asked about a shellfish study in this particular area. Chm. Gray said this will add to the cost of the project and still leaves issue of the mapped area that is deemed as significant.

Martha Craig Rheinhardt said it may be an issue of a new person at the DMF and not fully understanding the project. She asked Mr. Schultz if it would be feasible to put sand in on top of the toe stone, or if the toe would be exposed. Ms. Frappier said applicant doesn't want to spend a lot of money with no guarantee the sand will stay in place.

Ms. Frappier said the only alternative is to do a completely straight-walled structure, which creates more damage and is the main problem with the current wall.

Chm. Gray would like to get DNR Director Tim Mullen's comments. He asked about the extension beneath the sand and said about half of the wall will have a depth of sand above the toe stone that appears to allow no loss in habitat. This is a case where the sloped wall design proposed is the design preferred over a straight-faced wall. He is inclined to think this is a better way to move forward, but would appreciate comment from Mr. Mullen. The house was built in 1927. What the DMF is requesting (armoring coastal bank) does not take into effect that the house is pre-1978.

Ms. Frappier discussed the foundation of the garage. Applicant looking to add a substantial foundation to the garage. Applicant Mrs. Nutter and Matt Tardiff, who will be doing the work, would like to move the foundation in order to get it 6 feet off the bank. Mr. Tardiff will speak with Building Inspector Roger Laporte to see if he will allow a variation on the garage foundation to eliminate major excavation. She doesn't see any

other way to do so as it is too close to the coastal bank. She is requesting to allow a normal frost wall. Currently there is a slab that is not stable.

Chm. Gray does not have issue with the proposed garage, as long as it is not moving closer to the bank than currently exists.

Thomas Ligor had concerns about the garage being close to the bank as they are digging in close proximity to the bank and code requires 4-ft frost wall. Ms. Frappier said nothing will be done to the garage, but the existing foundation is not good and they have to follow the building code.

Ms. Frappier said depending on what Mr. Tardiff works out with Building Inspector, she will have additional details for the next meeting on what Building Inspector will allow.

Brendan Mullaney said the wall doesn't look as bad in pictures as it actually is. There are large sink holes, the wall is straight-faced and there is sand loss. The proposed toe stone work is far enough below the surface to have minimum actual habitat loss. He is weary to take anything DMF says without knowing if they actually looked at plans and analyzed them. As far as neighbor's wall, letters were sent last year from Tim Mullen. Brendan Mullaney visited the area recently and said wall is worse now. The neighbor hasn't responded to either Tim Mullen or himself. The neighbor's part of the wall next to the town boat ramp has pieces falling into the river.

Chm. Gray with respect to abutting neighbor's wall, he recommends Brendan Mullaney take additional pictures and put on the next meeting's agenda for discussion and possible issuance of a Violation Letter. If no response, go with an Enforcement Letter to get abutter's attention and let him know that the Town is concerned and it is a serious issue. This is an armored coastal bank in disrepair.

Brendan Mullaney added that it is their obligation to repair. His letter of last year was sent by certified mail, but no one picked it up. He also sent one regular mail and isn't aware if anyone has received said notification.

Ms. Frappier will contact the abutter with the information of the wall will be put on next meetings agenda.

Tom Ligor asked the approximate age of the walls. Ms. Frappier said she doesn't know how old the abutter's wall is. She did say the license on the wall for Nutter was in 1995.

No further questions from the Board. No public comment.

Brendan Mullaney said hearing is continued to 12/1/11 for further information and discussion.

- 2) **Applicant:** Charles & Joan Pratt **DEP File Number:** SE7-1792
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 272 Scraggy Neck Road, Cataumet
 Proposed Project: Extend stone revetment along face of eroded Coastal Bank within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: The property was issued an Order of Conditions for soft solution for an eroding coastal bank. A storm came and ruined the project. This was attempted three additional times and each time the material and netting have been washed away. Erosion areas are currently getting worse. Applicant cannot see continuing planting and depositing sand when more damage is happening to the banking. Fiber rolls were installed and were not successful. Applicant is now asking to extend the revetment. Mr. Schultz is going to do the work. There will be a tapered return after the path. Applicant doesn't want to do work beyond the path shown on the plan. Applicant doesn't want to get down into the neighbor's property.

Tom Ligor asked how long the revetment will be. Ms. Frappier said about 20 feet. This is in the beach (toe stone), and in response to the DEP's comments on how it applies to CMR 10.27, the proposed work will not have an adverse affect. Project is allowable under said section. The house was built in 1895. There is little movement of beach sand, terminus of the proposed revetment is tapered so as not have an abrupt ending. Slope face will slow down the velocity of storm waves – this area is not under constant assault. However, this is a beach that gets hit during northeastern storms, sometimes heavily. We will attempt to retain vegetation above the banking, some of which is falling onto the beach.

Tom Ligor asked if the trees will be saved. Mr. Schultz said as many as possible. The maple tree may be able to be saved by trimming it back. Mr. Schultz was also asked about the underbrush, and stated there will be planting of the bare spots.

Martha Craig Rheinhardt asked about the comment from DEP, which is abbreviated on the form. She said the state suggests the project doesn't appear to meet the performance standards coastal beach.

Chm. Gray said it does. Any project on coastal beach except project permitted under 10.30(a) (coastal banks) shall not have adverse by increasing erosion effecting coastal beach. The house was constructed in 1895, which allows the applicant to armor the bank, and therefore adhere to the regulations. There is minimal structure proposed. Chm. Gray said owners attempted soft solution three times and are now forced to look at an alternative.

Brendan Mullaney said he has met applicants and has been on the site a couple of times. Applicants are respectful of the land. They wanted to do as minimal work as possible and actually preferred the soft solution, but now have a situation where the preferred method has failed three times and it is time for this property to go with the alternative. This is not a large bank and the revetment will only be 2-3 feet in height.

Tom Ligor asked on what side the work will be done. Ms. Frappier said it will be done from the beach side coming down the path.

Brendan Mullaney said as in the previous project, he took number SE7-1792 off website. The Board feels comfortable without having received actual sheet documentation.

No further comments from the Board. No public comment.

Betsy Kiebala moved and was seconded by Peter Holmes to close the public hearing. The Commission voted unanimously to close.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-3,5,9,10,12-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

ASC-1) The Narrative accompanying the Notice of Intent, including Construction Methodology, is incorporated into the Order of Conditions and must be followed to achieve compliance on the project.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4, and 6, above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a vote made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to move the draft Order to final.

Ms. Frappier said if documentation is received soon, and if any issues she will contact Brendan.

- 3) **Applicant:** Kenneth & Sandra Liebowitz **DEP File Number:** SE7-
 Representative: Zachary Basinski, PE, Bracken Engineering, Inc.
 Project Address: 5 Bayside Lane, Pocasset
 Proposed Project: Construct additions to existing single family dwelling, install new septic tank, construct new garage, enlarge paved driveway, construct pervious patio, and construct new beach stairs over Coastal Bank within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Chm. Gray opened hearing and read Bracken Engineering letter requesting for a continuance.

On a motion made by Betsy Kiebal and seconded by Peter Holmes, the Commission voted unanimously to grant Request for Continuance on 12/1/11.

Certificates of Compliance:

- 1) **Applicant:** Frederick G. Fisher, III **DEP File Number:** SE7-586
 Representative: Peter N. Conathan, Counselor at Law
 Project Address: 88 Sagamore Road, Sagamore Beach
 Proposed Project: Construct an addition including landscaping and appurtenances within 100 feet of a Wetland Resource Area

Brendan Mullaney conducted site visit and determined the project is complete and in compliance with Order of Conditions. The Commission was weary to approve the project based on the stability of the coastal bank. The bank looked fully vegetated and the work that was done 15 years ago held up well. The Commission made a perpetual agreement with applicant that banking could not be armored.

Chm. Gray asked if the bank was in better condition. Brendan Mullaney said the banking appears in great shape today. He doesn't have any photos of what the area looked like beforehand so he is unable to determine if it is better. He recommends granting said certificate.

No further questions from the Board. No public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to grant Certificate of Compliance.

Other Business

▶ Vote – Excuse Absent Members, if necessary

On a vote made by Peter Holmes and seconded by Betsy Kiebala to excuse absent members, the Commission voted unanimously to approve.

▶ Approval of Minutes – October 6, 2011

On a motion made by Martha Craig Rheinhardt and seconded by Betsy Kiebala, the Commission voted unanimously to approve minutes of 10/6/11 as submitted.

▶ Commissioner's Draft Action Plan for Regulatory Reform at Mass DEP (Discussion & Possible Vote)
Brendan Mullaney said at the last meeting, Mass DEP package was handed out members and asked if members had comments to get in before the deadline. The deadline was extended to 12/5/11. He feels the recommendations will be somewhat beneficial. Regulations will put additional responsibility on the towns and will expedite the permitting processes in some instances.

Chm. Gray requested Brendan Mullaney to re-send comment letter that was previously sent to the Mass DEP relative to Emergency Procedures. Martha Craig Rheinhardt requesting to add to the next agenda.

Chm. Gray reviewed language as it is now for salt marshes and limited projects, specific clear language is needed in the regulations to allow salt marsh rehab projects where alteration of BVW will occur.

Martha Craig Rheinhardt said there is some allowance for salt marsh restoration, but no limited project to go forth for coastal resource areas like inland resource areas.

Chm. Gray said this is the time to take opportunity to bring some of those out. Documentation seemed to do what they did in the past – tweak regulations for inland areas and forget the coastal areas.

Tom Ligor asked if people are allowed to set traps for the lobsters on the canal from the State. Brendan Mullaney stated from his understanding it is illegal, however, it is not enforced. 10 traps are allowed per person with a valid permit from the state.

▶ Review of Open Meeting Law and Conflict of Interest Seminar

Brendan Mullaney, Chm. Gray and Martha Craig Rheinhardt attended. Brendan Mullaney said the seminar stressed that if a member of the board has a conflict, go through TA Gueirno's office privately and request guidance from Atty. Troy's office.

Chm. Gray said if you use computer at home to communicate with other members of boards/commissions, the computer is may be subject to seizure for violation of the open meeting law. Seminar discouraged use of emails. Concept of discussion with quorum of members is not always the quorum as you know it. If you have questions you can call other board/committee members, but cannot deliberate. Seminar wants people to understand that the Open Meeting Laws move from the District Attorney's office to the Attorney General's office is being taken seriously.

▶ Review of 2012 Hearing Dates (Discussion & Possible Vote)

Brendan Mullaney requesting to change the months of May, July, and August Conservation Commission hearing dates from the 1st and 3rd Thursdays to the 2nd and 4th Thursdays.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Commission unanimously approved to accept 2012 hearing dates as presented by Conservation Agent.

▶ Any other business that may legally come before the Commission

Brendan Mullaney said dredging project at Hen's Cove on Circuit Avenue has begun. Actual dredging work will begin on Mon. 11/21/11.

▶ Report of the Conservation Agent

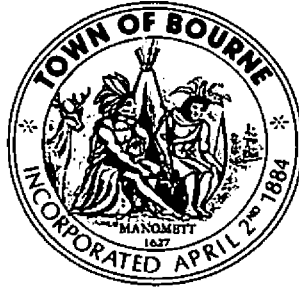
▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the Board unanimously voted to adjourn. Meeting adjourned at 8:35 pm.

Respectfully submitted,

Lisa Groezinger, sec.



CONSERVATION COMMISSION AGENDA

Thursday, December 1, 2011 ~ 7 pm ~ Lower Conference Room, Bourne

2011 NOV 22 PM 12 19
TOWN CLERK'S OFFICE
BOURNE, MASS.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Keith & Polly Jenkins Man **File Number:** CC11-74
Representative: SAME
Project Address: 93 Cedar Point Drive, Pocasset
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

- 2) **Applicant:** Lobster Trap Company, Inc. **File Number:** CC11-74
Representative: Bracken Engineering, Inc.
Project Address: 290 Shore Road, Monument Beach
Proposed Project: Repair roof of existing freezer and cooler to include installation of three new columns and footings within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

7:15) Notices of Intent:

 - 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-1791
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and install new foundation under existing garage within an AE Flood Zone, within a Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area
(Continued from 11/17/2011)

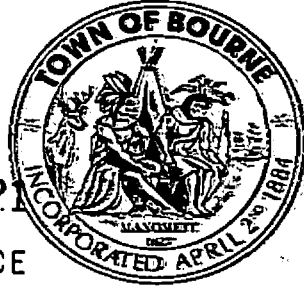
 - 2) **Applicant:** Kenneth & Sandra Liebowitz **DEP File Number:** SE7-
Representative: Zachary Basinski, PE, Bracken Engineering, Inc.
Project Address: 5 Bayside Lane, Pocasset
Proposed Project: Construct additions to existing single family dwelling, install new septic tank, construct new garage, enlarge paved driveway, construct pervious patio, and construct new beach stairs over Coastal Bank within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from 11/17/2011)

Certificates of Compliance:

Applicant: Jeffrey Hamilton **DEP File Number:** SE7-1449
Representative: Michael Borselli, Falmouth Engineering
Project Address: 0 Williams Ave., Pocasset
Proposed Project: Construct a building, associated parking, septic system and appurtenances within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – November 3, 2011
- ▶ Commissioner’s Draft Action Plan for Regulatory Reform at MassDEP (Discussion & Possible Vote)
- ▶ Review deteriorating/damaged seawall adjacent to Town Boat Ramp on Wenaumet Bluffs Drive in Pocasset River (Discussion & Possible Vote)
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2012 FEB 10 AM 10 21

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, December 1, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Vice Chairman Martha Craig Rheinhardt, Rob Palumbo, Peter Holmes, Betsy Kiebala and Susan Weston. Alternate member Thomas Ligor.

Members absent: Chairman Bob Gray, Paul Lelito.

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Emily Curtin, Don Bracken, Barbara Frappier

Note: V. Chm. Craig Rheinhardt addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

Call to Order: V. Chm. Craig Rheinhardt called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Keith & Polly Jenkins Man **File Number:** CC11-73
Representative: SAME
Project Address: 93 Cedar Point Drive, Pocasset
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

Request originally tabled, applicant not present. Since applicant wasn't present at tonight's meeting, hearing will be continued to the next meeting 12/15/11 at 7:00 pm.

- 2) **Applicant:** Lobster Trap Company, Inc. **File Number:** CC11-74
Representative: Bracken Engineering, Inc.
Project Address: 290 Shore Road, Monument Beach

Proposed Project: Repair roof of existing freezer and cooler to include installation of three new columns and footings within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Don Bracken representing: Proposed project involves the fish processing facility at the Lobster Trap. Major renovations were done 7-8 years ago. This part of the building is the oldest. The area of building near the loading docks is the freezing and cooling area. Due to moisture, the roof is in danger of collapsing. A structural engineer realized roof didn't have proper supports. Proposed work is within existing concrete loading dock. Minimum of 3 sections or entire section with addition of 3 new footings to be put in to support posts for new roof. No increase in building size and is in a disturbed area. The flood zone comes up to the loading dock.

Betsy Kiebala asked if the landscape will need to be done when dealing with the loading dock. Mr. Bracken said it will all be replaced the way it was.

Thomas Ligor asked about the columns. The footings will be 4' below grade and columns to be encased in the loading dock area.

Brendan Mullaney said this project is within the commercial operation and within an existing disturbed area. Property is close to 200 ft to Back River, it is within flood zone, but will be disturbing earth below the loading dock and parking lot. There are some other outstanding issues with property with last filing, but it doesn't affect this project, which is relatively minor. He has no issues with proposed project.

Don Bracken explained a previous Order of Conditions was issued and applicant never requested Certificate of Compliance. The landscape and site work was not in compliance, but as-built plans can be submitted and it may be time for applicant to seek compliance.

No further Board questions. No public comment.

A member of the public (no name given) came in after the discussion and vote. He had concerns about increasing the cooler area. He explained if freezer capacity is increased, it will create more noise. V. Chm. Craig Rheinhardt said issue wasn't in the Board's jurisdiction and the filing was only concerned with the structural aspects of roof.

On a motion made by Peter Holmes and seconded by Betsey Kiebala, the Board unanimously voted a Negative 2 Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-1791
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and install new foundation under existing garage within an AE Flood Zone, within a

Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area
(Continued from 11/17/2011)

Barbara Frappier representing: Explained Notice was continued for written paperwork, including the DEP number and to also contemplate DMF letter with regard to expansion of the tow stones facing seaward.

Brendan Mullaney added the Board requested DNR Director Tim Mullen to review project. The DEP file number was received and there are no issues with project. The only comment from DEP is asking if these are pre-1978 structures, which they are. Brendan reads Mr. Mullen's letter addressing issue - stated with regard to shellfish, the density is low in area and rarely used recreationally or commercially. The new wall will have little to no impact to said marine fisheries. There will be minimal loss of habitat, and the wall will prevent erosion.

On a motion made by Peter Holmes and seconded by Rob Palumbo, the Board voted unanimously to approve.

Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-3,5,9,10,12,13,16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

Additional Special Conditions: ASC-1) The Narrative accompanying the Notice of Intent, including Construction Methodology, is incorporated into the Order of Conditions and must be followed to achieve compliance on the project.

General Conditions, Special Conditions #'s 20, 24, Bylaw Conditions #'s 4 and 6 Additional above all shall continue in perpetuity beyond the limitation of this Order and with the sale of the property to others.

A motion made by Betsey Kiebal and seconded by Peter Holmes to move the Draft Order to Final. All in favor; with one abstention from Susan Weston.

- 2) **Applicant:** Kenneth & Sandra Liebowitz **DEP File Number:** SE7-
Representative: Zachary Basinski, PE, Bracken Engineering, Inc.
Project Address: 5 Bayside Lane, Pocasset
Proposed Project: Construct additions to existing single family dwelling, install new septic tank, construct new garage, enlarge paved driveway, construct pervious patio, and construct new beach stairs over Coastal Bank within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from 11/17/2011)

Don Bracken representing: Project is near multiple resource areas and abuts Phinney's Harbor. The coastal bank turns and runs perpendicular to the shore line and the buffer zone is shown at 50 ft and 100 ft. The flood zone elevation is 16. Proposing to add to the existing living space by adding a front entrance to the front of house, and on the south side of house an addition and second story deck. All work on the house is within 50' buffer from the coastal bank. It is within a disturbed area and we are proposing mitigation planting

in areas that are currently lawn. Mitigation is a 2-1 ratio. To the east of the project within the common driveway, proposing a 2-car garage and additional spacing for the garage and is within 100' buffer. The elevation is fairly high – elevation 22 where most of work is taken place. The top of coastal bank is approximately elevation 22/21. On the coastal bank, we would like to construct wooden steps on the north end. The slope is stabilized and the existing foot path will be replanted, or if Board desires, allow to grow back naturally. We also can block a portion of the steps with some vegetation and shrubs to deter use. There is a septic modification on the east side which needs to be moved further away to meet the setback requirements. System is about 4-5 years old, but new septic tank will be added. The addition will go on sauna tubes.

Brendan Mullaney said the lot seems to be composed of fill and seems to not be a natural slope, this is why the coastal bank is on the side and front of the dwelling. Project is moving the garage a bit closer to the coastal bank, but only 7-8' on the side of the house. The project falls within the usual Board criteria for new construction setbacks to a Coastal Bank on a property with existing structures. The wooden stairs to beach meet the performance standards as long as major vegetation disruption is avoided; these would be a recommendation to prevent erosion issues on the current dirt path. Mitigation would be a benefit and is adequate to make up for the disturbance created by project.

Martha Craig Rheinhardt inquired about the addition and if it could be more adjacent to the house. Mr. Bracken didn't have the architectural plans, but added there is a definite reason why it was proposed and is the only alternative that worked with applicant.

Brendan Mullaney explained to Board members who were not present at the prior meeting that the hearing was opened during the last meeting for procedural reasons, but no information was presented, and it was continued to tonight.

Susan Weston not in favor of the addition sticking out and being closer to the bank. Mr. Bracken said he could look at the architectural plans and submit to Conservation Agent. It is 4 ½' closer to the bank with proposed work and she would be more comfortable if it was moved back.

V. Chm. Martha Craig Rheinhardt asked about vegetation for mitigation and on the coastal bank. Mr. Bracken said it would be a mixture of trees and shrubs.

Susan Weston asked Brendan Mullaney his thoughts of the new stairs. Brendan Mullaney said it is a well vegetated bank and the goal is to direct traffic where it will not cause much erosion. There are no giant trees, but said he can put a condition on the stairs where it can be adjusted to avoid trees larger than 6" dbh diameter. Susan Weston concurs with this condition. Brendan states the elevated set of stairs is allowed as long as major vegetation disruption is avoided.

Thomas Ligor asked if the vegetation under the stairs will remain. Mr. Bracken said they keep the ground covering and the disturbance should be minimal. V. Chm. Martha Craig Rheinhardt confirmed with Brendan Mullaney this is true. Brendan Mullaney said in this type of situation, where sauna tubes will be installed, vegetation will grow around and through the stairs within a year.

Brendan Mullaney reported that the existing path isn't that easy to walk on, and the top will be blocked off with plantings per submitted plans.

V. Chm. Martha Craig Rheinhardt said when applicant comes in before the Board for compliance, she would like to see how path and the blocked off part has worked out.

No further Board comments. No public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the Board voted unanimously to approve.

Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-5, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

ASC-1) Construction of the beach access stairs over the Coastal Bank must avoid any trees over 6" DBH (diameter at breast height). A shift in location from the Plan of Record is allowed if necessary and must be noted on the As-Built plan.

ASC-2) The top of the existing dirt path must be planted with native vegetation to discourage use and allow the path to vegetate over the next growing season.

General Conditions, Special Conditions #'s 20, 24, Bylaw Conditions #'s 4 and 6 Additional above all shall continue in perpetuity beyond the limitation of this Order and with the sale of the property to others.

A motion made by Rob Palumbo and seconded by Susan Weston to move the Draft Order to Final. All in favor.

Certificates of Compliance:

1)	<u>Applicant:</u>	Jeffrey Hamilton	<u>DEP File Number:</u> SE7-1449
	<u>Representative:</u>	Michael Borselli, Falmouth Engineering	
	<u>Project Address:</u>	0 Williams Ave., Pocasset	
	<u>Proposed Project:</u>	Construct a building, associated parking, septic system and appurtenances within 100 feet of a Wetland Resource Area	

Brendan Mullaney explained the project goes back to 2003 with a number of extensions and amendments with variations of Orders of Conditions. A site visit was made, plans submitted. Applicant is substantially in compliance.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board voted unanimously to grant Certificate of Compliance.

Other Business

► Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Peter Holmes to excuse absent members, the Board voted unanimously to approve.

► Approval of Minutes – November 3, 2011

On a motion made by Peter Holmes and seconded by Susan Weston, the Board voted to approve minutes of 11/3/11 as amended. Vote 4-0-2 (abstentions by Rob Palumbo and Betsy Kiebala).

► Commissioner's Draft Action Plan for Regulatory Reform at MassDEP (Discussion & Possible Vote)
Brendan Mullaney said Chm. Gray asked to keep on agenda in case Board members had comments. Brendan Mullaney sent letter regarding Emergency Certifications to DEP. No vote needed to be taken.

► Review deteriorating/damaged seawall adjacent to Town Boat Ramp on Wenaumet Bluffs Drive in Pocasset River (Discussion & Possible Vote)

Brendan Mullaney explained this seawall is next to wall approved earlier (Marion Nutter, DEP File Number: SE7-1791 at 14 Wenaumet Bluffs Drive, Pocasset). The seawall was brought to his attention about a year ago and since then the wall has progressively gotten worse. The wall is at a critical stage now. For the record, Brendan Mullaney is bringing issue to the Board's attention tonight. He has drafted letter with DNR Director Tim Mullen to send to the homeowner. If the homeowner doesn't respond to this letter, Brendan Mullaney recommends an Enforcement Order issued by the Board and to also notify the DEP since the wall has a current Chapter 91 license.

V. Chm. Martha Craig Rheinhardt asked where this person lives. Brendan Mullaney said his mailing address in Hingham. Brendan Mullaney will include current pictures of the wall in letter. V. Chm. Martha Craig Rheinhardt requested Brendan Mullaney to cc the family members. Brendan Mullaney said no action will be taken at this time, but he will prepare Order for next meeting if necessary. He raises issue tonight so the Board is aware of the situation. He said multiple Town Departments have also been aware of this situation.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

Illegal cutting at 68 Rocky Point Road – an arborist will appear before the Board to discuss cutting violation in Gray Gables at the next meeting.

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Rob Palumbo and seconded by Peter Holmes, the Board voted unanimously to approve. Meeting adjourned at 8:10 pm.

Respectfully submitted,
Lisa Groezinger, sec.

Conservation Commission
Minutes of December 6, 2012
Bourne Town Hall, Lower Conference Room
Buzzards Bay, MA 02532

2013 MAR 1 PM 3 28

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebas, Paul Lelito, Peter Holmes, and alternate member Thomas Ligor.

TOWN ENGINEERING OFFICE
BOURNE, MASS

Member(s) absent: Rob Palumbo and Susan Weston

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Shawn MacInnes

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

List of Documents

None

Requests for Determination of Applicability:

1) File Number: CC12-70

Applicant: William Ribich

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 143 Shore Road, Bourne

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Ms. Frappier as representative for Mr. Ribich. This is a Title V upgrade. Exceeds all necessary setbacks to wetlands located to south west of property. Existing cesspool will be pumped clean and filled with clean sand.

Brendan Mullaney – flood zone only. Wetlands are approximately 200 ft from proposed work and no other resource areas within 100 ft. Project will be an overall improvement for the area. No other concerns with the project.

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

2) File Number: CC12-71

Applicant: Thomas Cibotti

Representative: SAME

Project Address: 394 Scraggy Neck Road, Cataumet

Proposed Project: Construct fieldstone wall, pergola, and expansion of existing patio within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Applicant not present tonight. All appropriate paperwork including abutter notifications handed in.

Brendan Mullaney – property has been in front of the board previously, this project entails small expansion to the patio and a small field stone wall within existing landscaped areas. No concerns with project.

No board comment. No public comment.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 2 Determination.

3) File Number: CC12-72

Applicant: Ruth Palo

Representative: Jeffrey Ryther, PE, BSS Design, Inc.

Project Address: 25 Maple Street, Buzzards Bay

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Applicant not present tonight. All appropriate paperwork including abutter notifications handed in.

Brendan Mullaney – basic septic upgrade. Applicant is abandoning existing cesspool. Upgrade will be as far away from Bumps Pond as the property allows. This will be an improvement to the area. No other concerns with the project.

No board comment. No public comment.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 2 Determination.

4) File Number: CC12-73

Applicant: Jack & Sandra Noble

Representative: Shawn MacInnes, PE

Project Address: 439 Barlows Landing Road, Pocasset

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

Mr. MacInnes representing the Nobles. Basic upgrade. Installing tank and leach field.

Brendan Mullaney - no resource areas within 100 feet of proposed project. Upgrade is replacing existing system. This will be an improvement to the area. No other concerns.

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

5) File Number: CC12-74

Applicant: Lewis Silveira

Representative: Shawn MacInnes, PE

Project Address: 132 Wings Neck Road, Pocasset

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Mr. MacInnes representing Mr. Silveira. Basic upgrade installing a tank replacing leaching field with plastic chambers.

Paul Lelito – asked if the applicant can move further back. Mr. MacInnes states if put further out, applicant will have to re-grade and wants to avoid putting in fill. He asked if fill or setback accommodations are the concern.

Brendan Mullaney – the house is between the septic and the wetlands on the other side. Mean High Water off of Wings Neck is 177 feet.

Chm. Gray –this board is looking at the construction activities and if they'll have an impact; the Board of Health (BOH) decides the distance.

Brendan Mullaney – believes Lelito's comment are applicable, but there are wetlands on the other side of the street as well, so moving away from one resource area moves closer to another. This board can encourage applicant to move as far away from a resource area, but Board of Health ultimately determines location. In this situation, he believes this proposal is reasonable as the whole area is all fill and moving further will entail bringing even more fill.

No further board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Martha Craig Rheinhardt, the board voted unanimously to approve the project under a Negative 2 Determination.

Notices of Intent:

Chm. Gray opened hearing and then recused himself from discussion and vote.

1) DEP File Number: SE7-1823

Applicant: David & Elaine Lagasse

Representative: Bracken Engineering, Inc.

Project Address: 18 Richmond Road, Pocasset

Proposed Project: Raze existing house and shed and abandon existing septic system, construct a new raised two bedroom dwelling with mounded septic system, including landscaping, utilities, and appurtenances within an AE Flood Zone

Hearing Under State Act Only

Mr. Bracken representing for Mr. & Mrs. Lagasse. Site is flood zone only, plan shows 100 foot buffer and 200 from other Resource Areas. Also shown is the 150 foot setback for BOH purposes. Small cottage currently on property, first floor is at elevation 8. Cottage is a 2-bedroom and restricted in footprint size and GFA. There is an application before the BOH next week. New construction will be 3,400 sq ft in size. The lot to the south has approval through BOH and ConCom to upgrade their system in the back. Applicant required to upgrade septic due to razing. Matching the wall to the south as far as elevation. Services by single cesspool will be removed. The house is designed with a garage under from the front, no cellar floor. We will need to go through the ZBA for relief height and lot coverage. Proposing pressure dosing system, dripping irrigation system. They are not proposing de-nitrification. Project is more than 150 ft from the salt marsh.

Paul Lelito – suggested zoysia grass, stated it is very low maintenance. Brendan Mullaney commented that they may want to ensure the root system will not interfere with the system.

Betsy Kiebala – asked about material to be used on the driveway. Mr. Bracken states the driveway will be a pervious material.

Brendan Mullaney –system will be a substantial change in elevation, but required. Resource areas are over 100 feet and he concurs with delineations of wetland lines.

Jim Mulvey – asked about treatment from roof runoff. Mr. Bracken states there are downspouts and a shallow trench could be required in conditions. Brendan Mulvey said it wasn't included in application as the drywell would be sitting in the groundwater. If homeowner wanted to, a French drain would be a good idea, but is not required.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to close the hearing.

Brendan Mullaney – Draft order includes all General Conditions, Special Conditions Numbers 1-5,9,10,12,13,16-24. There are no Bylaw Conditions as property is in AE Flood Zone only. Special Conditions 20,24 shall continue in perpetuity.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

2) DEP File Number: SE7-1822

Applicant: Massachusetts Maritime Academy

Representative: Baxter Nye Engineering & Surveying

Project Address: 101 Academy Drive, Buzzards Bay

Proposed Project: Construct dormitory expansion, including landscaping and storm water management facilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Hearing Under State Act Only

(Continued from 11/15/2012)

Brendan Mullaney - DEP had no comments on either project.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board voted unanimously to close the hearing.

Brendan Mullaney – Draft order includes all General Conditions, Special Conditions Numbers 1-3,5,9,10,12,13,16-24. There are no Bylaw Conditions as property is owned by Commonwealth of Massachusetts. Special Conditions 20,24 shall continue in perpetuity.

On a motion made by Betsy Kiebala and seconded by Paul Lelito, the board voted unanimously to move Draft Order to Final Order.

3) DEP File Number: SE7-1821

Applicant: Massachusetts Maritime Academy

Representative: Baxter Nye Engineering & Surveying

Project Address: 101 Academy Drive. Buzzards Bay

Proposed Project: Construct drum filter building at waste water treatment plant within an AE Flood Zone
Hearing Under State Act Only

(Continued from 11/15/2012)

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to close the hearing.

Brendan Mullaney – Draft order includes all General Conditions, Special Conditions Numbers 1-3,5,9,10,12,13,16-24. There are no Bylaw Conditions as property is owned by Commonwealth of Massachusetts. Special Conditions 20,24 shall continue in perpetuity.

On a motion made by Betsy Kiebala and seconded by Paul Lelito, the board voted unanimously to move Draft Order to Final Order.

Request for Certificates of Compliance :

1)DEP File Number SE7-1281

Applicant: Paul & Patricia Pompeo

Representative: SAME

Project Address: 31 Harbor Drive, Pocasset

Proposed Project: Fill portion of backyard, construct a new addition and deck, revegetate cleared area landward of salt marsh, remove wooden walkway and remove stones within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Site visit was made. This is a result originally of an enforcement issue. Property owners stated that Chm. Gray and former board member Bruce McDonald had been to the property and signed off on the project but there is no record of compliance. Requirements have been fulfilled. Project was in compliance with the plan the record, recommends the board grant.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to issue Certificate of Compliance

Other Business

- ▶ **Vote – Excuse Absent Members, if necessary**

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to excuse absent members from tonight's meeting

- ▶ **Approval of Minutes – November 1, 2012**

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted to approve minutes of 11/1/2012 as submitted. Martha Craig Rheinhardt abstained.

- ▶ **Any other business that may legally come before the Commission**

- ▶ **Report of the Conservation Agent**

Army Corp informed Brendan Mullaney of doing emergency erosion control work on the Mashnee dike. Met with representative in the summer. The Army Corp is exempt from State and local permitting requirements. Original estimate of 3,000 cubic yds of sand and build up 460 feet going out 15-20 feet and gradually going down to meet the slope of the beach. This work will begin on Monday. Fill will be brought in by trucks. They will come in, build up ramp using some Jersey barriers so trucks can come up and back down. A track machine and front end loader will be on the beach. This is a five (5) day project. They are trying to stay above mean water, but probably going a few feet below to match the grade of the beach. Length wise the project is 464 feet. Advised to do work in the off season.

Mr. Mulvey –shellfish surveys would have to be done if anyone else is involved. Grain of the sand will have to match. Brendan Mullaney said there are specific requirements of the sand and an independent contractor won the bid.

1. Letter received today regarding 349 Circuit Ave. Letter in response to the violation letter sent by Brendan Mullaney regarding illegal cutting. Chm. Gray – recommendation not to replant. Seems like a misunderstanding.

Brendan Mullaney – to draft letter to inform of any work on the property including across the street, will have to consult with the Department before doing any work in the future. Vegetation will re-grow and come back, no re-planting will be needed. If they want to cut shrubs for a view, they will have to file for a permit.

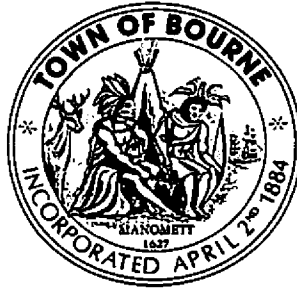
- ▶ **Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99**

- ▶ **Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16**

Adjournment

On a motion made by Betsy Kiebalá and seconded by Martha Craig Rheinhardt, the board voted unanimously to adjourn the meeting. Meeting adjourned at 8:15 pm.

Respectfully submitted – Lisa Groezinger, sec.



2011 DEC 9 AM 10 01
TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, December 15, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Keith & Polly Jenkins Man **File Number:** CC11-73
Representative: SAME
Project Address: 93 Cedar Point Drive, Pocasset
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)
(Continued from 12/1/2011)

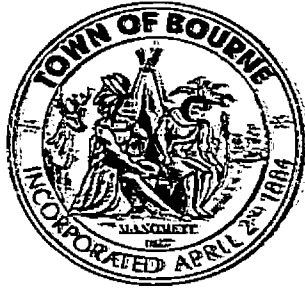
- 2) **Applicant:** John Cahir **File Number:** CC11-75
Representative: Natascha Batchelor, The Davey Tree Expert Co.
Project Address: 13A River Road, Pocasset
Proposed Project: Perform vista pruning within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 3) **Applicant:** Matthew Cusick **File Number:** CC11-76
Representative: Bracken Engineering, Inc.
Project Address: 29 Bell Buoy Road, Pocasset
Proposed Project: Raze and rebuild existing cottage, including landscaping, septic system connection, and appurtenances within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Russell Wilkins **File Number:** CC11-77
Representative: SAME
Project Address: 17 Maple Street, Buzzards Bay
Proposed Project: Construct a detached garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, December 15, 2011 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Paul Lelito, Rob Palumbo, Peter Holmes and Betsy Kiebala Alternate member Thomas Ligor.

Members absent: Susan Weston

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Natascha Batchelor, Zachary Basinski, Stephen Buckhoff, Russell Wilkins, Lawrence Silva, Paul & Mary Cusick, Paul Gately

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Keith & Polly Jenkins Man **File Number:** CC11-73
Representative: SAME
Project Address: 93 Cedar Point Drive, Pocasset
Proposed Project: Install natural gas line within an AE Flood Zone
(Hearing Under State Act Only)

Brendan Mullaney explained Request was continued from previous meeting as applicant didn't have a better notification which have since been submitted. Project is simple - to install a natural gas line within an AE Flood Zone only.

No questions by the Board. No comment from the public.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Board voted unanimously for a Negative Two Determination.

2) **Applicant:** John Cahir **File Number:** CC11-75
Representative: Natascha Batchelor, The Davey Tree Expert Co.
Project Address: 13A River Road, Pocasset
Proposed Project: Perform vista pruning within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

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Natascha Batchelor representing: Project involves pruning to improve view and remove vines in the area. This would be an improvement to cedars and bayberry in the area, including on the bank, which are being overtaken. Aerial photographs were submitted to the Board for review.

No questions from the Board.

Brendan Mullaney said proposed project is on the Pocasset River. Photos depict the area of vista pruning marked with flags. The second page shows river and the bridge. There is lots of invasive vegetation, and once cleared, it would do a lot for the view. Selective pruning will also help. This is a relatively small area where actual vegetation will be cut.

Ms. Batchelor explained while clearing, applicant will preserve as much as possible, cutting near the apple tree and the oak tree a few branches and a few small saplings. Brendan Mullaney talked to Mr. Cahir about getting rid of the bittersweet. No other concerns with the project.

No public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Peter Holmes, the Board unanimously voted a Negative 2 Determination.

3) **Applicant:** Matthew Cusick **File Number:** CC11-76
Representative: Bracken Engineering, Inc.
Project Address: 29 Bell Buoy Road, Pocasset
Proposed Project: Raze and rebuild existing cottage, including landscaping, septic system connection, and appurtenances within 100 feet of a Wetland Resource Area

Chm. Gray recused himself from this matter, as he does work on occasion with Bracken Engineering. Vice-Chairwoman Martha Craig Rheinhardt takes over as Chair.

Zachary Basinski, Bracken Engineering representing: Applicant looking to demolish existing cottage and to construct a new one. Property is adjacent to Hen Cove. There is an AE flood zone at elevation 15, and a primary coastal bank by definition. Project is outside the 50' buffer to the coastal bank and outside the AE flood zone.

Paul Lelito asked about the status of the existing house for clarification. Mr. Basinski states the cottage will be razed, there is no proposed work on the house.

Martha Craig Rheinhardt asked if this is the same footprint in the same existing cottage and if landscaping will be around the cottage. Mr. Basinski states it will be in the same footprint and landscaping will be done around the cottage.

No further questions by the Board.

Brendan Mullaney explained the land around the cottage is flat and developed. The proposed structure will not be moved any closer to Resource than currently exists. No erosion concerns or other issues with the project.

No public comment.

Betsey Kiebal asked why proposed project is considered a request and not a notice. Brendan Mullaney explained it is ultimately at the Board's discretion, but he felt since this is a very small cottage about the size of a shed and it is over 50' away from the top of bank and outside the flood zone, this is the appropriate procedure. No further Board questions.

On a motion made by Peter Holmes and seconded by Rob Palumbo, the Board unanimously voted for a Negative 3 Determination.

V. Chm. Martha Craig Rheinhardt turned meeting back over to Chm. Gray at this time.

- 4) **Applicant:** Russell Wilkins **File Number:** CC11-77
 Representative: SAME
 Project Address: 17 Maple Street, Buzzards Bay
 Proposed Project: Construct a detached garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Russell Wilkins representing: Proposing building a 22'x24' single-story detached garage. Original plot plan dated 2001 included a 24' by 18' addition/family room, which was never constructed. The lot is 20,000 sq. ft which allows room for construction. There is a shallow pitch and the house is on slab, which allows for no storage space currently. Garage could get smaller than proposed here, but this is the footprint requested at this time. A 10'x10' shed there now will be removed, which is also shown on the plot plan.

No Board questions.

Brendan Mullaney said proposed project is 96' from Bumps Pond, and is also in the AE flood zone. Simple project - he said a silt fence could be erected during construction if requested by Board, but he doesn't see the need since there is a minimal slope and the area is well vegetated.

Martha Craig Rheinhardt asked if the garage is going toward Maple Street which applicant explained it was.

Jim Mulvey questioned siltation or erosion. Brendan Mullaney explained area is well vegetated and on slab, which results in limited storm water runoff. Applicant has no plans for gutters. Chm. Gray recommended applicant add a French drain (18" deep crushed stone on the roof drip line for storm water to fall to ground). Applicant said he has no issue with adding a French drain to proposed project. Chm. Gray explained a French drain is about 18" wide x 18" deep.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted a Negative Two Determination.

7:15) Notices of Intent:

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area

Lawrence P. Silva representing: Area sits high off from Shore Road with a gravel driveway. Elevations near the house are in the 30s. Nice plateau and continues to rise to elevations of 37-38, towards the back elevation falls off. There is vegetation to the left and right of the home. Proposed project would be an improvement to the home itself. On the right side looking to add a garage under with a room over; on the left side looking to add a 10'x40' deck supported by sono tubes which will be augered in place. There will be 12 sono tubes. Disturbance to the area to construct will be minimal. Septic system is out in the back and proposed project will have no impact. Area is vegetated and well established. With regard to the deck, a bobcat with auger will be utilized and this will be the most significant disturbance. Applicant may send laborers to do some of the digging. There will be a siltation barrier, maybe more than needed but will keep the contractor in the area. The finished deck will be close to the 50' setback to the wetland areas.

Paul Lelito asked how far the vegetation is from proposed construction on the left. Representative explained there is a 100' buffer zone shown on the plan and the setback to wetland area is also shown. Existing deck will be converted to living space.

Brendan Mullaney said wetland lines are delineated accurately. However, the major issue he has with proposed project is that there are coastal banks on both sides of the dwelling which are not shown or delineated on the plan. He sent email to Representative's office explaining this issue and received response this would be addressed at the meeting. The northside has approximately 2-1 slope which tapers to about 4-1 near the house. On the south side same is the same issue – definitely steep enough slope to meet definition of Coastal Bank. According to the Coastal Bank Policy, both sides easily meets criteria to be classified as banks. There is a discrepancy between what is shown the plan and on what can be approved under the Town Bylaw regarding the 50 foot required setback to Resource Areas.

Mr. Polillia explains he wasn't aware of the issue as he explained he was in the hospital and didn't receive said email sent to his office. Brendan Mullaney explained by definition, coastal bank on both sides are well beyond where the flagged wetlands are; 50' on the north side and 75' on the west side. This puts proposed project closer than shown to Resource Areas and within the 50' required setback of the bylaw for new construction. There is no provision for existing homes; all new work must be at least 50 feet from wetland resource area. If a home already in 50' buffer, it can be rebuilt in the existing footprint or possibly expanded laterally, but those situations are different than what is being proposed. The nearest resource area in this case is the coastal bank, therefore there is a major issue with the proposed project. Brendan Mullaney gave copy of the DEP Policy 92-1 on Coastal Banks to the Board and applicant, showing where the top of the bank is as outlined in Figure 2. He states the representative may want to shoot transects to determine the exact slopes on both sides of the dwelling.

Representative asked if there was any previous filing for work on the property and if there were any issues in the past. Brendan Mullaney will research.

Chm. Gray asked if the deck is at grade. Representative answered it is elevated.

Betsy Kiebala asked what the stake is in the pictures. Representative said it was a benchmark stake.

Paul Lelito said this is an incomplete application (Representative was concerned and was worried about re-filing). Paul Lelito explained this is not a problem at this time and the Board will continue hearing. No re-filing is required.

Chm. Gray requested applicant reshoot some of the grades to get a rough idea of elevations at the top of the bank and in the back. With proposed work applicant still has a constraint and doesn't know what this does for client but asked about constructing a garage under with rooms above working towards the back of the property. This may allow the addition while keeping the same set backs; which have traditionally approved by this Commission. With regard to the second story, applicant can leave it, since there is no foundation or excavation required

No further questions from Board members.

Abutter Mike Plummer had questions about proposed work, but they have been answered after listening to presentation tonight. He has no further questions, but did want to know when the continued hearing would be held.

Chm. Gray said the hearing is continued to 1/5/12 @ 7:15 pm, and that he may want to contact the office prior to then to make sure application will be heard. No further public comment.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to continue hearing at the applicants request to 1/5/12.

Certificates of Compliance:

- | | | | |
|----|---------------------------------|--|---|
| 1) | <u>Applicant:</u> | Grace Moore | <u>DEP File Number:</u> SE7-1740 |
| | <u>Representative:</u> | Jack Landers-Cauley | |
| | <u>Project Address:</u> | 23 Quamhasset Rd, Buzzards Bay | |
| | <u>Proposed Project:</u> | Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area. | |

Brendan Mullaney explained the proposed project will be continued to 1/5/12 and there are issues.

Other Business

► Proposed Restoration Plan for illegal clearing of vegetation, 68 Rocky Point Road (Discussion & Possible Vote)

Stephen Buckhoff – Seaside Arborists Tree Service. Shows new plans that are different from what was sent to Brendan Mullaney. Mr. Buckhoff's is more substantial. Brendan Mullaney has copy for the file.

The Board read report prepared by Mr. Buckhoff. Area is approximately 180'x150'. Claims that the majority of species that were removed were all invasive. Trees that were cut are marked out, these trees sat on a little ridge adjacent to the salt marsh.

Chm. Gray asked what landowner was hoping to gain with a view. Mr. Buckhoff stated owner wanted a view of the bridge, but he is proposing to replant trees in the area. Chairman Gray says this may not be the best idea since we may be back for the same issue in a few years. Brendan Mullaney said a solution from both parties can be reached; applicant gets what he wants and replants what the Commission wants. Mr. Buckhoff explained what was proposed in same area and the area was delineated will not do well in any other place (saltwater intrusion). Chm. Gray asked about the deck on the seaward side and suggested discussing with landowner, starting as focal point to create a view shed from the focal point out, trees planted on peripheral area, and where showing proposing trees put low growing shrubs. Applicant can petition Board to prune. Mr. Buckhoff said this seems like a good idea and he doesn't see why landowner would not be agreeable to this.

Chm. Gray said he would hate to have trees replanted and have the same issue in a few years down the road. Landowner can create the desired view shed and re-establish the vegetation in the areas.

Thomas Ligor suggested planting shrubs where trees were originally cut and trees to the peripheral area which won't obstruct the view.

Mr. Buckhoff asked about additional work. Brendan Mullaney recommended landowner filing separately to do additional work on the property. Brendan Mullaney added this property should show where trees are to be put back. It is feasible to put in a higher area and this area put low growing shrubs. Mr. Buckhoff agreed and said the higher elevation would be sheltered and the trees would do better in that area.

Paul Lelito asked how issue came to the Commission's attention as he was not at previous meetings. Brendan Mullaney explained he received a phone call of illegal tree removal.

Thomas Ligor asked Mr. Buckhoff why he is taking full responsibility and allowing anonymous party not to take any responsibility for said issue. Mr. Buckhoff explained it is his nature to work this way.

Betsy Kiebala commented about no recourse. Thomas Ligor said anonymous party may do again.

Betsy Kiebala commented on the different planting in the flood zone. Brendan Mullaney explained bayberry, blueberry, beach plums, ink berry would grow better. Betsy Kiebala added they would be better than tree roots.

Chm. Gray asked how the Board wished to proceed. It was the consensus of the Board for landowner to re-work and the Board will re-visit. Chm. Gray asked Mr. Buckhoff, in his revision, to show the width of the view shed and to have something on paper which landowner agrees to so the Board can feel comfortable about work. Mr. Buckhoff will comply.

No further Board questions.

Jim Mulvey asked about cases like this where there are stumps, about root systems when restoration takes place; how much disturbance is allowed. Brendan Mullaney explained there would be enough to dig a hole

for new vegetation, leaving the root system to keep the bank stable. Chm. Gray added to flush cut now and leave in ground and plant around them. No further public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Board voted unanimously to continue to 1/5/12.

Chm. Gray directed to Mr. Buckhoff to a new section on MA Coastal Zone Management website devoted totally to coastal plantings.

► Update on damaged seawall, 10 Wenaumet Bluffs Drive, Pocasset (Discussion & Possible Vote)
Brendan Mullaney handed out pictures to the Board of the sea wall from two weeks ago. A letter was sent to Mr. Callahan at a new address. Mr. Callahan came into the office and realized he has to address at this point. Contractor Bob Billadeau stacked the crumbled wall off the beach area. Mr. Callahan has retained an engineering firm and will be re-doing the entire sea wall as his house would be threatened. Brendan Mullaney discussed with Mr. Billadeau to try to get permit and do the wall at the same time as the abutters wall that was recently permitted.

► Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Peter Holmes, the Board voted unanimously to excuse Susan Weston from tonight's meeting.

► Approval of Minutes – November 17, 2011

On a motion made by Peter Holmes and seconded by Betsy Keibala, the Board voted to approve minutes as submitted. Abstentions by Rob Palumbo and Paul Lelito.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Rob Palumbo and seconded by Peter Holmes, the Board voted unanimously to adjourn. Meeting adjourned at 8:05 pm.

Respectfully submitted,
Lisa Groezinger, sec.

**Conservation Commission
Minutes of December 20, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

2013 MAR 15 PM 12:13
TOWN CLERK'S OFFICE
BOURNE, MASS

.....
Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Peter Holmes, Betsy Kiebala, Paul Lelito and Susan Weston. Alternate member Thomas Ligor also present.

Member(s) absent: Rob Palumbo

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Brett Ellis, Neil Langille, Maureen Dunn, Viviane Malone, Joe & Sandra Ferolito, Beverly Adomaitis, Russell Kleekamp, Paul Pacella

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability:

1) File Number: CC12-75

Applicant: Brett Ellis

Representative: SAME

Project Address: 24 Monument Neck Road, Gray Gables

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Brett Ellis states this is a standard upgrade in the Flood Zone.

Brendan Mullaney – proposed project is a standard septic upgrade and would be an improvement for the area and has no other concerns with the project.

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

2) File Number: CC12-76

Applicant: Town of Bourne

Representative: Brendan Mullaney

Project Address: Along Buttermilk Way, Buzzards Bay

Proposed Project: Install stormwater infrastructure including all landscaping, grading, and paving within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Brendan Mullaney – stormwater adjacent to the old Beechmoor Restaurant is currently untreated discharge. The water in the catch basins are channeling directly into the Bay. The area has been historically closed to shellfishing for decades due to poor water quality. The town received a grant to treat the area. Design work is an attempt to mitigate and treat said stormwater – project has designed by Green Seal Environmental.

Russ Kleekamp (Green Seal Environmental) – the parking lot was in poor shape. He approached the Mass Maritime Academy (MMA). MMA did have a plan for stormwater and teamed up with the town for the parking lot redesign. There will be infiltrations at the lowest point of the proposed rain garden for a 2-tiered system and a better parking lot. The second system has three catch basins. All treatment systems have been approved and endorsed by Buzzards Bay National Estuaries Program. The MMA will clean the system annually. The first portion of the project will take 2-3 days to install. There are no traffic concerns.

Holmes – asked what is going into the rain garden. Mullaney states mostly shrub and groundcover plantings for both function and aesthetics and the root structure will not interfere with the components.

Kiebala – asked who owns the parking lot. Kleekamp states the MMA owns the parking lot. This is a cooperative project. The pavement costs will provide a match for the grant cost. The town will use a county bid and the MMA will benefit by paying a lower rate. The MMA has been proactive with green technologies and are fully supportive of this project.

No further board comment.

Neil Langille – asked about the impact on the mounding. Kleekamp states the infiltration system will be put as far away from the septic or basements as the site allows and will have no effect on abutting properties.

Beverly Adomaitis – asked for clarification on the plans: 1) What effect will the garden have on her driveway – Kleekamp states the proposed parking lot will be within the current paved surface and will have no impact on her driveway and everything is under the existing pavement. 2) What is the impact on the trees - no impact to any of the trees. 3) Concerns of the look of the project – the area will be backfilled, compacted and re-seeded; it will be brought back to existing conditions. 4) Width of the project - 12 feet. 5) Action to keep trucks away from her driveway – applicant will remove pole for construction access and will put back to existing conditions.

Mr. Mulvey – brief synopsis of what negated the project: Two years ago Mr. Mullen approached the Pollution Task Force Stormwater Group requesting an engineering study and design to install a stormwater structure. Initially the town was granted money for an engineering study; a second grant would partially fund the actual work. The first portion of the work needs to be completed by June to comply with the grant. He further went on to say that this isn't unique to the town and is a big plus to the town (Barlow's Landing, and Electric Avenue for example). A vacuum truck is used

to maintain the tanks. The main benefit of proposed project is that the water will now be treated and any overflow will be clean.

No further public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

Notices of Intent:

Lelito recused himself from discussion and vote at this time.

1) DEP File Number: SE7-1824

Applicant: Ralph & Mary Margaret Darling

Representative: Holmes & McGrath, Inc.

Project Address: 2 Tern Way (526 Scraggy Neck Road), Cataumet

Proposed Project: Construction and maintenance of single family house with attached garage, in-ground pool, porch, spa, patio, Title V sewage disposal system, reconstruction of timber stairs, utility installation, selective vista clearing and maintenance, and all associated clearing, grading, and landscaping within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Mike McGrath representing applicant – there is currently a single-family house that sits upon two lots. One lot is non-conforming which runs into Striper Lane. Subdivision of the property is pending. Proposing a gravel road / access. There are several flood zones and the boundary is shown on the plan. The water level will go up to an elevation of 16 on the ground. Proposing a single-family house with a pool patio and spa behind the structure. Town bylaw says project should be 50 feet back from the top of the coastal bank. Transects were requested by B. Mullaney on 12/19/12.

Chm. Gray – explained the extension of the fragment piece of the coastal bank doesn't extend further in direction. The distances are greater than 20 feet in the plan.

Brendan Mullaney – with regard to the coastal bank, the primary bank occurred between the 10 foot contour at one point and the 12 foot contour. After looking in the field, it was determined an 11 foot contour may need to be shown and transects taken to confirm the location of the bank.

Chm. Gray – asked what the applicant is proposing in the view shed. McGrath states a living area and a view by removing 10 trees. The applicant can add the trees back if the board feels it is necessary.

Ground cover in the north will be kept a height of 3 feet which is what is stabilizing the coastal bank. Brendan Mullaney explained there is a stone stairway on an existing path which can come

down in the cleared area moving forward as it is important and necessary for the buffer zone to stay intact.

No further board questions.

Brendan Mullaney – questioned how the board wants to deal with the fragmented coastal bank as it is a small area. The trees that have been trimmed or damaged are small red oaks, but not substantial trees. He would like to see the stumps left as is and the roots remain intact. Ground cover maintained at 3 feet is fine to hold the bank. There is slight erosion, but vegetation is very important to the property. The board needs to determine how the coastal bank is looked at on the site.

Kiebala – asks about the pool. It will be approximately 50 feet from the top of the primary bank.

Chm. Gray – with regard to the fragmented coastal bank, when looking at the banks take into consideration the functionality of the Act. There is storm damage prevention here; when looking at a fragment that is separated from the main bank 15-20 feet in length and 10 feet wide, we can't assume it has much functionality. In his personal opinion there is no reason to have a setback for the fragmented coastal bank. The setback in the bylaw is to protect the functionality of the bank and the primary bank is performing function assigned. He is comfortable focusing on the main bank and not the fragmented coastal bank.

No further board comments. No public comments.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to close the Public Hearing.

Brendan Mullaney – Draft Order includes all General Conditions, Special Conditions pursuant to MGL chapter 131, section 40, numbers 1-6, 9, 10, 12, 13, 16-24. Special Conditions pursuant to the Bylaw numbers 4,6,7,8,9. Special Conditions number 20,24, and Bylaw Conditions number 4 and 6 shall continue in perpetuity. Additional Special Conditions:

ASC-1) The proposed viewshed must be evaluated by the Conservation Commission once complete to determine if supplemental vegetation is necessary.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

Paul Lelito recused himself from discussion and vote of this second hearing.

2) DEP File Number: SE7-1825

Applicant: JMC Realty Trust

Representative: Holmes & McGrath, Inc.

Project Address: 1 Tern Way (526 Scraggy Neck Road), Cataumet

Proposed Project: Relocation and construction of a single family house, drywells, vista cutting, construction of path and stairs, clearing, grading, landscaping and installation of septic system components within an AE and VE Flood Zones, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area 2

Chm. Gray – this application is a continuation of the same coastal bank and property as the previous hearing.

Paul Pacella, representing applicants - applicant proposing to move cottage within 100 feet of jurisdiction of a coastal bank. Certain trees were removed and some work was done beyond the jurisdiction of a coastal bank. Two transects confirm the location of the the coastal bank. Client will replace trees inside the resource areas and the 50 foot buffer zone.

The cottage will have the exact footprint as currently exists. The septic leaching field is approved to maintain and to keep the septic disturbance to a minimum. He will also be developing road work for Tern Way.

Weston – asked if there are trees coming out in coastal bank. Brendan Mullaney explained this is similar to the other site. Maybe the trees were larger than the adjacent property and some young red oaks. Some looked like they have been trimmed and pruned at some point. He can include a condition to replace the trees at a 1:1 ratio. They will be leaving the stumps and root systems intact and maintain ground cover at a certain height, no negative impact.

Craig-Rheinhardt – asked for path and the stairs clarification. The real beach was left mostly stone after Hurricane Sandy. Applicant wanted access to the beach, picked a spot and designed a set of stairs. The area was cleared. Paul Paccella said when the cottage moves, the existing pathway will be on the property for the previous application. The clearing was to build a set of stairs. At the top of the stairs was a small platform (4 foot and is requesting to change to 8 foot platform).

Brendan Mullaney – the coastal bank was more clear on this property, but there was some small questions about the flood zone being further down in relation to the house – this issue was resolved after discussion with engineer. This house is further back from the 50 foot buffer than the previous application. With regard to the replacement of the trees, he can include a condition similar to the previous application. With regard to the landing, regulations afford for a structure to access the beach over a coastal bank, as long as it is designed properly. At the board's discretion, what size would be considered access. 6'x6' was discussed.

Kiebala – asked how the platform would be constructed. Currently has a 4'x4'. He is requesting an additional 2'x2'. The number of posts would be the same.

No further board comment. No public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the board voted unanimously to close the Public Hearing.

Brendan Mullaney – Brendan Mullaney – Draft Order includes all General Conditions, Special Conditions pursuant to MGL chapter 131, section 40, numbers 1-6, 9, 10, 12, 13, 16-24; Special Conditions pursuant to the Bylaw numbers 4, 6, 7, 8, 9 Special Conditions 20, 24 and Bylaw Conditions 4 and 6 shall continue in perpetuity. Additional Special Conditions:

ASC-1) Any trees removed must be replaced on the property at a ratio of 1:1.

ASC-2) The landing for the access stairs may be built up to 6' by 6' landward of the Top of Coastal Bank

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

Other Business

▶ 2013 Meeting Schedule (discussion and vote)

Brendan Mullaney – proposing one meeting in January, 1/17/13.

On a motion made by Martha Craig Rheinhardt and seconded by Paul Lelito, the board voted unanimously to approve one meeting in January.

Brendan Mullaney - any dates where there are multiple members not able to attend a meeting, we can always change the dates throughout the year.

▶ Vote – Excuse Absent Members, if necessary

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to excuse Rob Palumbo from tonight's meeting.

▶ Approval of Minutes – November 15, 2012

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board voted unanimously to approve minutes of 11/15/12 as submitted.

▶ Any other business that may legally come before the Commission

▶ Report of the Conservation Agent

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Adjournment

On a motion made by Martha Craig Rheinhardt and seconded by Paul Lelito, the board voted unanimously to adjourn meeting. Meeting adjourned at 8:25 pm.

Respectfully submitted – Lisa Groezinger, sec.



Town Clerk
 24 Perry Avenue
 Buzzards Bay, MA 02532
 (508) 759-0600 Ext 505



Barry H. Johnson
 Town Clerk

Wendy J. Chapman
 Asst. Town Clerk

October 2011

Conservation Comm.
Brandon Mullaney

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, minutes or all meetings should be filed with the Town Clerk's Office. We have enclosed except from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

The following minutes have not been filed with our office:

2011 Aug. 18th minutes
Sept. 1st ok "
Oct 6th ok "
 2010 _____

If you should have any questions, please contact our office.

Sincerely,

Town Clerk's Office

- 5) **Applicant:** Jonathan & Susan Billings **File Number:** CC11-55
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 47 Wianno Road, Mashnee Island
Proposed Project: Construct an 8' by 12' addition within AE and VE Flood Zones

Barbara Frappier representing: the Billings would like to construct a kitchen addition within the Flood Zone – there will not be the need for a new septic system since there will be no new bedroom space.

Brendan states this is on Mashnee Island, simple project in the Flood Zone and there are no other jurisdictional Resource Areas within 100 feet of the proposed project.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 6) **Applicant:** Patricia C. Thoma et als Trust **File Number:** CC11-56
Representative: Shawn MacInnes, P.E.
Project Address: 829 Shore Road, Pocasset
Proposed Project: Upgrade / repair septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area

Shawn MacInnes representing: This is an upgrade of the existing system for the sale of the property. We will be installing new leaching chambers and this has been conditionally approved by the Board of Health. Paul Lelito: on the plan, the edge of wetland is shown as a straight line / right angle – what's the story with this. Shawn: that is the edge of the roadway.

Brendan states this is in the vicinity of the Pocasset River, the wetland line is conservative, and the project will be an improvement for the area.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

- 7) **Applicant:** Doreen Shea **File Number:** CC11-57
Representative: SAME
Project Address: 66 Megansett Road, Cataumet
Proposed Project: Repair existing stone sea wall within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Doreen Shea representing: we have a portion of our stone wall that is damaged. A few years back a sailboat crashed into the wall and dislodged the stones, we would like to put them back. Paul Lelito asks if any machinery will be used, Mrs. Shea replies the work will be done by hand from the lawn.

Brendan shows pictures of the property and explained this wall is adjacent to one that was recently reviewed by the Commission and has since been repaired. He has no concerns with the project as long as the work is done from the landward side of the wall and by hand.

On a motion made by Paul Lelito and seconded by Susan Weston, the Commission unanimously voted to approve the project under a Negative Two Determination.

7:15) Notices of Intent:

- 1) Applicant: Kenneth Legg DEP File Number: SE7-
 Representative: Timothy Brady, East Cape Engineering, Inc.
 Project Address: 0-C Emmons Road, Monument Beach
 Proposed Project: Reconstruct existing licensed stone revetment within a VE Flood Zone, within a
 Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Tim Brady representing: This project consists of reconstructing the stone revetment that serves to protect the roadway along Emmons Road beyond the bridge. The wall is approximately 560 feet long and is a combination of a vertical stone wall and a line of random stones seaward of the wall. The plan is to reconstruct the entire wall, reusing the stones that are there. There is also existing concrete that has been used to patch up the wall which will be broken up and buried in the new wall. Currently, there is a vertical face, a slope will need to be created for the new structure. Some stone will have brought in to supplement the existing material. The new footprint will be slightly smaller, a little less seaward than what exists. The work will be done by a standard track mounted excavator doing all work from the roadway. We do not have NHESP comment back yet.

Paul Lelito asks about the contractor, Tim Brady states that has not been selected but will likely be John Chuckran. Susan asks what tide the pictures are at, Brendan states about mid to ¾ high tide. Chairman Gray asks about the salt marsh vegetation and whether the project will have an effect on it, Brendan states that the contractor should be made aware that work in these areas has to be meticulous and careful and it shouldn't be a problem – he also states that doing the work from the roadway should minimize this and he would be more concerned if they were proposing to use a barge.

There is some discussion regarding the pictures and location of the work. Paul Lelito asks about the vegetated strip between the road and the wall – Tim Brady states it will be destroyed during the process but can be replanted. Chairman Gray asks if the Bourne DNR can review the project prior to the next meeting, Brendan will request that this is done. Paul Lelito asks about the size of the toe stones – Tim Brady states 3-5 ton and he will put that on the plan.

The hearing is continued to September 1, 2011 to await comment from MA NHESP and the Bourne DNR.

- 2) Applicant: Alan Quagliari DEP File Number: SE7-1787
 Representative: Evan Wilmarth, Dover Land Surveying
 Project Address: 43 Harbor Drive, Pocasset
 Proposed Project: Raze and rebuild existing single family dwelling including installation of septic
 system, landscaping, grading, utilities, and associated appurtenances within AE
 and VE Flood Zones and within 100 feet of a Wetland Resource Area and repair
 existing licensed groin and reconfigure existing licensed dock within a VE Flood
 Zone and within a Wetland Resource Area
 (Continued from 8/4/2011)

Chairman Gray states this hearing was continued from August 4 due to lack of file number. Brendan states we received the file number and it is SE7-1787.

Evan Wilmarth gives a brief recap of the project for members who were not present at the previous hearing.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to grant the Certificate of Compliance.

- 2) **Applicant:** Clark Fisher **DEP File Number:** SE7- 1234
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 16 Fisher Lane, Sagamore Beach
 Proposed Project: Construct an addition to an existing dwelling within 100 feet of a Wetland Resource Area

Chairman Gray, Brendan was there a site visit done? Brendan, yes there was. Gray, did you find that this was built in order of compliance? Brendan, yes.

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to grant the Certificate of Compliance.

Other Business

- ▶ Vote – Excuse Absent Members, if necessary

On a motion made by Susan Weston and seconded by Paul Lelito, the Commission unanimously voted to excuse Peter Holmes, Martha Craig Rheinhardt, and Thomas Ligor.

- ▶ Approval of Minutes – July 21, 2011

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to approve the minutes of July 21, 2011.

- ▶ Reorganization of Commission (Possible vote)

Chairman Gray states this matter will be discussed during a future meeting when more members are present.

- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Susan Weston and seconded by Betsy Kiebala, the Commission unanimously voted to adjourn the meeting. Meeting adjourned at 8:25 PM

Respectfully submitted,

Brendan Mullaney