

**COMMISSION  
ON DISABILITIES  
TO  
CULTURAL COUNCIL  
2019**

**VOL. 2**

**Fernandes, Mary**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Sunday, January 13, 2019 10:43 PM  
**To:** michaelroberts251956@gmail.com; dpelonzi33@aol.com; zilbrown@gmail.com; mmchone01@aol.com; Chapman, Wendy; Fernandes, Mary; vickilyntex@aol.com; linmwhite@comcast.net; captdon40sail@comcast.net; Uitti, Donald; scotiarn@comcast.net; scotiarn@comcast.net; Uitti, Donald; vickilyntex@aol.com; linmwhite@comcast.net; Uitti, Donald; Lori.Cooney@umb.edu; scotiarn@comcast.net; Rebello, Mary

**TOWN OF BOURNE  
COMMISSION ON DISABILITY  
AGENDA**

**JANUARY 17, 2019 MEETING  
BOURNE TOWN LIBRARY  
4:30 - 5:30 PM**

RECEIVED  
2019 JAN 14 AM 11:37  
TOWN CLERK BOURNE

Meeting Called to Order:  
Members in Attendance:

Members not in Attendance:

Introduction of Guests:

Review and acceptance of December 20, 2018 meeting minutes:

**OLD BUSINESS:**

1. Up date on client with Jim at Vincent St. DePaul. Our committee position on giving help. Make up a list of contact numbers of agencies.
2. Stationary Letterhead - David P.
3. Creating a Google Account - David P.
4. Contact with Sargent Jay Perry -David P. Town of Bourne handicap Parking Project.
5. BCOD & COA Joint Fraud Presentation Possible Date set for March.
6. Bourne Selectman Peter Meir asked us to tour the new Bourne Intermediate School. Set a date.
7. Lori Coney - Do you have any projects to report on?
8. Committee idea's on self evaluation and goals. COA is working on a 5, 10 year plan.
9. Any other Old Business to be brought to our attention?

**NEW BUSINESS:**

Any New Business to be brought to our attention?

Next Scheduled Meetings: February 21st and March 21st 4:30 - 5:30 PM Bourne Library

Meeting Adjourned:

/Victoria Carr , Chair  
Posted: January 14, 2018

BOURNE COMMISSION ON DISABILITY  
January 17, 2019  
MINUTES

Present: Vicki Carr, Nathan Carr, David Pelonzi, Lori Cooney, Linda White

Absent: Don Uitti, Pat Ruggles, Michael Roberts

Vicki Carr brought the meeting to order at 4:30 pm. The minutes from the December 2018 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

- Update from Jim from Vincent St. Paul regarding the client needing aid – the situation has improved; the client has been provided with food and financial aid. The information shared by the BCOD was appreciated.
- The mission statement of the BCOD needs to be updated. Linda will work on it and present at the next meeting. It currently reads “**Mission** - the mission of the Commission on Disabilities is to work under the guidelines of the Americans with Disabilities Act (ADA) and the Commonwealth of Massachusetts Architectural Access Board (AAB) 521 Regulations, to ensure the enforcement of Title II and III of the ADA. Also work with business and town officials, departments, and citizens in an advisory capacity to ensure compliance with the ADA or aid in acquiring of handicapped equipment needed for the safety, health and welfare of our citizens.”

A suggestion was to have “handicapped” replaced with “accessible” and to read, in part, “serving the people of the Town of Bourne”.

- The new letterhead for the BCOD was distributed to all.
- The BCOD has received a budget to be used in fulfilling our mission. Linda will call the Town Treasurer to learn how to access the funds when needed.
- Sargent Perry will not be attending a BCOD meeting. The Bourne Chief of Police responded to our request, stating that it was not appropriate for the Sargent to attend.
- BCOD/COA presentation: The BCOD received an email from Amy Schram, community Relations Manager of the Better Business Bureau, stating that she would be happy to present at the joint event. The meeting will tentatively be set up at the Bourne Community Building on March 25 at 11:00 am. Light refreshments will be provided by the BCOD, Linda will organize.
- Dave responded to the request sent by Mr. Seeley regarding a tour of the new school under construction by the BCOD. Dave accepted the invitation on behalf of the

2019 FEB 13 PM 4:58  
TOWN OF BOURNE  
RECORDED

committee, with the caveat that none of our members have any formal training in 521 CMR, and that ensuring the compliance would fall within the scope of the local Building Inspector and possibly the ADA Coordinator of the Town of Bourne. Mr. Seeley will follow up with BCOD with possible dates.

- Lori discussed a proposal submitted for an Inclusive Playground to be built beside the Bourne Middle School, with a timeline of completion in May or June. The preliminary design includes area for sports and a wheelchair carousel. The BCOD made the following motion: "*Lori Cooney has been given approval to submit a proposal for an Inclusive Playground to be built at the Bourne Middle School soccer field to the Community Preservation Committee, and the Bourne School Department*" The motion was seconded and passed unanimously.
- The BCOD has received an email from Lotte Diomede of SMILE, requesting an invitation to a 2019 BCOD meeting to discuss their "Beach Wheelchair Program" could offer to the Town of Bourne and its citizens. Vicki Carr will contact Lotte to set up a visit.
- The BCOD discussion of the Self-Evaluation will be placed on the Agenda for the February meeting.

New Business:

- Lori will work on a Facebook page for the BCOD.
- Dave Pelonzi will administer the BCOD page on the Town of Bourne Website.

The meeting was adjourned at 5:30 pm. The next meetings are scheduled for:

*February 21, 2019 at 4:30 pm at the Bourne Public Library*  
*March 21, 2019 at 4:30 pm at the Bourne Public Library*

Respectfully Submitted,  
Linda White, Secretary BCOD

**Chapman, Wendy**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Monday, February 18, 2019 11:05 PM  
**To:** dpelonzi33@aol.com; zilbrown@gmail.com; Chapman, Wendy; Fernandes, Mary; vickilyntex@aol.com; linmwhite@comcast.net; Uitti, Donald; captdon40sail@comcast.net; Lori.Cooney@umb.edu; scotiarn@comcast.net; Rebello, Mary  
**Subject:** BCOD AGENDA FOR FEBRUARY 21 MEETING

**TOWN OF BOURNE  
COMMISSION ON DISABILITY**

**AGENDA**

**FEBRUARY 21, 2019 MEETING  
4:30 - 5:30 PM  
BOURNE TOWN LIBRARY**

REC'D  
2019 FEB 19 AM 11:03  
TOWN CLERK BOURNE

Meeting called to order:

Review and Acceptance of January 17, 2019 meeting minutes:

Members in Attendance:

Members not in Attendance:

**NEW BUSINESS:**

1. Vote on Termination of Committee Members
2. Tentative date of April 18 for SMILE Mass presentation
3. Any other New Business to be brought to our attention?

**OLD BUSINESS**

1. BCOD & COA Fraud and Home Presentation Monday, March 25th at 1:00 PM Community Center
2. Bourne Intermediate School Report
3. Commissions Activities update on our progress providing better access to parcels that CPC funded last year
4. Middle School All Inclusive Playground
5. Mission Statement and list of contact agencies
6. Any other Old Business to be brought to our attention?

Next Scheduled Meetings: March 21, 2019 April 18, 2019 Bourne Library

Meeting Adjourned:

Posted by E-Mail 02.19.19  
Vicki Carr, Chair

~~RECEIVED~~ BOURNE COMMISSION ON DISABILITY

February 21, 2019

MINUTES

2019 NOV 22 AM 11:07

~~TOWN CLERK BUREAU~~  
Present: Vicki Carr, Nathan Carr, Linda White, Don Uitti, Pat Ruggles

Absent: David Pelonzi, Lori Cooney, Michael Roberts

Vicki Carr brought the meeting to order at 4:30 pm. The minutes from the January 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

NEW BUSINESS:

- Vicki has spoken with Barry Johnson regarding BCOD member Michael Roberts. Mr. Roberts is now living with his sister and caretaker in Florida, and is not expected to return to Bourne.  
A letter has been written to the town stating there are two openings on the BCOD. A motion was made and seconded to send the letter to Bourne Selectman. The motion was voted and passed unanimously.
- A tentative date of April 18 has been set for the SMILE Mass presentation to the BCOD. A brief discussion was held regarding possible sites for the Beach Wheelchairs.

OLD BUSINESS

- The BCOD and COA are combining for a presentation on the topic of fraud, shopping rights, online ID theft, and other topics. Linda will bring water for attendees.
- Bourne Intermediate School – as Dave Pelonzi was absent, this discussion was tabled until the March meeting.
- Update on CPC funded projects – Dave Pelonzi is updating the spreadsheet with BCOD project priorities. He is planning to speak with Bracken Engineering regarding the Sagamore Beach access to start.
- Middle School All Inclusive Playground – Lori Cooney has set up an interview with the Bourne Enterprise for a feature on the inclusive playground. She will be discussing the co-application, and other CPC plans from last year.
- Mission Statement – Linda White distributed an updated version of the BCOD Mission Statement, to be discussed at the next meeting before submitting to the town.
- Vicki Carr distributed an article regarding a recent Local Comprehensive Plan (LPC) survey. Categorized as “Most Important” are bridge replacements, education, and water quality. Liz Brown of the Bourne CPC is interested in attending a BCOD meeting to discuss the survey; Vicki will make arrangements with Liz.
- Pat Ruggles distributed articles regarding AMD Awareness month, and B.L.I.N.D. Informational Networking Day 2019. Pat is planning to attend the Informational Day in Boston on March 19.

Vicki adjourned the meeting at 5:30 pm. The next BCOD meeting is scheduled for March 21<sup>st</sup>, 2019.

Respectfully submitted, Linda White, BCOD Secretary

RECEIVED  
2019 NOV 22 AM 11:06

TOWN OF BOURNE  
COMMISSION ON DISABILITY

NEW AGENDA

MEETING MARCH 21, 2019  
4:30 5:30 PM  
BOURNE TOWN LIBRARY

**MOTION** To enter Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Park Playground. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body. The Commission on Disabilities will be convening in public session at the conclusion of Executive Session.

Meeting call to order:

February 21, 2019 Minutes: Review & Acceptance

Members in Attendance:

Members not in Attendance:

New Business:

~Official notice from Phinney's Place of residence, Mr. Roberts has moved. Official letter sent to Mr. Guerino and Town Selectman. We now have two open positions on BCOD  
~Any other new business to be brought to our attention?

Old Business:

~Fraud & Prevention COA & BCOD joint Program March 25

~ SMILE Mass visit is confirmed for April 18 meeting

~Reports from Dave Pelonzi - Progress on the Bourne Intermediate School Visit

~ Reports from Lori Cooney- New Inclusive Playground and other projects in Town

~ Onsite visit's to CPA funded area's for site review. Sewell Park, Sagamore area?  
Any other Old Business to be addressed at this meeting?

Next Scheduled BCOD meeting: April 18, 2019 Bourne Library

Meeting Adjourned :

Posted by E-Mail 3-15-2019  
Vicki Carr, Chair

RECORDED  
2019 MAR 15 PM 4:11  
TOWN OF BOURNE

AMENED AGENDA  
TOWN OF BOURNE  
COMMISSION ON DISABILITY

MEETING MARCH 21, 2019  
4:30 PM - 5:30 pm  
BOURNE TOWN LIBRARY

RECORDED  
2019 MAR 19 PM 1:49  
TOWN OF BOURNE

**AMENDED AGENDA**

**Meeting called to order:**      **Entering into Executive Session by a roll call vote.**  
YES vote:      No vote:      Motion passed:

Executive Session to conduct strategy with the respect to threatened litigation regarding the Buzzards Bay Park Playground. The chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body. The Commission on Disabilities will be convening in public session at the conclusion of Executive Session.  
Executive Session Closed at:

BCOD meeting called to order :  
Members in Attendance:

Members not in Attendance:

February 21, 2019 Minutes: Review & Acceptance:

**New Business:**

~Official notice from Phinney's Place of residence. Mr. Roberts has moved. Official letter sent to Mr. Guerino & Town Selectman. We now have two open positions on BCOD  
Any other new business to be addressed?

**Old Business:**

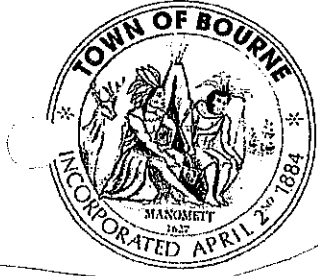
~Fraud & Prevention COA & BCOD joint Program on March 25  
~Smile Mass visit is confirmed for April 18 BCOD meeting  
~Reports from Dave Pelonzi- Progress on the Bourne Intermediate School Visit  
~Reports from Lori Cooney - Second Inclusive Playground Project.  
~Onsite visit's to CPA funded site review's. Sewell Park, Sagamore area?  
Any other Old Business to be addressed?

Next Scheduled BCOD meeting: April 18, 2019 Bourne Library

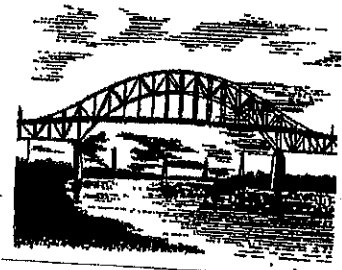
Meeting Adjourned:

Posted by E-Mail 3-19-1019  
Vicki Carr, Chair





Town of Bourne  
 Commission on Disabilities  
 24 Perry Avenue  
 Buzzards Bay, Massachusetts 02532



AMENED AGENDA

TOWN OF BOURNE  
 COMMISSION ON DISABILITY

MEETING MARCH 21, 2019  
 4:30 PM - 5:30 pm  
 BOURNE TOWN LIBRARY

RECORDED  
 2019 NOV 22 AM 11:09  
 TOWN CLERK BOURNE

AMENDED AGENDA

Meeting called to order: **Entering into Executive Session by a roll call vote.**  
 YES vote: No vote: Motion passed:

Executive Session to conduct strategy with the respect to threatened litigation regarding the Buzzards Bay Park Playground. The chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body. The Commission on Disabilities will be convening in public session at the conclusion of Executive Session.  
 Executive Session Closed at:

BCOD meeting called to order :  
 Members in Attendance:

Members not in Attendance:

February 21, 2019 Minutes: Review & Acceptance:

New Business:

~Official notice from Phinney's Place of residence. Mr. Roberts has moved. Official letter sent to Mr. Guerino & Town Selectman. We now have two open positions on BCOD  
 Any other new business to be addressed?

Old Business:

~Fraud & Prevention COA & BCOD joint Program on March 25  
 ~Smile Mass visit is confirmed for April 18 BCOD meeting  
 ~Reports from Dave Pelonzi- Progress on the Bourne Intermediate School Visit  
 ~Reports from Lori Cooney - Second Inclusive Playground Project.  
 ~Onsite visit's to CPA funded site review's. Sewell Park, Sagamore area?  
 Any other Old Business to be addressed?

Next Scheduled BCOD meeting: April 18, 2019 Bourne Library

Meeting Adjourned:

ated by E-Mail 3-19-1019  
 wicki Carr, Chair

BOURNE COMMISSION ON DISABILITY  
March 21, 2019  
MINUTES

RECEIVED

2019 NOV 22 AM 11:08

TOWN CLERK BOURNE

Present: Vicki Carr, David Pelonzi, Linda White, Pat Ruggles, Lori Cooney, Nathan Carr,

Absent: Don Uitti

Guests: Barry Johnson, Bourne Town Clerk, Robert Troy, Town Council

Vicki Carr brought the meeting to order at 4:43 pm. The minutes from the February 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

OLD BUSINESS:

- Michael Roberts is now living with his sister and caretaker in Florida, and is not expected to return to Bourne. Vicki has sent a letter to Mr. Guerino and the Town Selectmen to notify them of the two openings on the BCOD.
- A date of April 18 has been confirmed for the SMILE Mass presentation to the BCOD.

The Open Session of the BCOD was recessed at 4:50 pm, and the meeting entered into the Executive Session by roll call vote. Present at the meeting: Vicki Carr, Dave Pelonzi, Linda White, Pat Ruggles, Lori Cooney, Nathan Carr, Town Clerk Barry Johnson and Town Council Robert Troy.

The minutes from the Executive Session are separate, will be approved at the next meeting of the BCOD and will remain encumbered and on file in a sealed envelope with the Town Clerk.

Town Clerk Barry Johnson and Town Council Robert Troy left the meeting at 5:50 pm, and the Executive Session ended at 6:05 by unanimous roll call vote. Present were: Vicki Carr, Dave Pelonzi, Linda White, Pat Ruggles, Lori Cooney, Nathan Carr

The Open Session of the BCOD reconvened at 6:05 pm.

OLD BUSINESS (continued)

- Bourne Intermediate School – Dave Pelonzi reported no communication on the visit since February, will continue to provide updates to BCOD. He has received permission to be the administrator for the BCOD town website. A motion was made and seconded to allow Dave to take on this task, and voted unanimously.
- The BCOD and COA are combining for a presentation on the topic of fraud, shopping rights, online ID theft, and other topics at the Bourne Community Building on Monday March 25. Linda will bring water for attendees.
- Middle School All Inclusive Playground – Lori Cooney participated in an interview with the Bourne Enterprise for a feature on the inclusive playground, discussing the co-

application, and other CPC plans from last year. The article was distributed to the BCOD members.

- Mission Statement – tabled for this meeting, to be discussed at the next meeting before submitting to the town.
- Vicki Carr distributed an article regarding a recent Local Comprehensive Plan (LPC) survey. Vicki will make arrangements with Liz Brown of Bourne CPC to attend BCOD meeting on April 25<sup>th</sup>.
- Lori Cooney will attend the town Finance meeting on March 25<sup>th</sup>, and invited members to attend.

Vicki adjourned the meeting at 6:20 pm. The next BCOD meeting is scheduled for April 25, 2019.

Respectfully submitted, Linda White, BCOD Secretary

**Fernandes, Mary**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Sunday, April 21, 2019 10:36 PM  
**To:** dpelonzi33@aol.com; Chapman, Wendy; Fernandes, Mary; vickilyntex@aol.com; captdon40sail@comcast.net; linmwhite@comcast.net; Uitti, Donald; Lori.Cooney@umb.edu; scotiarn@comcast.net; Rebello, Mary  
**Subject:** April BCOD Meetubg Agenda

**TOWN OF BOURNE  
COMMISSION ON DISABILITY**

**AGENDA**

**MEETING APRIL 25, 2019  
4:30- 5:30 pm**

**BOURNE MIDDLE SCHOOL ROOM 200  
ACROSS FROM BOURNE HIGH SCHOOL**

**TOWN OF BOURNE**

**2019 APR 22 AM 8:46**

**RECEIVED**

Meeting called to order:

Review and Acceptance of March 21, 2019 Minute:

Members in Attendance:

Members not in Attendance:

New Business to be addressed:

1. SMILE MASS will set another date to meet with us in the future.

Any other New Business to be brought to our attention?

Old Business:

1. Buzzards Bay Park Progress  
Lori Cooney - any reports?
2. David Pelonzi - any reports on the new Intermediate School?
3. Site visit by this committee to Sewell Play Ground and other visits?

Any other Old Business to be brought to our attention?

Next Scheduled BCOA Meetings: May 23 and June 13 4:30 to 5:30 PM  
Bourne Middle School Room 200

Meeting Adjourned:

Posted by E-Mail 4-21-19  
Vicki Carr, Chair

BOURNE COMMISSION ON DISABILITY  
April 25, 2019  
MINUTES

Present: Vicki Carr, Linda White, Pat Ruggles, Lori Cooney, Nathan Carr

Absent: Don Uitti, David Pelonzi

Guests: Pat Morley, Don and Gail McPhee

Vicki Carr brought the meeting to order at 4:38 pm. The minutes from the March 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

The next meeting of the BCOD will begin with an executive session in order to approve the minutes from the executive session of February 2019.

A motion was made to approve the BCOD Mission Statement as written; the motion was seconded and approved unanimously.

**NEW BUSINESS:**

- The meeting with SMILE will be rescheduled until later in the year.
- The meeting with the BBB regarding online fraud went well and is being streamed on Bourne TV.
- Bourne citizen Pat Morley attended this meeting of the BCOD; she is interested in becoming a member.
- Don McPhee joined the meeting as well, to discuss the Monument Beach parking lot, where the Handicap parking signs have not yet been reinstalled. There is currently only one HC space, He also proposed that the lift be installed that has been under discussion with the town. Two HC spots need to be present in order for the lift to be installed, and the existing HC spot is too far away from the lift to be used.
- The BCOD will be re-prioritizing the upgrade list, adding the MB lift and HC spaces. The lift is a larger project than was budgeted for. Lori will research options for different kinds of lifts.
- Don McPhee stressed the importance of the Bourne town officials becoming more aware of the BCOD and working with us.
- Pat Ruggles suggested the Jeff Dugan, assistant to the State Commissioner for Disabilities, be invited to a BCOD meeting.

**OLD BUSINESS:**

- Lori reported that the BMS Inclusive Playground was unanimously voted for by the selectmen and finance committees. The vote will go before the town on May 6.
- Dave was absent, but has been working to set an appointment to tour the new school; a tentative date was made for May 13.
- Sewell Park was proposed by the Bourne Recreation committee, and is not set up to be inclusive. The BCOD was not consulted; the park will be removed from the BCOD list of Open Space and Recreation Plan.

- The BCOD has been assigned \$125,000 by the CPA for upgrades. Dave and Lori will be meeting with an engineer in Sagamore Beach regarding the parking situation at that beach area.
- Vicki has received "Conflict of Interest" paperwork. BCOD volunteers are considered town employees, and need to review and sign the paperwork. Vicki will email the documents to members.

Vicki made a motion to adjourn the meeting at 5:45 pm; it was seconded and passed unanimously.

Respectfully submitted,  
Linda White, secretary

TOWN OF BOURNE  
COMMISSION ON DISABILITY

AGENDA

MEETING MAY 23, 2019  
4:30 - 5:30 pm

BOURNE MIDDLE SCHOOL ROOM 100

2019 MAY 20 AM 10:41  
TOWN OF BOURNE

Meeting called to order:

Members in Attendance:

Members not in Attendance:

Guests:

Review and Acceptance of April 25, 2019 Minutes:

New Business:

1. Tour of the Bourne Intermediate School on May 13. In attendance were: David Pelonzi, Don Uitti with his wife Judy. Nathan Carr, Vicki Carr and Arne Carr.
2. Thank you letter to CORD ( Cape Organization for Rights of the Disabled, (106 Bassett Lane, Hyannis, MA 02601) for their expert help in the tour of the Bourne Intermediate School. Should we ask for their report of the visit?
3. Letter to Town Selectman and Mr. Guerino with report of the new school visit.
4. MOD (Mass. Office on Disability)) notice of Annual Disability Summit. September 27, 2019, 8:30 AM - 12:30 PM. Boston Convention & Exhibition Center. "Improving Access in Our Communities.
5. Letter from Jessie J. about family member needing assistance.
6. Need to complete Conflict of Interest Law on-line Training Program Found at: <http://www.muniprogram.eth.state.ma.us?>
7. Protocol of passing on e-mails chains

Any other New Business to be addressed at this meeting?

OLD BUSINESS

1. Site visit to Sagamore Beach
2. Lori - Any Reports

Any other Old Business to be addressed at this meeting?

Next Scheduled BCOD Meeting: June 13 4:30 PM - 5:30 PM  
Bourne Middle School Room 100

**BOURNE COMMISSION ON DISABILITY  
MAY 23, 2019  
MINUTES**

RECEIVED  
2019 JUN -5 AM 9:55  
TOWN CLERK'S OFFICE

Meeting Called to Order: 4:35 PM

Members in Attendance: Vicki Carr, Dave Pelonzi, Lori Cooney, Pat Ruggles, Nathan Carr  
Members not in Attendance: Linda White  
Guests: none

The minutes from the April 25, 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

- ~ Reviewed information on BCOD tour of Bourne Intermediate School
- ~ Selectman Peter Meyer should receive report from CORD, who toured the school with us
- ~ Mass office Office on Disability's notice of Annual Disability Summit, September 27, 2019 8:30 AM - 12:30 PM at Boston Convention I& Exhibition Center. Pat Ruggles and Vicki Carr to attend
- ~ A letter was sent to BCOD asking for help and was addressed by Vicki Carr
- ~ Conflict of Interest Law on-Line Training Program, Dave De Plonzi will sent an up date on site link
- ~ Discussion on Protocol of e-mail information only to our members
- ~ Lori Cooney's report on the new All Inclusive Playground near the Intermediate School
- ~ Report on Dave Pelonzi site visit to Sagamore Beach area
- ~ Discussion on the future use of our BCOD budget

Meeting Adjourned at 5:35 PM

The June 13 BCOD meeting at the Bourne Middle School, Room 100, was canceled and NEW DATE of June 7, 2019 4:30PM-5:30PM

Respectfully submitted,  
Vicki Carr, BCOD Chair



TOWN OF BOURNE  
COMMISSION ON DISABILITIES

AGENDA

MEETING JUNE 7, 2019  
4:30 pm - 5:30 pm

BOURNE MIDDLE SCHOOL ROOM 100

2019 JUN -5 AM 04:33  
TOWN OF BOURNE  
COMMISSION ON DISABILITIES

Meeting called to order:

Entering into Executive Session by a roll call vote:

YES Vote:

No Vote:

Motion passed/failed

Executive Session : Member vote to approve March 21,2019 Executive meeting minutes to be sent to Town Clerk, Barry Johnson.

YES Vote:

NO Vote:

Motion passed/failed

Executive Session closed at \_\_\_\_\_

By member Vote: Yes Vote:

No Vote:

Motion passed/failed

BCOD Meeting called to order:

Members in Attendance:

Members Not in Attendance:

- ~ Review and Approve May 23 Minutes:
- ~ Welcome Patricia Morley as our newest committee member
- ~ Conflict of Interest Law on-line training Program
- ~ Site visits this committee has reviewed
- ~ All Inclusive Play Ground new Intermediate School area
- ~ Progress on our Web Page/site?
- ~ Book July and August Committee Meetings
- ~Any other business to be brought before this committee meeting?

Vicki Carr  
Chair BCOD

TOWN OF BOURNE  
COMMISSION ON DISABILITIES

AGENDA

MEETING JUNE 7, 2019  
4:30 pm - 5:30 pm

RECEIVED

2019 NOV 22 AM 11:07

TOWN CLERK BOURNE

BOURNE MIDDLE SCHOOL ROOM 100

Meeting called to order:

Entering into Executive Session by a roll call vote:

YES Vote:

No Vote:

Motion passed/failed

Executive Session : Member vote to approve March 21,2019 Executive meeting minutes to be sent to Town Clerk, Barry Johnson.

YES Vote:

NO Vote:

Motion passed/failed

Executive Session closed at \_\_\_\_\_

By member Vote: Yes Vote:

No Vote:

Motion passed/failed

BCOD Meeting called to order:

Members in Attendance:

Members Not in Attendance:

Review and Approve May 23 Minutes:

- ~ Welcome Patricia Morley as our newest committee member
- ~ Conflict of Interest Law on-line training Program
- ~ Site visits this committee has reviewed
- ~ All Inclusive Play Ground new Intermediate School area
- ~ Progress on our Web Page/site?
- ~ Book July and August Committee Meetings
- ~Any other business to be brought before this committee meeting?

Vicki Carr  
Chair BCOD

BOURNE COMMISSION ON DISABILITY  
June 7, 2019  
MINUTES

RECEIVED  
2019 NOV 22 AM 11:07  
TOWN CLERK BOURNE

Present: Vicki Carr, Linda White, Pat Ruggles, Lori Cooney, David Pelonzi

Absent: Don Uitti, Nathan Carr

Vicki Carr brought the Executive session of the BCOD meeting to order by Roll Call at 4:35 pm. The minutes from the Executive Session of the March 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously by Roll Call vote. Linda will deliver a sealed copy to the Town Clerk. The Executive Session was adjourned by Roll Call vote at 4:45 pm.

The regular session of the BCOD began at 4:45. Vicki called the meeting to order and welcomed new member Pat Morley. The minutes from the regular session of the May meeting were reviewed. A motion was made to approve the minutes, seconded, and voted unanimously.

Linda will update the member listing.

**NEW BUSINESS:**

- The BCOD Mission Statement will be placed on the group webpage on the Town of Bourne website. The accessibility of the webpage will be reviewed by our members.
- Pat Ruggles led a discussion on vision impaired technology. It was suggested that a professional join a BCOD meeting to present what is available for the local community in the way of technological supports.
- The MOD Fifth Annual Disability Summit is being held on September 27, 2019. Members are encouraged to attend. Dave will follow up on forms that we can submit for travel expenses.

**OLD BUSINESS:**

- Lori reported that the BMS Inclusive Playground is in the process of a drainage survey by Brakin Co.
- Several members of the BCOD toured the new Bourne Intermediate School on May 13. Other sites visited by the Commission to assess accessibility include The Red Top in Buzzards Bay, the Mass Maritime bathrooms and entrance, and Sagamore Beach.
- The online course "Conflict of Interest" needs to be completed by all BCOD members. Upon completion, members need to print out the certificate provided, and Dave Pelonzi will submit them to the town. BCOD volunteers are considered town employees, and need to review and sign the paperwork.
- The BCOD has been assigned \$125,000 by the CPA for upgrades. It was suggested that signs for the Inclusive Playground be made and posted using the CPA money. A motion was made that \$1,000 of the funding be made available for Lori Cooney to use on the signs for the All Inclusive Playground at Canal Crossings. The motion was seconded and passed unanimously. Linda will also use the funds to purchase paper and ink cartridges

to be used in the writing of BCOD business. Dave will explore how to track and submit for reimbursements.

The next meeting of the BCOD will be held at the Sagamore Beach Fire Station on August 8, 2019 at 4:30 pm. Dave Pelonzi will confirm the date with members.

Vicki made a motion to adjourn the meeting at 5:40 pm; it was seconded and passed unanimously.

Respectfully submitted,  
Linda White, BCOD Secretary

# BOURNE COMMISSION ON DISABILITY

## MEETING NOTICE

JUINE 20, 2017

4:00 PM

BOURNE COMMUNITY BUILDING  
ROOM 1

## AGENDA

Members Present:

Approve April 6, 2017 meeting minutes:

Phone Number for Don Uitti

508-563-7075 and 508-274-2356 cell

[donjudi2000@hotmail.com](mailto:donjudi2000@hotmail.com)

### CORRESPONDENCE:

>MASS DOT - Dept. of State Transportation Improvement Program Update

>ABLE Act Meeting invite-Mass Office on Disability

>McGraw Center for Adaptive Sports Opening

> Mr. Elmer Clegg new Planning Board Chairman. Gave a report on behalf of BCOD at Planning Board Meeting about Throwbridge Road Business and Medical Building Problems

### OLD BUSINESS:

>Inclusive playground nears opening

> Letter to Mr.Guerino and Selectman about letter being sent to inactive members

### NEW BUSINESS:

> Michael Roberts can only be reached by phone until further

TOWN CLERK BOURNE

2020 JAN 16 PM 2:43

RECEIVED

notice  
774-269-7692

Next Meeting:

Victoria Carr, Chairman BCOD

**TOWN OF BOURNE  
COMMISSION ON DISABILITY**

**NOTICE**

**RECEIVED  
2019 NOV 22 AM 11:08  
TOWN CLERK BOURNE**

**BOURNE COMMISSION ON DISABILITY WILL NOT HAVE A MEETING IN JULY**

**NEXT BCOD MEETING WILL BE AUGUST 8 AT 4:30 PM.**

**WE'LL BE MEETING AT THE SAGAMORE BEACH FIRE STATION FOR THIS MEETING.**

**VICKI CARR  
CHAIR - BCOD**

**Cobb, Cheryl**

**From:** Johnson, Barry  
**Sent:** Monday, September 16, 2019 3:55 PM  
**To:** Cobb, Cheryl  
**Subject:** FW: Addition to BCOD Agenda September 19,2019 meeting

FYI. BJ

**From:** Vicki Carr [mailto:vickilyntex@aol.com]  
**Sent:** Monday, September 16, 2019 3:53 PM  
**To:** Chapman, Wendy <WChapman@townofbourne.com>; Cobb, Cheryl <CCobb@townofbourne.com>; Fernandes, Mary <MFernandes@townofbourne.com>; linmwhite@comcast.net; dpelonzi33@aol.com; vickilyntex@aol.com; Pat@WebChoicesDesign.com; Lori.Cooney@umb.edu; scotiarn@comcast.net; Uitti, Donald <donjudi@hotmail.com>; Johnson, Barry <BJohnson@townofbourne.com>; Rebello, Mary <MRebello@townofbourne.com>; Devries, Brian <bdevries@townofbourne.com>  
**Subject:** Addition to BCOD Agenda September 19,2019 meeting

**TOWN OF BOURNE COMMISSION ON DISABILITY**

**MEETING AGENDA ADDITION**

**SEPTEMBER 19, 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4:30 - 5:30 PM**

ADDITION TO AGENDA

Bourne Town Report is due

Victoria Carr BCOD

RECEIVED  
SEP 16 PM 4:04  
TOWN OF BOURNE

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



**Cobb, Cheryl**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Sunday, September 15, 2019 3:53 PM  
**To:** Chapman, Wendy; Cobb, Cheryl; Fernandes, Mary; Johnson, Barry; Rebello, Mary; dpelonzi33@aol.com; vickilyntex@aol.com; Pat@WebChoicesDesign.com; Lori.Cooney@umb.edu; scotiarn@comcast.net; Uitti, Donald; linmwhite@comcast.net  
**Subject:** Fwd: Agenda bcod September 19, 2019 meeting

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From: vickilyntex@aol.com  
To: vickilyntex@aol.com  
Sent: 9/15/2019 3:47:43 PM Eastern Standard Time  
Subject: Fwd: Agenda bcod September 19, 2019 meeting

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From: vickilyntex@aol.com  
To: dpelonzi33@aol.com, vickilyntex@aol.com, Pat@WebChoicesDesign.com, Lori.Cooney@umb.edu, scotiarn@comcast.net, linmwhite@comcast.net, donjudi2000@hotmail.com, wchapman@townofbourne.com, Ccobb@townofbourne.com, mfernandes@townofbourne.com, bjohnson@townofbourne.com, MRebello@townofbourne.com, vickilyntex@aol.com  
Sent: 9/15/2019 3:41:32 PM Eastern Standard Time  
Subject: Agenda bcod September 19, 2019 meeting

**TOWN OF BOURNE COMMISSION ON DISABILITY**

**MEETING AGENDA**

**SEPTEMBER 19, 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4:30 pm - 5:30 pm**

2019 SEP 15 AM 9:57  
TOWN OF BOURNE

Meeting Called to Order:

Members in attendance:  
Members not in attendance:  
Guests:

Review and Approval June 7, 2019 Minutes:

- \*\* Status of Town of Bourne Conflict of Interest Law
- \*\* Report from Lori Cooney - Progress of All Inclusive Playground & Contact with Chris Southwood : Accessibility issues identified in the 2017-18 Open Space and Recreation Plan and use of our budget.
- \*\* Reports on David Pelonzi's Projects

\*\* Linda Zuern would like our committee to do a show on her Bourne TV Program

\*\* A visit from a representative from the Blind Community

\*\* Maureen Pelonzi: Bourne Council on Aging Health & Wellness Fair, October 18, 2019 at 10:00 AM-1:00 PM

\*\* MOD: (Mass. Office on Disability) Learn About Community Access - Community Access Monitor Training October 9, (Wed) & October 10 (Thurs) at Gus Canty Recreation Center, Falmouth, MA

\*\* MOD: Municipal Americans with Disabilities ACT (ADA) Improvement Grant Program Application and Selection process for FY1920

\*\* BCOD : Involvement in Future CPC Town Projects:

1. \$40,000 to improve accessibility of Bourne Town Hall Building
2. \$80,000 for a new town park opposite the Pocasset River Marina
3. \$98,676 for improvements to accessibility at the Pocasset Community Center

\*\* Site visits this committee may have made this summer

Any Other business that needs to be addressed at this meeting?

Victoria Carr BCOD

---

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

**Devries, Brian**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Monday, October 14, 2019 11:42 PM  
**To:** dpelonzi33@aol.com; vickilyntex@aol.com; linmwhite@comcast.net; Lori.Cooney@umb.edu; scotiarn@comcast.net; Uitti, Donald; Chapman, Wendy; Cobb, Cheryl; Devries, Brian; Fernandes, Mary; Johnson, Barry; Rebello, Mary  
**Subject:** Bourne Commission on Disability Agenda for October 17, 2019 meeting

**TOWN OF BOURNE COMMISSION ON DISABILITY**

**MEETING AGENDA**

**OCTOBER 17, 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4:30 - 5:30 pm**

2019 OCT 15 AM 8:42  
TOWN CLERK BOURNE

RECEIVED

Meeting called to order:

Members in attendance:  
Members not in attendance:  
Guests:

Review and Approval of September 19, 2019 Minutes

1. Report from Lori Cooney: All Inclusive Playground and Contact from Chris Southwood about Accessibility projects identified in the 2017 - 18 Open Space and Recreation Plans
  2. Reports from David Pelonzi and Pat Worley on future Town Web site. Advise from Barry Johnson on placement of BCOD Town Web Page
  3. BCOD attendance of MOD October 9 and 10, MOD Learn About Community Access Monitor Training held in Falmouth
  4. BCOD attendance of MOD Disability Summit, Improving Access in our Communities, held in Boston September 27, 2019
  5. Linda Zuern local TV show visit. Maybe after new BCOD Web site completed
  6. Visit from a Representative from the Blind and Deaf community
- Any other business that needs to be addressed at this meeting and added to next agenda?

Victoria Carr  
Chair BCOD

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

**Cobb, Cheryl**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Monday, November 11, 2019 4:20 PM  
**To:** dpelonzi33@aol.com; vickilyntex@aol.com; linmwhite@comcast.net; Lori.Cooney@umb.edu; scotiarn@comcast.net; Uitti, Donald; Chapman, Wendy; Cobb, Cheryl; Devries, Brian; Fernandes, Mary; Rebello, Mary  
**Subject:** Fwd: Agenda bcod September 19, 2019 meeting

**NOTICE**

**BOURNE COMMISSION ON DISABILITY**

**OCTOBER 17, 2019  
MEETING  
at the Bourne Middle School  
A QUORUM NOT PRESENT**

RECORDED  
2019 NOV 12 AM 9:17  
TOWN CLERK BOURNE

Members in attendance: Linda White, Donald Uitti, Vicki Carr

Members not in Attendance: Pat Ruggles, Nathari Carr, David Pelonzi, Lori Cooney, Pat Morley

Next BCOD meeting is November 21, 2019

**Vicki Carr  
Chair, BCOD**

**From:** vickilyntex@aol.com  
**To:** dpelonzi33@aol.com, vickilyntex@aol.com, Pat@WebChoicesDesign.com, Lori.Cooney@umb.edu, scotiarn@comcast.net, linmwhite@comcast.net, donjudi2000@hotmail.com, wchapman@townofbourne.com, Ccobb@townofbourne.com, mfernandes@townofbourne.com, bjohnson@townofbourne.com, MRbello@townofbourne.com, vickilyntex@aol.com  
**Sent:** 9/15/2019 3:41:32 PM Eastern Standard Time  
**Subject:** Agenda bcod September 19, 2019 meeting

**TOWN OF BOURNE COMMISSION ON DISABILITY**

**MEETING AGENDA**

**SEPTEMBER 19, 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4:30 pm - 5:30 pm**

Meeting Called to Order:

Members in attendance:

Members not in attendance:

Guests:

Review and Approval June 7, 2019 Minutes:

\*\* Status of Town of Bourne Conflict of Interest Law

\*\* Report from Lori Cooney - Progress of All Inclusive Playground & Contact with Chris Southwood  
: Accessibility issues identified in the 2017-18 Open Space and Recreation Plan and use of our budget.

\*\* Reports on David Pelonzi's Projects

\*\* Linda Zuern would like our committee to do a show on her Bourne TV Program

\*\* A visit from a representative from the Blind Community

\*\* Maureen Pelonzi: Bourne Council on Aging Health & Wellness Fair, October 18, 2019 at 10:00 AM-1:00 PM

\*\* MOD: (Mass. Office on Disability) Learn About Community Access - Community Access Monitor  
Training October 9, (Wed) & October 10 (Thurs) at Gus Carty Recreation Center, Falmouth, MA

\*\* MOD: Municipal Americans with Disabilities ACT (ADA) Improvement Grant Program Application and  
Selection process for FY1920

\*\* BCOD : Involvement in Future CPC Town Projects:

1. \$40,000 to improve accessibility of Bourne Town Hall Building
2. \$80,000 for a new town park opposite the Pocasset River Marina
3. \$98,676 for improvements to accessibility at the Pocasset Community Center

\*\* Site visits this committee may have made this summer

Any Other business that needs to be addressed at this meeting?

Victoria Carr BCOD

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**Cobb, Cheryl**

**From:** Vicki Carr <vickilyntex@aol.com>  
**Sent:** Monday, November 11, 2019 9:50 PM  
**To:** dpelonzi33@aol.com; vickilyntex@aol.com; linmwhite@comcast.net; Pat@WebChoicesDesign.com; Lori.Cooney@umb.edu; scotiarn@comcast.net; Uitti, Donald; Chapman, Wendy; Cobb, Cheryl; Devries, Brian; Fernandes, Mary; Johnson, Barry; Rebello, Mary  
**Subject:** BCOD NAgenda for November 21, 2019 meeting

TOWN OF BOURNE COMMISSION ON DISABILITY

AGENDA

NOVEMBER 21, 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4:30 - 5:30 PM

RECORDED  
2019 NOV 12 AM 8:38  
TOWN OF BOURNE

Meeting called to order:

Members in Attendance:  
Members not in attendance:  
Guests:

Review and Approval of October Minutes:

1. Resignation from this committee from Patricia Morley. Letter to Town of Bourne.
  2. MOD Disability Summit Survey. Any attendance?
  3. Information from Barry Johnson about Senior town accessible projects.
  4. Emily Davis -Town of Bourne is updating is Town website specifically the Boards and Committees. Linda and I have contacted her with information about BCOD.
  5. A meeting to meet our new Town Administrator, Mr. Anothony Schiavi
  6. Look over October agenda and address any issues to be addressed at next meeting. Or address at this meeting?
- Any other unfinished business to be addressed at this meeting?

Next BCOD meeting: December 19, 2019 4:30 - 5:30 PM Middle School

Vicki Carr  
Posted by e-mail 11-12-2019

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Date: 12/19/2019 4:44:54 PM Eastern Standard Time  
From: vickilyntex@aol.com  
To: vickilyntex@aol.com

RECEIVED

TOWN OF BOURNE COMMISSION ON DISABILITY 0891 MAR 16 AM 10:02

TOWN CLERK BOURNE

MINUTES

NOVEMBER 21 , 2019  
BOURNE MIDDLE SCHOOL  
ROOM 100 4 :30 - 5:30 PM

Meeting called to order: 4:41 PM

Members in Attendance: Vicki Carr, David Pelonzi, Pat Ruggles, Lori Cooney, Don Uitti and Nathan Carr  
Quorum Present

Members not in attendance: Linda White

Guest: Arnold Carr

Review and approval of September and October Minutes

1. Pat Morley to contact Town of Bourne with a Resignation notice
2. David Pelonzi and Lori Cooney attended the MOD 2019 Disability Summit held in Boston. Link to the Summit Presentation: <https://www.mass.gov/doc/2019-disability-summit-presentation/download>.  
Review of this summit was done on-line
3. Because of further questions to Barry Johnson and the Pocasset Community Building Project, an e-mail has not been sent to him at this point
4. Emily Davis who is updating the Town of Bourne Website with information on town committee, etc. We would like to see this website available to all.
5. Set up an meeting with new Town Administrator Anthony Schiavi
6. Set up a meeting with other disability venues, New Bedford office
7. Meeting time change to 5:00-6:00 PM
- 8: Set up our next meeting dates for 2020 at the Middle School  
January 16, February 13, March 19, April 16, May 21

Victoria Carr - Chair

Posted electronic 12/20/2019

BOURNE COMMISSION ON DISABILITY

December 19, 2019

Minutes

RECEIVED

2021 MAR 16 AM 10:02

Present: Vicki Carr, David Pelonzi, Linda White, Pat Ruggles, Nathian Carr

Vicki Carr brought the meeting to order at 4:30 pm. The minutes from the November 2019 BCOD meeting were reviewed. A motion was made to accept them as written, seconded, and passed unanimously.

Vicki Carr has consented to remain in the position of the Chair of the BCOD, with Dave Pelonzi continuing as Vice Chair.

A letter was sent to Barry Johnson to offer the services of the BCOD with upcoming accessible projects that have been proposed under the Bourne Community Preservation Act.

Vicki Carr met with new Town Administrator Mr. Schiavi and invited him to join the BCOD in an upcoming meeting.

A discussion was held regarding possible upcoming projects for the BCOD to initiate. It was suggested that a local newspaper could publish an article emphasizing how difficult it currently is for people with physical disabilities to visit shops on Main Street Buzzards Bay. Dave Pelonzi has a contact at the Enterprise and will see if the paper would be interested in covering such a story.

Other possible projects discussed:

- The boat ramp at Monument Beach
- Parking spaces that are not properly designated for HC vans at the Cody school.

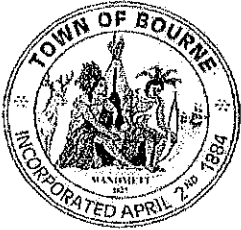
A motion was made to adjourn the December meeting of the BCOD, seconded and passed unanimously.

The meeting was adjourned by Vicki Carr at 5:40 pm.

The next meeting of the BCOD will be held on January 16, 2020 at the Bourne Middle School.

Respectfully submitted,  
Linda White, secretary





# Bourne Community Engagements Committee Meeting Notice

Date

December 11, 2019

Time

7:00 P.M.

Location

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

All agenda items herein may be subject to a vote by, or other action of, the Community Engagements Committee

If anyone in the audience is recording or video-taping, they need to acknowledge such to the Chairman.

## Community Engagements Committee Meeting

7:00 P.M. Call Public Session to Order in Open Session

Agenda

1. Introduction of the Committee as organized under the new General Bylaw 1.6
2. New Committee Officers and vote – Chairman, Vice Chairman, Clerk
3. Community Engagements Assistance Grant application form
4. Discussion of Objectives, Goals and Milestones for the upcoming year
5. Next meeting date discussion
6. Adjourn

Signed,

James Potter

Board of Selectmen Representative



Community Engagements Committee

Kathy Fox Alfano

Pamela Chmielinski

Lorna Ciavola

Renee Gratis

James Potter

Anthony Schiavi

Ronda Tobey

2019 DEC -9 AM 9:36  
TOWN CLERK BOURNE

RECEIVED

Minutes of Community Engagement Committee  
December 11, 2019  
7:00PM  
Bourne Veterans' Memorial Community Center

2020 JAN 27 AM 10:01  
TOWN CLERK BOURNE

RECEIVED

Present – Jim Potter, Lorna Ciavola, Pam Chmielinski, Kathy Alfano, Renee Grati, Tony Schiavi

Absent – Rhonda Jones Tobey

1. Introductions -

Jim Potter opened the meeting and started by showing a PowerPoint presentation done for town meeting related to this committee, but not shown to Town Meeting members. It's purpose was to show there is a lot going on and it is important to keep those things going and to expand them and see what else is out there and what people are willing to do. The intent is to be year round and to show people that there is always something going on in Bourne. Jim noted that it is not the intent is "not" that the committee does everything, but that those that are can be successful with the committee's assistance. In other words, this committee doesn't plan or run events, but supports groups, committees and organizations that do. He mentioned that Town Meeting voted \$50k instead of a previous idea of attaching the new hotel tax - so money doesn't go away.

2. Appointment of Committee Officers and vote: Kathy Alfano - Chair Vice Chair-Pam Chmielinski Tony Schiavi-Clerk

Kathy moved the slate and Jim seconded - vote was unanimous.

3. Community Engagement Committee Assistance Grant Application - Jim Potter covered the application and emphasized that this doesn't have to be the final iteration. All members can all have input to it and make changes. The committee needs to consider whether the grants are seed money vs a reimbursement model. The committee will also need to consider whether we take it to town meeting once or twice per year like CPC articles are done. Can also build partnerships, to include getting business buy in as well.

4. Discussion of Goals, Objectives and Milestones for the upcoming year. The group discussed the need to determine the committee's goals and objectives. The marketing piece is really important to get the fact we exist out there to as wide an audience as possible. The group discussed the idea of coming up with a unique logo, which could be a contest and the committee would select a logo from those submitted. A goal of being done and ready by the May annual town meeting was set as a target and being able to make recommendations to town meeting.
5. Next Meeting date discussion - the group selected the following meeting schedule through April. Jan 8, Feb 12, Mar 11, April 8 all at 7:00p except Feb 12 which will be at 7:30p

Homework - go through the application and make inputs/changes.

Logo idea brainstorming: Should we start the logo contest? And a prize.....according to the bylaw we can use 5% of the money for administrative. Can put original artwork in the Town Hall and on publicity materials. Social Media could be used and voting by the general public -the committee could take the top 3 voted logo ideas and the committee would then pick the final winner.....a proposed cut off February 1<sup>st</sup> for submittals was suggested with voting being Feb 1 through Feb 11th. Submittals would be in JPEG format.....

The idea of establishing a town web page was discussed. Lorna offered to do the FB social media page for the committee.

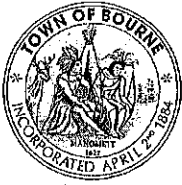
A target date of mid January was suggested to get the grant application on the web page.

As part of marketing the logo contest it was suggested that the committee does an article for the newspaper and for Kathy to go on Bourne TV as well.

Lorna Motioned to adjourn

Jim Seconded by

Unanimous vote to adjourn



**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



**MEETING AGENDA**

**Date:** Monday, February 11, 2019  
**Time:** 6:30 pm  
**Place:** Middle School, Room 100, 77 Waterhouse Rd., Bourne

1. Review of Community Housing applications
  - a. Bourne Housing Authority: 89 Waterhouse Rd #1 and 6 - \$200,000
  - b. Bourne Housing Partnership: Affordable Housing Services and Support - \$59,200
  - c. Bourne Affordable Housing Trust: New affordable units - \$150,000
2. Set next meeting date

Barry Johnson, Chairman.

RECORDED  
2019 FEB - 7 PM 12:55  
TOWN CLERK BOURNE

Community Preservation Committee  
Meeting Minutes  
February 11, 2019

APPROVED  
2.8.21

**PRESENT:** Barry Johnson, Daniel Doucette, Richard Anderson, George Sala, Fred Bartholomew

**EXCUSED:** Andrew Cooney, Neil Langille, Peter Holmes, Penny Myers

**ALSO PRESENT:** Sue Ross, Debra Jordan, Robert Dwyer

RECEIVED  
2021 FEB 10 PM 1:21  
TOWN CLERK BOURNE

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Recording Clerk, Ann Gutterson

B. Johnson called the meeting to order at 6:30pm.

FY2020 projects were distributed to Committee members.

**Housing:**

**Bourne Housing Partnership: Affordable Housing Services and Support - \$59,200**

Sue Ross: This is the same as last year, no increase. There are lots of rentals coming up and the ZBA wants the Partnership to oversee them.

F. Bartholomew: How many rentals? For families?

Sue: Calamar has 12 units. Will be done by lottery but every time someone leases, we'll have a Ready Buyer List to choose from. They are pre-approved. Bourne residents first.

**Bourne Affordable Housing Trust: New affordable units - \$150,000**

Sue: New units if we get 25% in rentals, then all units are considered affordable (DHCD) and count toward the 10%. There is a new project on Main St. He'll provide 2 units, we'd buy 3 but get 18 towards the count. We will use \$300,000 from our money for this and we are trying to get a grant. The \$150,000 will just about be one apartment. We buy down the difference over 30 years. The trust has \$500,000 for purchases in case we have to buy a house so it won't go off the rolls. Last year we gave back for the specialist and \$18,500 in an older line item that was supposed to be put back. The block grant is almost gone.

R. Anderson: Will these rentals get recorded as deed restrictions? Will it always be the same apartment?

Sue: Yes recorded. Apartments may switch, so won't always know where the affordable is, but as long as the number stays the same.

R. Anderson: Who keeps track?

Sue: There are two organizations recognized by the DHCD that monitor these units.

B. Johnson: What if we don't fund this?

Sue: Will keep looking elsewhere.

**Bourne Housing Authority: 89 Waterhouse Rd #1 and 6 - \$200,000**

We have 8 buildings with 16 units. Two buildings left to complete. The ones we were approved for last year are out to bid now. The current bid is \$430,000 including architect, roof, siding, windows, and doors. Envelope repairs. Preserve for low income/disabled. Received a grant from DHCD for the sprinkler at the Continental apartments. We are requesting less this year as only one building needs a new roof.

B. Johnson: The Housing Authority will be a separate article as because of the amount requested.

Sue: There should be signs at all project locations saying "Project because of the CPA" or similar.

B. Johnson: We kept our borrowing down.

**Set next meeting date**

Meet on 2/25 with the Open Space Committee to discuss Queen Sewell Park and other properties.

G. Sala: Regarding the application for the school fields. They are school property and we gave them \$1.5 million, they should have been putting money aside to do this.

B. Johnson: I saw the wastewater plan and playground. People are watching so the ball field and playground doesn't get lost.

G. Sala: The playground will have to be moved over because of the new road to the police dept. the new parking area will be where the playground is now.

B. Johnson: Meet with FinCom on 3/25 so have to have our public hearing prior.

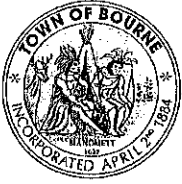
Mr. Doucette: The CPC has done great work for this town.

G. Sala: The town doesn't realize what this committee does do.

G. Sala made a MOTION to adjourn seconded by D. Doucette with all in favor.

With no further business before the Committee, the meeting was adjourned at 7:33pm.

Respectfully submitted,  
Ann Gutterson



**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



**MEETING AGENDA**

**Date:** Monday, February 25, 2019  
**Time:** 6:30 pm  
**Place:** Middle School, Media Room, 77 Waterhouse Rd., Bourne

**Joint meeting with Open Space Committee**

1. Review of Recreation applications
  - a. Queen Sewell Park playground - \$185,000
  - b. Inclusive Playground @ Bourne Middle School - \$491,300
2. Minutes
3. Set next meeting dates

Barry Johnson, Chairman.

RECORDED  
25 FEB 21 PM 1:02  
TOWN CLERK BOURNE

**Community Preservation Committee  
Public Hearing Meeting Minutes  
March 11, 2019**

**CPC MEMBERS PRESENT:** Barry Johnson, Daniel Doucette, Neil Langille, Andrew Cooney, George Sala, Fred Bartholomew, Penny Myers, Richard Anderson (via remote participation)

**EXCUSED:** Peter Holmes

**ALSO PRESENT:** Lori Cooney, Steve Lamarsh, Elizabeth and Jerry Ellis, David Pelonzi, Sue Ross, Debra Jordan, Krissanne Caron, Ken Baracchini, Liz Brown, Robert Dewar, Mark Tirrell, Peter Meier

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Recording Clerk, Ann Gutferson

B. Johnson called the meeting to order at 6:30pm and read the newspaper ad into the record.

**Historic:**

Sagamore Cemetery Gravestone Conservation: Rehabilitation and restoration of 41 stones. Beth Ellis: Established in 1800, incorporated in 1889 by legislature. The Board of Directors have all been on for over 25 years. Old stones, suffered a lot of damage, mainly from weather: broken, leaning, buried. Early Bourne officials are there, ships captains and many from the Bourne family. One of our most recent residents is Bill Harrison from Sagamore who with two others invented video games. The stones are made from slate and marble. We have found someone to do the work and vetted him. He is from Falmouth and would be doing this full time.

Jerry: We tried fundraisers, can't raise this kind of money that way.

A. Cooney: How are the funds going to be managed?

B. Johnson: The same as now. If approved, they will sign the bill and give to us, we reimburse the association and they pay the bill. Non-profit.

Jerry: We will be working with Archives on before and after photos.

R. Anderson: How long will this take?

Jerry: Probably done by the beginning of 2020.

B. Johnson: Reserves the money is available the next day, Revenues it's available July 1.

D. Doucette made a Motion to support \$30,400 from Historic Reserves for this project. The Motion was seconded by G. Sala. Roll call vote as follows:

P. Myers – yes

A. Cooney – yes

N. Langille – yes

B. Johnson- yes

F. Bartholomew – yes

D. Doucette – yes

R. Anderson – yes

G. Sala - yes



## Community Housing:

### Affordable Housing Services and Support:

Sue Ross: This is for our specialist, attorney, and bookkeeper is the same amount as last year. We are very active to keep housing from falling off the books.

D. Doucette made a Motion to support \$59,200 from Housing revenues. The Motion was seconded by G. Sala. Roll call vote as follows:

P. Myers – yes	A. Cooney – yes	N. Langille – yes
B. Johnson- yes	F. Bartholomew – yes	D. Doucette – yes
R. Anderson – yes	G. Sala - yes	

Sue: We are withdrawing our application for new housing units. We are applying for grants from the State and the project is not happening soon.

D. Doucette made a Motion to accept the withdrawal. The Motion was seconded by G. Sala. Roll call vote as follows:

P. Myers – yes	A. Cooney – yes	N. Langille – yes
B. Johnson- yes	F. Bartholomew – yes	D. Doucette – yes
R. Anderson – yes	G. Sala - yes	

### 89 Waterhouse Rd. Units 1 and 6:

Debra Jordan: Envelope renovations – windows, siding, roof, gutters, doors. There are four units in two buildings and are for handicapped persons and are fully rented. We have received the bids for last year's approval. There are 16 units in 8 buildings total.

B. Johnson: We will take the balance from the undesignated fund balance.

D. Doucette: Undesignated fund, is it reserves or revenues?

G. Sala made a Motion to support \$200,000. The Motion was seconded by A. Cooney. Roll call vote as follows:

P. Myers – yes	A. Cooney – yes	N. Langille – yes
B. Johnson- yes	F. Bartholomew – yes	D. Doucette – yes
R. Anderson – yes	G. Sala - yes	

## Open Space/Recreation:

Queen Sewell Park: Krissanne Caron: The swings are still there and will be moved. The playground equipment was removed by the DPW for safety reasons. The swings will be moved to a better location so not disjointed with the ballfield. Getting a lot of value with the layout.

F. Bartholomew: Are you combining the shipment of equipment?

Krissanne: If timing works with the school playground. There are fall zones. The rubber is poured in place will be throughout the entire playground.

G. Sala: Patrick's Place garden will stay and have signage. New sign in front of Queen Sewell. Making all park signs uniform. Parking will increase.

Krissanne: Will be fully fenced in as well.

Mark Tirrell: The park is really well situated and goes back to 1969. Many young families in the neighborhood, easily accessible walking and easy drive. Good use of CPA funds.

\$200,000 from Open Space reserves.

F. Bartholomew: Signage, paid for by the CPC? Something we're going to do?

B. Johnson: In the future yes, think should be recognized where the funds go.

A. Cooney made a Motion to support. The Motion was seconded by D. Doucette with all in favor.

B. Johnson: Bourne Youth Soccer Assoc. application can't be funded through the CPC as it's considered maintenance.

Inclusive Playground: Lori Cooney, Rob Dewart, Bracken Engineering, Steve Lamarsh.  
Steve: How to make our campus more accessible. Very busy, advocating for people with disabilities for play. Vision to attend school grades 3-12. We don't have something as students grow. Solid cornerstone for kids with all abilities.

Rob: Upper fields and lower field #5. Much of the water pools in the playground locations. Existing drainage, settling of the fields, doesn't work as designed. Rehab of #5 to direct water back to the area between the fields. Adding additional drainage then the playground can sit on top.

Lori: Looked at design, new products, fenced in.

Steve: The school totally supports and will take over the maintenance on this.

F. Bartholomew: Equipment looks complex. Safety inspections? Disassembled in winter?

Steve: Yes there are inspections, left up year round.

A. Cooney: Timing to do this? Soccer busy in the fall. Beneficial to get done late spring/early summer.

Rob: Drainage/rehab of the field on STM, playground in July.

A. Cooney: Any funds to use from previous appropriated funds for the design?

B. Johnson: Just the survey. Proposal from Bracken:

- Soil/survey investigation - \$4,000
  - Design of construction/drainage - \$8,100
  - Construction/work of drainage - \$50,000
- Total: \$65,000

If the OSC agreed, think Phase 1 can be done with existing money. Would come out of OSC reserves.

D. Doucette: Special or annual? Reserves available next day. Could put it contingent on the other article.

G. Sala: Where is the water coming from?

Rob: Upper fields and field 5 toward the road. Field 5 was the original field when the school was built.

\$491,300 and \$15,000 not in article.

B. Johnson: Just a footnote. Don't need that.

Steve: BPS will work with soccer to maintain the fields on an annual basis.

A. Cooney: Survey – start if OSC approves. Not sure how much money is available iwht OSC projects if more money can be used for design too? (phase 2).

B. Johnson: Think could come up with \$4,000. Can't handle that total of \$12,100. Time table to do all this.

Rob: 1-1.5 for survey work, 2-3 weeks for design work. Design up to subgrade to work with the drainage of the field.

B. Johnson: End of July for site to be done.  
Rob: Lom will probably be added.

\$65,000 fix field. OSC/Rec Reserves.

G. Sala: Will be open during school hours.

Steve: Overwhelmed with the ability to say no. Community properties.

Mark: Rehab of the field can stand on its own.

B. Johnson: Sponsor the article – CPC? Yes.

G. Sala made a Motion to support and put on the special. The Motion was seconded by D. Doucette with all in favor.

D. Doucette made a MOTION to adjourn seconded by G. Sala with 7 favor, 1 abstention.

B. Johnson: Our admin article of \$50,000.

D. Doucette: Only replenish when it gets low in the middle of the season? Made a Motion to recommend \$75,000. The Motion was seconded by A. Cooney with all in favor.

D. Doucette made a Motion to adjourn. The Motion was seconded by G. Sala with all in favor. With no further business before the Committee, the meeting was adjourned at 7:55pm.

Respectfully submitted,  
Ann Gutterson

**DRAFT**

**Community Preservation Committee  
Public Hearing Meeting Minutes  
March 11, 2019**

03.27.20  
**APPROVED**

**CPC MEMBERS PRESENT:** Barry Johnson, Daniel Doucette, Neil Langille, Andrew Cooney, George Sala, Fred Bartholomew, Penny Myers, Richard Anderson (via remote participation)

**EXCUSED:** Peter Holmes

**ALSO PRESENT:** Lori Cooney, Steve Lamarsh, Elizabeth and Jerry Ellis, David Pelonzi, Sue Ross, Debra Jordan, Krissanne Caron, Ken Baracchini, Liz Brown, Robert Dewar, Mark Tirrell, Peter Meier

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Recording Clerk, Ann Gutterson

B. Johnson called the meeting to order at 6:30pm and read the newspaper ad into the record.

**Historic:**

Sagamore Cemetery Gravestone Conservation: Rehabilitation and restoration of 41 stones. Beth Ellis: Established in 1800, incorporated in 1889 by legislature. The Board of Directors have all been on for over 25 years. Old stones, suffered a lot of damage, mainly from weather: broken, leaning, buried. Early Bourne officials are there, ships captains and many from the Bourne family. One of our most recent residents is Bill Harrison from Sagamore who with two others invented video games. The stones are made from slate and marble. We have found someone to do the work and vetted him. He is from Falmouth and would be doing this full time.

Jerry: We tried fundraisers, can't raise this kind of money that way.

A. Cooney: How are the funds going to be managed?

B. Johnson: The same as now. If approved, they will sign the bill and give to us, we reimburse the association and they pay the bill. Non-profit.

Jerry: We will be working with Archives on before and after photos.

R. Anderson: How long will this take?

Jerry: Probably done by the beginning of 2020.

B. Johnson: Reserves the money is available the next day, Revenues it's available July 1.

D. Doucette made a Motion to support \$30,400 from Historic Reserves for this project. The Motion was seconded by G. Sala. Roll call vote as follows:

P. Myers – yes

A. Cooney – yes

N. Langille – yes

B. Johnson- yes

F. Bartholomew – yes

D. Doucette – yes

R. Anderson – yes

G. Sala - yes

TOWN CLERK BOURNE

2020 MAR -2 PM 12:41

RECEIVED

**Community Housing:**

Affordable Housing Services and Support:

Sue Ross: This is for our specialist, attorney, and bookkeeper is the same amount as last year. We are very active to keep housing from falling off the books.

D. Doucette made a Motion to support \$59,200 from Housing revenues. The Motion was seconded by G. Sala. Roll call vote as follows:

- |                   |                      |                   |
|-------------------|----------------------|-------------------|
| P. Myers – yes    | A. Cooney – yes      | N. Langille – yes |
| B. Johnson- yes   | F. Bartholomew – yes | D. Doucette – yes |
| R. Anderson – yes | G. Sala - yes        |                   |

Sue: We are withdrawing our application for new housing units. We are applying for grants from the State and the project is not happening soon.

D. Doucette made a Motion to accept the withdrawal. The Motion was seconded by G. Sala. Roll call vote as follows:

- |                   |                      |                   |
|-------------------|----------------------|-------------------|
| P. Myers – yes    | A. Cooney – yes      | N. Langille – yes |
| B. Johnson- yes   | F. Bartholomew – yes | D. Doucette – yes |
| R. Anderson – yes | G. Sala - yes        |                   |

89 Waterhouse Rd. Units 1 and 6:

Debra Jordan: Envelope renovations – windows, siding, roof, gutters, doors. There are four units in two buildings and are for handicapped persons and are fully rented. We have received the bids for last year’s approval. There are 16 units in 8 buildings total.

B. Johnson: We will take the balance from the undesignated fund balance.

D. Doucette: Undesignated fund, is it reserves or revenues?

G. Sala made a Motion to support \$200,000. The Motion was seconded by A. Cooney. Roll call vote as follows:

- |                   |                      |                   |
|-------------------|----------------------|-------------------|
| P. Myers – yes    | A. Cooney – yes      | N. Langille – yes |
| B. Johnson- yes   | F. Bartholomew – yes | D. Doucette – yes |
| R. Anderson – yes | G. Sala - yes        |                   |

**Open Space/Recreation:**

Queen Sewell Park: Krissanne Caron: The swings are still there and will be moved. The playground equipment was removed by the DPW for safety reasons. The swings will be moved to a better location so not disjointed with the ballfield. Getting a lot of value with the layout.

F. Bartholomew: Are you combining the shipment of equipment?

Krissanne: If timing works with the school playground. There are fall zones. The rubber is poured in place will be throughout the entire playground.

G. Sala: Patrick’s Place garden will stay and have signage. New sign in front of Queen Sewell. Making all park signs uniform. Parking will increase.

Krissanne: Will be fully fenced in as well.

Mark Tirrell: The park is really well situated and goes back to 1969. Many young families in the neighborhood, easily accessible walking and easy drive. Good use of CPA funds.

\$200,000 from Open Space reserves.

F. Bartholomew: Signage, paid for by the CPC? Something we’re going to do?

B. Johnson: In the future yes, think should be recognized where the funds go.

A. Cooney made a Motion to support. The Motion was seconded by D. Doucette with all in favor.

B. Johnson: Bourne Youth Soccer Assoc. application can't be funded through the CPC as it's considered maintenance.

Inclusive Playground: Lori Cooney, Rob Dewart, Bracken Engineering, Steve Lamarsh.  
Steve: How to make our campus more accessible. Very busy, advocating for people with disabilities for play. Vision to attend school grades 3-12. We don't have something as students grow. Solid cornerstone for kids with all abilities.

Rob: Upper fields and lower field #5. Much of the water pools in the playground locations. Existing drainage, settling of the fields, doesn't work as designed. Rehab of #5 to direct water back to the area between the fields. Adding additional drainage then the playground can sit on top.

Lori: Looked at design, new products, fenced in.

Steve: The school totally supports and will take over the maintenance on this.

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Steve: Yes there are inspections, left up year round.

A. Cooney: Timing to do this? Soccer busy in the fall. Beneficial to get done late spring/early summer.

Rob: Drainage/rehab of the field on STM, playground in July.

A. Cooney: Any funds to use from previous appropriated funds for the design?

B. Johnson: Just the survey. Proposal from Bracken:

- Soil/survey investigation - \$4,000
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- Total: \$65,000

If the OSC agreed, think Phase 1 can be done with existing money. Would come out of OSC reserves.

D. Doucette: Special or annual? Reserves available next day. Could put it contingent on the other article.

G. Sala: Where is the water coming from?

Rob: Upper fields and field 5 toward the road. Field 5 was the original field when the school was built.

\$491,300 and \$15,000 not in article.

B. Johnson: Just a footnote. Don't need that.

Steve: BPS will work with soccer to maintain the fields on an annual basis.

A. Cooney: Survey – start if OSC approves. Not sure how much money is available iwht OSC projects if more money can be used for design too? (phase 2).

B. Johnson: Think could come up with \$4,000. Can't handle that total of \$12,100. Time table to do all this.

Rob: 1-1.5 for survey work, 2-3 weeks for design work. Design up to subgrade to work with the drainage of the field.

B. Johnson: End of July for site to be done.  
Rob: Lom will probably be added.

\$65,000 fix field. OSC/Rec Reserves.

G. Sala: Will be open during school hours.  
Steve: Overwhelmed with the ability to say no. Community properties.  
Mark: Rehab of the field can stand on its own.  
B. Johnson: Sponsor the article – CPC? Yes.

G. Sala made a Motion to support and put on the special. The Motion was seconded by D. Doucette with all in favor.

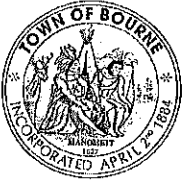
D. Doucette made a MOTION to adjourn seconded by G. Sala with 7 favor, 1 abstention.

B. Johnson: Our admin article of \$50,000.

D. Doucette: Only replenish when it gets low in the middle of the season? Made a Motion to recommend \$75,000. The Motion was seconded by A. Cooney with all in favor.

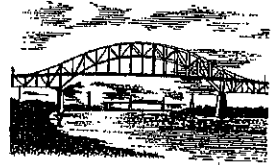
D. Doucette made a Motion to adjourn. The Motion was seconded by G. Sala with all in favor. With no further business before the Committee, the meeting was adjourned at 7:55pm.

Respectfully submitted,  
Ann Gutterson



**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



**MEETING AGENDA**

**Date:** Tuesday, June 11, 2019  
**Time:** 5:00 pm  
**Place:** Veteran's Memorial Community Building, 239 Main St, Buzzards Bay, MA

5:00PM - Call public session to order in open session.

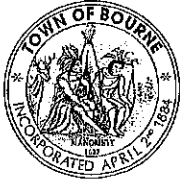
Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground within the Buzzards Bay Park as per M.G.L. Ch. 30A. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

The Committee will not reconvene in open session.

Barry Johnson, Chairman.

2019 JUN 11 PM 5:12  
TOWN OF BOURNE  
COMMUNITY PRESERVATION





**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



2019 AUG 29 PM 2:20  
TOWN OF BOURNE

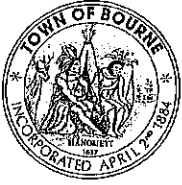
**MEETING AGENDA**

**Date:** Tuesday, September 3, 2019  
**Time:** 5:30 pm  
**Place:** Veteran's Memorial Community Building, 239 Main St, Buzzards Bay, MA

1. Review of CPA applications for FY20 for the 10/21/19 STM:
  - a. Bourne Archives: \$28,000 - website
  - b. Dept. Natural Resources: \$30,000 – Barlows Landing Dinghy Dock
  - c. Town Administrator: \$40,000 – Town Hall access
2. Extend application deadline: Discussion and vote for Cataumet Methodist Church, \$10,000.
  - a. Seek Town Counsel's opinion if CPA funds may be used
3. Discussion on how to structure the articles.
4. Set next meeting date for remaining project reviews.
5. Discussion on remaining CPA project balances.

Possible Executive Session as the Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the possible acquisition of a parcel of land for a town purpose. The CPC will not be re-opening in public session.

Barry Johnson, Chairman



**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



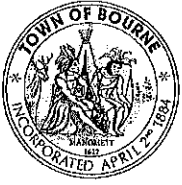
2019 AUG 29 PM 2:20  
TOWN OF BOURNE

**MEETING AGENDA**

**Date:** Tuesday, September 3, 2019  
**Time:** 7:00 pm  
**Place:** Veteran's Memorial Community Building, 239 Main St, Buzzards Bay, MA

The Community Preservation Committee (CPC) will be attending the Board of Selectmen's meeting for the purpose being able to participate in the discussion concerning the possible location of a dog park behind the Pocasset Fire station...311 Barlows's Landing Road...Pocasset.

Barry Johnson, Chairman



# TOWN OF BOURNE

## *Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



### MEETING AGENDA

**Date:** Monday, September 16, 2019  
**Time:** 6:00 pm  
**Place:** Bourne Middle School, Media Center, 77 Waterhouse Rd, Bourne, MA

1. Review of CPA applications for FY20 for the 10/21/19 STM:
  - a. Town Administrator: \$40,000 – Town Hall access
  - b. Cedar Point Assoc: \$50,000 – Hens Cove, Barlows Landing and Patuisset pond
  - c. Pocasset Village Foundation: \$98,676 – Pocasset Community Building
  - d. Bourne Conservation: \$80,000 – Pocasset Park
  - e. Town of Bourne: \$280,400 – Bourne Rail Trail Phase IV

Barry Johnson, Chairman

TOWN OF BOURNE  
2019 SEP - 9 AM 10:14  
GEE A 1281038

Community Preservation Committee  
Meeting Minutes  
September 16, 2019

APPROVED  
2-8-21

**PRESENT:** Barry Johnson, Daniel Doucette, Richard Anderson, Fred Bartholomew, George Sala, Peter Holmes, Penny Myers, Andrew Cooney (6:15pm),

**EXCUSED:** Neil Langille

**ALSO PRESENT:** Jean Campbell, Joya, Chris Ellsworth, Paul Gately, Michael Rausch

---

Recording Clerk, Ann Gutterson

B. Johnson called the meeting to order at 5:34pm.  
Review of funds: OSC \$501,625, Historic \$228,928, Undesignated fund \$930,685.  
OSC applications - \$448,400, balance of \$53,225.  
Historic applications - \$167,776, balance of \$52,252.

Review of CPA applications for FY20 for the 10/21/19 STM:

**Bourne Archives:** \$28,000 – website

Jean Campbell: Continuation on the website. The Town IT Dept. said to work with a web designer. The Town will provide the servers, computers. Joya is working with Digital Commonwealth Repository (DCR) for all digital images. Already have a good portion digitized, just use their server. Where to store the metadata is an issue. People are very interested in our Facebook page. DCR will train us on how to research and enter the information. Equipment costs go down dramatically, need to upgrade the software.  
Joya: This program is run through the Boston Library.

**Dept. Natural Resources:** \$38,000 — Barlows Landing Dinghy Dock

Chris Ellsworth, DNR Director. Going out to bid this winter. Like to split with Capital 50/50. All plans are approved. A financial matter only. Current dock is unsafe. Need to create good infrastructure. We regressed the park area and installed a small wall. Jewel of the area.

P. Myers: Where is the money we already gave?

B. Johnson: It's still there.

R. Anderson: Is there boat storage?

Chris: Not really. Limited access and don't think a rack system would work.

**Town Administrator:** \$40,000 — Town Hall access

B. Johnson: Looking to get us out to bid. May become a capital project.

D. Doucette: How does Historic feel about this?

B. Johnson: Will have to go to them first.

RECEIVED  
2021 FEB 10 PM 1:21  
TOWN CLERK BOURNE

Extend application deadline: Discussion and vote for Cataumet Methodist Church, \$10,000.

B. Johnson: Do we want to entertain this project?

R. Anderson: Get a hold of the CPA people, to see how the two court cases align with this one then go to Town Counsel.

P. Myers: No urgency, they missed the deadline. They can reapply in January if it qualifies.

D. Doucette made a Motion to seek opinions from Town Counsel and the CPA before any further action is taken by us. The Motion was seconded by R. Anderson with all in favor.

Discussion on how to structure the articles.

Bike path, separate or with the main article?

Falmouth appropriated \$628,000 to continue their part of the trail.

R. Anderson made a Motion to separate the article as done in the past. The Motion was seconded by D. Doucette with all in favor.

Set next meeting date for remaining project reviews.

Sept. 16<sup>th</sup> at 6pm at the Middle School. Don't need a public hearing.

D. Doucette made a MOTION to adjourn seconded by A. Cooney with all in favor.

With no further business before the Committee, the meeting was adjourned at 6:30pm.

Respectfully submitted,  
Ann Gutterson

**DRAFT**

**Community Preservation Committee  
Meeting Minutes  
September 16, 2019**

2/27/20  
**APPROVED**

**PRESENT:** Barry Johnson, Daniel Doucette, Richard Anderson, Fred Bartholomew, George Sala, Peter Holmes, Penny Myers, Andrew Cooney (6:15pm),

**EXCUSED:** Neil Langille

**ALSO PRESENT:** Jean Campbell, Joya, Chris Ellsworth, Paul Gately, Michael Rausch

Recording Clerk, Ann Gutterson

---

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**Town Administrator:** \$40,000 — Town Hall access

B. Johnson: Looking to get us out to bid. May become a capital project.

D. Doucette: How does Historic feel about this?

B. Johnson: Will have to go to them first.

TOWN CLERK BOURNE

2020 MAR - 2 PM 12:41

RECEIVED

Extend application deadline: Discussion and vote for Cataumet Methodist Church, \$10,000.

B. Johnson: Do we want to entertain this project?

R. Anderson: Get a hold of the CPA people, to see how the two court cases align with this one then go to Town Counsel.

P. Myers: No urgency, they missed the deadline. They can reapply in January if it qualifies.

D. Doucette made a Motion to seek opinions from Town Counsel and the CPA before any further action is taken by us. The Motion was seconded by R. Anderson with all in favor.

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Falmouth appropriated \$628,000 to continue their part of the trail.

R. Anderson made a Motion to separate the article as done in the past. The Motion was seconded by D. Doucette with all in favor.

Set next meeting date for remaining project reviews.

Sept. 16<sup>th</sup> at 6pm at the Middle School. Don't need a public hearing.

D. Doucette made a MOTION to adjourn seconded by A. Cooney with all in favor.

With no further business before the Committee, the meeting was adjourned at 6:30pm.

Respectfully submitted,  
Ann Gutterson



**TOWN OF BOURNE**  
*Community Preservation Committee*

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone: (508) 759-0600 ex. 1313



TOWN OF BOURNE

2019 SEP 26 PM 12:08

RECEIVED

**MEETING AGENDA**

**Date:** Monday, September 30, 2019  
**Time:** 6:00 pm  
**Place:** Veteran's Community Building, 239 Main St, Buzzards Bay, MA

1. Review and vote of CPA applications for FY20 for the 10/28/19 STM:

**Open Space/Recreation**

- a. Barlow's Landing Dinghy Dock - \$38,000....other half out of Capital funds
- b. Save the Cove/Marshes - \$50,000
- c. Bike Rail Trail: Phase 4 - \$50,000
- d. Pocasset Park at 789 Shore road - \$80,000

**Historic**

- a. Archives Website - \$28,000
- b. Pocasset Community Building improvements - \$98,676
- c. Town Hall Accessibility - \$20,000

2. Consideration of the application filed by Cataumet Methodist Church for steeple repairs - \$10,000.

Barry Johnson, Chairman



**Community Preservation Committee  
Meeting Minutes  
September 30, 2019**

**PRESENT:** Barry Johnson, Daniel Doucette, Richard Anderson, Fred Bartholomew, Andrew Cooney, Peter Holmes, Penny Myers

**EXCUSED:** George Sala, Neil Langille

**ALSO PRESENT:** Bob Troy, Sam Haines, Frank Gasson, Rick Rheinhardt, Les Perry, Patrick Sweeney, Christian McManus, Keith Barber, Chris Southwood, Bob Dwyer and other members of the public

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Recording Clerk, Ann Gutterson

B. Johnson called the meeting to order at 6:03pm.

Consideration of the application filed by Cataumet Methodist Church for steeple repairs - \$10,000.

B. Johnson read the application into the record. Filled out the rating criteria. Historic recommends this go forward.

Bob Troy: Case in Supreme Court of MA 3/9/18. CPA application and a category of historic for two projects in an Acton church. Theirs was stained glass windows and they wanted a master plan to preserve the three buildings. Court determined on the windows. MA constitution purpose of founding any church, etc. Gravity of funds, careful scrutiny. They have come up with a three part test then can determine if it passes:

1. Purpose: Founding, maintaining, or aiding a Church?  
If a specific religion, shouldn't be recommended.
2. Effect of grants is to substantially aid the Church (religion, not the building).
3. Grants avoid risks that caused anti-aid amendment. Avoid risks with public financial support of religious institutions.

B. Johnson: The church is listed on the MA Historical Register.

P. Holmes: Is the building an institution to the group that owns it?

A. Cooney: Not the first time we used CPC funds in this matter.

B. Johnson: That was prior to the cases. The advertised deadline for the application was 8/16/19, this was received on 8/28/19.

R. Anderson: What is the definition of "Aid"?

Bob: Case by case basis.

A. Cooney: Motion to entertain it past the deadline. The Motion was seconded by F. Bartholomew.

D. Doucette: Is it an emergency repair?

Not emergency.

Vote: 3 in favor, 3 opposed, 1 abstention.

B. Johnson: Tie vote, not motion to go forwarded at this time.

R. Anderson made a Motion to take business out of order. The Motion was seconded by D. Doucette with all in favor.

## Open Space/Recreation

### Save the Cove/Marshes - \$50,000

Frank Gasson: Gave you everything to go forward with a feasibility study. Circuit Ave beach covered pipes that flush Hen Cove. Hope give an opportunity to get this done and improve water quality. Originally Patuisset was an island and cattle would graze over the summer. The Town put a road to the island. Pipes went from Hen Cove out to Saltmarsh to flush. Eel grass and scallops is now silt. There is a dredging problem.

Sam: Concern on Town of Bourne land, infrastructure. Public funds for private residences. Performed by town staff not residential associations. Like to see if can expand the scope.

B. Johnson: Group puts up bills then submit and bills get processed. Go to Sam, need two signatures or letter on who is authorized to sign for them then we reimburse the vendor, not the association. After discussion, the bills will go to Barry as Chair of the CPC.

Open Space Committee (OSC): P. Myers made a Motion to recommend this to the CPC. The Motion was seconded by L. Perry.

R. Rheinhardt: For wetland restoration projects. A lot of federal and state funds for these. Given scores/points if a priority of funds. Community involvement if want it done. Some towns do matching funds. Could be many years. Cape Cod Conservation District has money for this type of project. Think overly ambitious. Don't think we should pay for it but supply a match.

Frank: The \$50,000 is for an engineering study. Four steps as to what this is, don't know total amount. Think the study will give us a cost (Town and us).

Sam: If we get \$50,000 from the CPA, potential in this area to tie in with stormwater infrastructure. Been researching grants, the road will have to be revised. Town already committed this money. May help get grants.

P. Sweeney: For flushing only? Shouldn't be what is causing the problem? Have you tried flushing only?

Sam: Cost, outcome to make difference in water quality, etc.

R. Anderson: Is it easier to get money when you have money?

Sam: Yes.

Christian McManus: Can't get other funds unless the Town works with us. Can't get a break. Wasn't cleaned with the last dredging, important to start.

B. Johnson: The BSC proposal is the basis on our vote.

A. Cooney: Want to make sure can use this money for data.

Sam: All data is good data.

OSC VOTE: Six in favor, one opposed.

CPC: D. Doucette made a Motion to approve, under staff control, possible expansion revert to original scope. The Motion was seconded by P. Holmes.

Keith Barber: Is there a time limit with this?

B. Johnson: Part of an article. Good until completed or closed out by Town Meeting. Like to see two years to start or complete. This is the first step of many.

Vote: All in favor.

Barlow's Landing Dinghy Dock - \$38,000....other half out of Capital funds

Chris Southwood: We received funding in FY18. Last December we went to bid and were short by \$52,000. This should have it built by the spring. We have 300 moorings and 30-35 dingys. Will have about 50+ with this and is Town owned.

OSC: R. Anderson made a Motion to recommend to the CPC. The Motion was seconded by P. Myers with all in favor.

CPC: A. Cooney made a Motion to support. The Motion was seconded by P. Holmes.

R. Anderson: Will the fees of the dock make enough for maintenance and repairs?

Chris: Every year we plan on things like this.

Vote: All in favor.

Bike Rail Trail: Phase 4 - \$50,000

B. Johnson: We jumped to Phase 4 as Falmouth is getting their end by Bourne.

A. Cooney: Will show Falmouth that Bourne is committed.

OSC: A. Cooney made a Motion to recommend this to the CPC. The Motion was seconded by L. Perry with all in favor.

CPC: D. Doucette made a Motion to support Phase 4 of the bike path as determined by the engineers. The Motion was seconded by P. Holmes with all in favor.

Pocasset Park at 789 Shore road - \$80,000

Sam: Driveway with drainage. Simple, low impact, loam and seed, blueberries, beach plums. Town common area. Put in a pergola for shade, limited beach access with stairs. Good for the town.

OSC: R. Rheinhardt: Good idea, any chance of getting funds elsewhere?

Sam: Don't know. Out of my realm. DPW doing most of the work. Haven't looked if grant funding is available. Strictly passive recreation.

A. Cooney: Will it be engineered?

Sam: That would be \$80,000 itself. It will be surveyed. Want it simple and more usable. Will be a DPW park.

P. Myers: Schematic on the marsh, sign looking distressed, want to look better. Might reach out to Tahanto on the flower beds.

R. Rheinhardt made a Motion to send to CPC. The Motion was seconded by A. Cooney with all in favor.

CPC: D. Doucette made a Motion to support. The Motion was seconded by R. Anderson with all in favor. Also, look for in-kind donations (benches, etc).

## Historic

### Archives Website - \$28,000

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

### Town Hall Accessibility - \$20,000

D. Doucette made a Motion to deny. The Motion was seconded by R. Anderson.

P. Holmes: There is already access.

D. Doucette: Town Hall has it, should be a Capital expenditure. Think better used for other projects.

A. Cooney: Has this been to the Commission of Disabilities?

P. Myers: Doesn't say handicap accessibility.

D. Doucette: Not opposed if front stairs only. To include the ramp and tear up the access takes away from the look of the building.

B. Johnson: Needs more study and discussion. Remove from article.

VOTE: All in favor.

### Pocasset Community Building Improvements - \$98,676

Bob Dwyer: The building has vinyl on front and is non-compliant with Historical. Replacing with red cedar. Restoring the porch railing and front door, also replacing the boarded up rear windows. Handicap access overall, but not easily accessible. Driveway will be resloped 1:12 with a handicap space at the bottom. Entry door will be 36", improve climate control.

D. Doucette: Are you locked into this number? Do you have money set aside for a contingency?

Bob: We set aside 20% for feasibility. If run over we'll approach the association and then have a fundraiser. We do have some grants.

D. Doucette: Round off to \$100,000. National Historic Register, remove/restore. Motion to support \$100,000. The Motion was seconded by P. Holmes.

R. Anderson: Does historic offer grants?

Bob: It opens the door for a number of other grants, improve functionality.

VOTE: All in favor.

D. Doucette made a MOTION to adjourn seconded by A. Cooney with all in favor.

With no further business before the Committee, the meeting was adjourned at 8:20pm.

Respectfully submitted,  
Ann Gutterson

**DRAFT**

**Community Preservation Committee  
Meeting Minutes  
September 30, 2019**

**APPROVED**  
2-27-20

**PRESENT:** Barry Johnson, Daniel Doucette, Richard Anderson, Fred Bartholomew, Andrew Cooney, Peter Holmes, Penny Myers

**EXCUSED:** George Sala, Neil Langille

**ALSO PRESENT:** Bob Troy, Sam Haines, Frank Gasson, Rick Rheinhardt, Les Perry, Patrick Sweeney, Christian McManus, Keith Barber, Chris Southwood, Bob Dwyer and other members of the public

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Recording Clerk, Ann Gutferson

B. Johnson called the meeting to order at 6:03pm.

Consideration of the application filed by Cataumet Methodist Church for steeple repairs \$10,000.

B. Johnson read the application into the record. Filled out the rating criteria. Historic recommends this go forward.

Bob Troy: Case in Supreme Court of MA 3/9/18. CPA application and a category of historic for two projects in an Acton church. Theirs was stained glass windows and they wanted a master plan to preserve the three buildings. Court determined on the windows. MA constitution purpose of founding any church, etc. Gravity of funds, careful scrutiny. They have come up with a three part test then can determine if it passes:

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If a specific religion, shouldn't be recommended.
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3. Grants avoid risks that caused anti-aid amendment. Avoid risks with public financial support of religious institutions.

B. Johnson: The church is listed on the MA Historical Register.

P. Holmes: Is the building an institution to the group that owns it?

A. Cooney: Not the first time we used CPC funds in this matter.

B. Johnson: That was prior to the cases. The advertised deadline for the application was 8/16/19, this was received on 8/28/19.

R. Anderson: What is the definition of "Aid"?

Bob: Case by case basis.

A. Cooney: Motion to entertain it past the deadline. The Motion was seconded by F. Bartholomew.

D. Doucette: Is it an emergency repair?

Not emergency.

Vote: 3 in favor, 3 opposed, 1 abstention.

B. Johnson: Tie vote, not motion to go forwarded at this time.

R. Anderson made a Motion to take business out of order. The Motion was seconded by D. Doucette with all in favor.

## Open Space/Recreation

### Save the Cove/Marshes - \$50,000

Frank Gasson: Gave you everything to go forward with a feasibility study. Circuit Ave beach covered pipes that flush Hen Cove. Hope give an opportunity to get this done and improve water quality. Originally Patuisset was an island and cattle would graze over the summer. The Town put a road to the island. Pipes went from Hen Cove out to Saltmarsh to flush. Eel grass and scallops is now silt. There is a dredging problem.

Sam: Concern on Town of Bourne land, infrastructure. Public funds for private residences.

Performed by town staff not residential associations. Like to see if can expand the scope.

B. Johnson: Group puts up bills then submit and bills get processed. Go to Sam, need two signatures or letter on who is authorized to sign for them then we reimburse the vendor, not the association. After discussion, the bills will go to Barry as Chair of the CPC.

Open Space Committee (OSC): P. Myers made a Motion to recommend this to the CPC. The Motion was seconded by L. Perry.

R. Rheinhardt: For wetland restoration projects. A lot of federal and state funds for these. Given scores/points if a priority of funds. Community involvement if want it done. Some towns do matching funds. Could be many years. Cape Cod Conservation District has money for this type of project. Think overly ambitious. Don't think we should pay for it but supply a match.

Frank: The \$50,000 is for an engineering study. Four steps as to what this is, don't know total amount. Think the study will give us a cost (Town and us).

Sam: If we get \$50,000 from the CPA, potential in this area to tie in with stormwater infrastructure. Been researching grants, the road will have to be revised. Town already committed this money. May help get grants.

P. Sweeney: For flushing only? Shouldn't be what is causing the problem? Have you tried flushing only?

Sam: Cost, outcome to make difference in water quality, etc.

R. Anderson: Is it easier to get money when you have money?

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Christian McManus: Can't get other funds unless the Town works with us. Can't get a break. Wasn't cleaned with the last dredging, important to start.

B. Johnson: The BSC proposal is the basis on our vote.

A. Cooney: Want to make sure can use this money for data.

Sam: All data is good data.

OSC VOTE: Six in favor, one opposed.

CPC: D. Doucette made a Motion to approve, under staff control, possible expansion revert to original scope. The Motion was seconded by P. Holmes.

Keith Barber: Is there a time limit with this?

B. Johnson: Part of an article. Good until completed or closed out by Town Meeting. Like to see two years to start or complete. This is the first step of many.

Vote: All in favor.

Barlow's Landing Dinghy Dock - \$38,000....other half out of Capital funds

Chris Southwood: We received funding in FY18. Last December we went to bid and were short by \$52,000. This should have it built by the spring. We have 300 moorings and 30-35 dingys. Will have about 50+ with this and is Town owned.

OSC: R. Anderson made a Motion to recommend to the CPC. The Motion was seconded by P. Myers with all in favor.

CPC: A. Cooney made a Motion to support. The Motion was seconded by P. Holmes.

R. Anderson: Will the fees of the dock make enough for maintenance and repairs?

Chris: Every year we plan on things like this.

Vote: All in favor.

Bike Rail Trail: Phase 4 - \$50,000

B. Johnson: We jumped to Phase 4 as Falmouth is getting their end by Bourne.

A. Cooney: Will show Falmouth that Bourne is committed.

OSC: A. Cooney made a Motion to recommend this to the CPC. The Motion was seconded by L. Perry with all in favor.

CPC: D. Doucette made a Motion to support Phase 4 of the bike path as determined by the engineers. The Motion was seconded by P. Holmes with all in favor.

Pocasset Park at 789 Shore road - \$80,000

Sam: Driveway with drainage. Simple, low impact, loam and seed, blueberries, beach plums. Town common area. Put in a pergola for shade, limited beach access with stairs. Good for the town.

OSC: R. Rheinhardt: Good idea, any chance of getting funds elsewhere?

Sam: Don't know. Out of my realm. DPW doing most of the work. Haven't looked if grant funding is available. Strictly passive recreation.

A. Cooney: Will it be engineered?

Sam: That would be \$80,000 itself. It will be surveyed. Want it simple and more usable. Will be a DPW park.

P. Myers: Schematic on the marsh, sign looking distressed, want to look better. Might reach out to Tahanto on the flower beds.

R. Rheinhardt made a Motion to send to CPC. The Motion was seconded by A. Cooney with all in favor.

CPC: D. Doucette made a Motion to support. The Motion was seconded by R. Anderson with all in favor. Also, look for in-kind donations (benches, etc).

## Historic

### Archives Website - \$28,000

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

### Town Hall Accessibility - \$20,000

D. Doucette made a Motion to deny. The Motion was seconded by R. Anderson.

P. Holmes: There is already access.

D. Doucette: Town Hall has it, should be a Capital expenditure. Think better used for other projects.

A. Cooney: Has this been to the Commission of Disabilities?

P. Myers: Doesn't say handicap accessibility.

D. Doucette: Not opposed if front stairs only. To include the ramp and tear up the access takes away from the look of the building.

B. Johnson: Needs more study and discussion. Remove from article.

VOTE: All in favor.

### Pocasset Community Building improvements - \$98,676

Bob Dwyer: The building has vinyl on front and is non-compliant with Historical. Replacing with red cedar. Restoring the porch railing and front door, also replacing the boarded up rear windows. Handicap access overall, but not easily accessible. Driveway will be resloped 1:12 with a handicap space at the bottom. Entry door will be 36", improve climate control.

D. Doucette: Are you locked into this number? Do you have money set aside for a contingency?

Bob: We set aside 20% for feasibility. If run over we'll approach the association and then have a fundraiser. We do have some grants.

D. Doucette: Round off to \$100,000. National Historic Register, remove/restore. Motion to support \$100,000. The Motion was seconded by P. Holmes.

R. Anderson: Does historic offer grants?

Bob: It opens the door for a number of other grants, improve functionality.

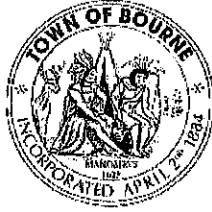
VOTE: All in favor.

D. Doucette made a MOTION to adjourn seconded by A. Cooney with all in favor.

With no further business before the Committee, the meeting was adjourned at 8:20pm.

Respectfully submitted,  
Ann Gutterson





**THE CONSERVATION COMMISSION HEARING**

**Thursday, January 3, 2019 ~ 7 pm ~ Lower Conference Room,  
Bourne Town Hall**

**HAS BEEN**

**CANCELLED**

RECORDED  
2018 DEC 28 AM 9:50  
TOWN CLERK COURSE

RECEIVED

2019 JAN 14 PM 12:24

TOWN CLERK BOURNE



## CONSERVATION COMMISSION AGENDA

Thursday, January 17, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

### 7:00 Request for Determination

- 1) **Applicant:** Christopher Smith **File Number:** CC19-01  
**Representative:** Keese Engineering  
**Project Address:** 26 Shore Road, Bourne  
**Proposed Project:** To extend the existing gravel driveway within a 100 feet of a wetland resource area
  
- 2) **Applicant:** Sarah Townley **File Number:** CC19-02  
**Representative:** Gregory Mac Dougall  
**Project Address:** 48 North Beach Ave, Monument Beach  
**Proposed Project:** To install a new septic system with new components within an AE Flood zone, and within a 100 feet of a wetland resource

3) **Applicant:** David and Patricia Basler **File Number:** CC19-03  
**Representative:** Gregory Mac Dougall  
**Project Address:** 229 Shore Road, Monument Beach  
**Proposed Project:** To install a new septic system, additions to existing house and tear down existing garage within an AE Flood zone, and within a 100 feet of a wetland resource area

4) **Applicant:** Massachusetts Maritime Academy **File Number:** CC19-04  
**Representative:** Activitas Inc.  
**Project Address:** 101 Academy Drive, Buzzards Bay  
**Proposed Project:** To renovate the existing baseball field within an AE Flood zone and V Flood zone

**Notice of Intent:**

1) **Applicant:** Bruce and Keri Wenzel **DEP File Number:** SE7-2049  
**Representative:** Marsh Matters Environmental  
**Project Address:** 95/98 Tahanto Road, Pocasset  
**Proposed Project:** To replace trees that were removed, install cobble parking area, perimeter fencing, work on existing residence and landscape, upgrade the existing septic system and perform soil stabilization within an AE Flood zone, within 100 feet of a wetland resource area and within Riverfront Area.

2) **Applicant:** Beverly Associates **DEP File Number:** SE7-20  
**Representative:** Bracken Engineering  
**Project Address:** 0 Beach Area (Terminus Pier View Road), Pocasset  
**Proposed Project:** To repair and rehabilitate existing stone seawall within a V Flood zone and within 100 feet of a wetland resource area

3) **Applicant:** Joseph Saade **DEP File Number:** SE7-2033  
**Representative:** GAF Engineering Surveyors  
**Project Address:** 51 Pine Ridge Road, Buzzards Bay  
**Proposed Project:** To remove and reconstruct an existing, licensed pier, gangway and float, as well as licensing an existing mortared stone seawall within a V flood zone and within a 100 feet of a wetland resource area  
**(Continued from 10.4.18)**

- 4) **Applicant:** Town of Bourne **DEP File Number:** SE7- 20  
**Representative:** Bourne Conservation Department  
**Project Address** 0 Puritan Rd. (Assessors Map 20 - Parcel 1), Buzzards Bay  
**Proposed Project:** Perform vegetation maintenance and culvert cleanings.

**Amend Order of Conditions:**

- 1) **Applicant:** Bruce H. Silverbrand **DEP File Number:** SE7-1969  
**Representative:** Same  
**Project Address** Within Buttermilk Bay, Bourne  
**Proposed Project:** To amend the Order of Conditions for SE7-1969 to expand the existing shellfish grant within Buttermilk Bay, Bourne

**Request for Certificate of Compliance:**

- 1) **Applicant:** JMC Realty Trust **DEP File Number:** SE7-1825  
**Representative:** Holmes & McGrath  
**Project Address** 1 Tern Way (526 Scraggy Neck Rd.), Cataumet  
**Proposed Project:** Relocation and construction of a single family dwelling, drywells, vista cutting, construction of path and stairs, grading, landscaping and installation of septic system components within a 100 feet of a wetland resource area.

- ▶ Discussion of ongoing erosion issues and engineering alternatives at the Sagamore Highlands with Jack Vaccaro of Epsilon Associates.
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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  
Meeting Minutes**

Town Hall Lower Conference Room  
24 Perry Ave., Buzzards Bay, MA 02532

January 17, 2019

RECORDED  
2019 MAR 11 AM 9:05  
TOWN HALL LOWER CONFERENCE ROOM

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on January 17, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Rob Palumbo, Bob Gray, Thomas Ligor, Elise Leduc, Susan Weston and Associate Member, Greg Berman.

**Excused Members:** Paul Szwed and Melvin P. Holmes.

**Also Present:** Sam Haines, Carol Mitchell, Jim Mulvey, Paul Gately, Alexander Klein, Jane Klein, David Flaherty Jr., Gregory MacDougall, Heather Smith, Bruce Silverbrand, Karin Caulis, Sandy Keese, Frank Westgate, Paul Daniels, Robert Browne, Mike Ball, Bruce Wenzel, Keri Wenzel, Jack Vaccaro, Brian Grady, Megan Buczynski and Pedro Hernandez.

**Request for Determination**

1) Applicant: Christopher Smith  
File Number: CC19-01  
Representative: Keese Engineering  
26 Shore Road, Bourne

To extend the existing gravel driveway within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site/Septic Plan of Record and DEP Wetlands Change Mapping.

Chm. Gray announced for the record that he has worked with Ms. Keese on some projects in the past.

Sandy Keese along with Frank Westgate addressed the board. The proposal is to add a garage with an in-law apartment above it. She mentioned that Mr. Westgate performed the ground survey and then briefly discussed the site's flood plain elevation; which has changed from elevation 14' to elevation 15'. Ms. Keese stated a new septic system is being proposed and the site/septic plan submitted suffices for the Board of Health.

Frank Westgate addressed the members and briefly discussed the area of the lot that's within the 15' flood plain elevation. Ms. Keese mentioned a drive under garage is being proposed.

Agent Comment - Mr. Haines made note that the 15' topo line on the plan reflects the actual FEMA map that shows the entire house and the location of the proposed garage is within the AE Flood Zone. He questioned whether a LOMA has been done. Mr. Westgate stated, not yet. Mr. Haines told Mr. Westgate the Commission will need to see the FEMA Floodplain Designation on the plan because as a FEMA community, they look at the 100-year floodplain as mapped by FEMA. Mr. Westgate agreed. Mr. Haines mentioned there's a mapped vernal pool located at the back of the property. The entire project falls within the Commission's jurisdiction.

Mr. Haines doesn't feel the project will have an adverse impact on the Resource Area. He would just like the plan updated to show the property is located within the Flood Zone.

Board Comment – Chm. Gray opened a brief discussion regarding the Wetlands Change Map.

Ms. Weston commented that the filing does not mention the building of the garage / in-law apartment. Mr. Haines stated he will revise the filing to reflect that.

Heather Smith, the property owner, mentioned she is not required to obtain flood insurance. A discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Weston moved, Mr. Ligor seconded to continue the matter to February 7, 2019.** The motion carried. 4-0-0.

2) Applicant: Sarah Townley  
File Number: CC19-02  
Representative: Gregory MacDougall  
48 North Beach Ave., Monument Beach

To install a new septic system with new components within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record and DEP Wetlands Change Mapping.

David Flaherty and Gregory MacDougall addressed the members and discussed the proposed project. Mr. Flaherty described the Resource Areas located on the property. Mr. MacDougall stated the plan has been updated to show a second Coastal Bank. Mr. MacDougall discussed the proposed location of the property.

Board Comment – None.

Agent Comment – Mr. Haines stated the only issue he had was the secondary Coastal Bank wasn't depicted on the original plan. Now that it's been added to the revised plan, he doesn't have any issues with the project.

Public Comment – Jim Mulvey questioned the wording of the project; he said he was unfamiliar with the word components. Mr. MacDougall stated they are seeking to replace the septic tank, the distribution box and the leaching field.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 4-0-0.

Chm. Gray explained the 10-day appeal period to the applicants.

3) Applicant: David and Patricia Basler  
File Number: CC19-03  
Representative: Gregory MacDougall  
229 Shore Road, Monument Beach

To install a new septic system, additions to existing house and tear down existing garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

David Flaherty and Gregory MacDougall discussed the proposed project and described the Resource Areas located on the property. Mr. Flaherty mentioned there's a shed that is located on the property but isn't depicted on the plan. Originally, the shed was placed too close to the Bank. It's since been moved to a new location outside the 100-foot buffer. Mr. Flaherty stated the shed won't impact the proposed project but it is located within the ACEC and the Flood Zone.

Board Comment – Mr. Ligor opened a brief discussion regarding the proposed location of the new garage.

Agent Comment – Mr. Haines noted the proposed structure will be further away than what's existing. Mr. Haines mentioned that the shed was installed without a Building Permit and he will work with the Building Inspector to approve the shed administratively. He thinks the project meets all performance standards and is an improvement from the bylaw standard.

Public Comment – Abutter, Alexander Klein, asked where the shed will be located once the project is completed. Mr. Haines stated the shed wasn't advertised and it wasn't shown on the plan. It was installed without a Building Permit. The applicant's have temporarily moved it outside of the Commission's jurisdiction until they obtain a permit, find a suitable location outside of the 50-foot buffer and no closer to the Resource Area than what's existing. The shed will also need to be anchored.

Mr. Klein asked if abutters are re-notified if there are any changes to the project design. Mr. Haines explained, excluding a very minor change, if the applicants want to change the design, they'll have to come back before the Commission. Chm. Gray elaborated further.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 4-0-0.

4) Applicant: Massachusetts Maritime Academy

File Number: CC19-04

Representative: Activitas Inc.

101 Academy Drive, Buzzards Bay

To renovate the existing baseball field within an AE Flood Zone and V Flood Zone.



Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Megan Buczynski addressed the members. Mr. Ligor mentioned a typographical error regarding the project's description on the agenda. Ms. Buczynski stated the filing is correct and briefly described the proposed project.

Mr. Haines asked the applicant to discuss the erosion controls being proposed.

Board Comment – Mr. Ligor opened a brief discussion regarding the installation process.

Agent Comment – Mr. Haines reminded the members the applicant had filed a similar request the previous year for a different ball field. He stated based on the results of the previous work, which was closer to the Resource Area, was also located within the Velocity Zone and because there are no grade changes being proposed with this project; he doesn't have any issues with it. He advised the applicant that the project may require a NPDES construction permit.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved, Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 4-0-0.

### Notice of Intent

- 1) Applicant: Bruce and Keri Wenzel  
File Number: SE7-2049  
Representative: Marsh Matters Environmental  
95/98 Tahanto Road, Pocasset

To replace trees that were removed, install cobble parking area, perimeter fencing, work on existing residence and landscape, upgrade the existing septic system and soil stabilization within an AE Flood Zone, 100 feet of a Wetland Resource Area and within Riverfront Area.

(continued from December 20, 2018)

Materials Reviewed – Site Photographs, Project Narrative, Site Plan of Record dated December 4, 2018, Site and Sewage Plan dated December 18, 2018, Email correspondence and letter from Tom Palanza dated December 19, 2018 and DEP Wetlands Change Mapping.

Mike Ball along with Bruce and Keri Wenzel were present. Mr. Ball reminded the board they were before them the previous August under an enforcement order for tree removal on two properties the applicants own. In August, they requested time to devise a plan for

mitigation and to file the Notice of Intent. Mr. Ball explained they have included all elements of their project under this Notice and then described the proposed project and the proposed planting plan.

Board Comment – None.

Agent Comment – Mr. Haines reiterated that the Notice of Intent is a result of unpermitted tree clearing that took place within the Riverfront Area. He stated other than the septic upgrade, this is essentially a landscaping project that will have to meet Riverfront standards. The fence that's proposed could technically be exempt under 310 CMR 10.02 (b)(2)(b), providing the Commission does not feel that it is a barrier to wildlife movement. He expressed concerns that the proposed posts aren't set back from the Oak trees' root system. Because topography changes are relatively minor, he doesn't see any Flood Zone impacts; primarily, it's the Riverfront standards that apply. Redevelopment is within 200 feet of Mean High Water so the proposal must show an improvement over existing conditions. The Commission will have to determine if the sight is currently degraded. If so, it will require a minimum of 1:1 mitigation for all proposed work including the removal of the trees previously. If the Commission determines that the site is not degraded then the ratio will need to be a minimum of 2:1. The mitigation area will have to be protected in perpetuity as part of this restoration work and will have to be conditioned as such. Since the area will be regraded, loamed and seeded, erosion controls should be installed on the seaward limit of work and noted on the plan. Any soil or soil stockpile must be stabilized prior to the removal of those controls.

A brief discussion transpired regarding the proposed 20'x 24' parking area.

Mr. Haines briefly discussed the letter submitted by Tom Palanza.

A discussion transpired regarding the proposed removal of a damaged Red Cedar tree.

Board Comment – Mr. Ligor asked if the stumps of the Oak trees are still on the property and whether they'll be replaced. Mr. Ball stated the stumps have been ground and they are not proposing tree replacement; only mitigation planting. Mr. Ligor noted the filing states trees will be replaced. Mr. Ball stated they are replacing cover that the trees provide but they are not planting any trees.

Ms. Leduc asked what type of fence is being proposed reiterating the agent's previous comment that the proposed fence cannot impede wild life movement. The Wenzels stated a vinyl scalloped picket fence is being proposed with approximately three inches between each slat. A discussion ensued.

Ms. Leduc expressed concern that they are proposing to remove another tree. She would like new trees to be planted as mitigation for the unpermitted tree removal and doesn't feel that the shrubs being proposed in the planting plan will provide that same services that the removed trees provided. Ms. Weston and Mr. Ligor agreed. A brief discussion transpired regarding the tree removal violation and the mitigation that the Commission will require.

Ms. Weston asked how damage to the root system may be avoided when installing the fence. Mr. Haines replied the Commission may condition the Order to require a setback from the base of the tree. Mr. Ball offered to return with a revised fence footprint.

Chm. Gray offered a suggestion on the placement of the fence. Mr. Haines mentioned there is civil litigation regarding the property line that may have an impact on where the fence may be placed. A discussion ensued. Mr. Haines made note that there isn't a setback requirement when it comes to fence installation; however, they typically recommend a one-foot setback in order to maintain the fence without trespassing on the abutting property.

Ms. Weston opened a discussion regarding the proposed pruning of the Oak tree.

Chm. Gray commented that several members would like trees planted in the mitigation area. He asked that the Order be conditioned requiring the representative to work with the agent to determine a suitable location on the property to plant them.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Ms. Leduc moved, Mr. Palumbo seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 5, 7, 9, 10, 12, 14, 15, 18, 19, 21, 22, 24, 27, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 9, and the following Additional Special Conditions; ASC (1) further alteration within the restoration or mitigation area is prohibited except as may be required to maintain the area in its restored or mitigated condition, ASC (2) prior to requesting the issuance of a Certificate of Compliance the applicant shall demonstrate the restoration or mitigation area has been successfully completed for at least two growing seasons, ASC (3) erosion controls shall be installed at the seaward limit of work. Loose soil or soil stockpiles must be stabilized prior to the removal of erosion controls, ASC (4) a Planting Plan must be provided to the Commission prior to any work which includes at least three tree species to be included within the parcel, ASC (5) to the extent feasible, the applicant

should avoid adverse impacts to the existing Oak tree roots as a result of the fence installation. ASC (1) will continue in perpetuity.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

*Chm. Gray recused himself from discussion and vote. Mr. Palumbo chaired the hearing.*

2) Applicant: Beverly Associates

File Number: SE7-20

Representative: Bracken Engineering

0 Beach Area (Terminus Pier View Road), Pocasset

To repair and rehabilitate existing stone seawall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record, 1911 Beverly Yacht Club Postcard and DEP Wetlands Change Mapping.

Brendan Mullaney along with Paul Daniels, president of the Beverly Associates association, addressed the members. Mr. Mullaney described the location of the proposed project; the methodology of the proposed project and also discussed damage that occurred to the seawall over the years; particularly, from the winter storms that occurred last year. He discussed the proposed staging and site access and Mr. Daniels provided a brief history of the yacht club.

Board Comment – Ms. Weston asked if the wall will extend beyond the current footprint. Mr. Mullaney stated it will not.

Mr. Ligor asked if all work will be performed from the landward side. Mr. Mullaney stated all equipment will be landward but there will be manual labor performed on the seaward side. Mr. Mullaney discussed the proposed construction methodology.

Mr. Berman asked if supplemental stones will be needed. Mr. Mullaney stated supplemental stones will be brought in.

Mr. Berman opened a brief discussion regarding the erosion that occurred. Mr. Haines discussed the emergency repair he administratively approved last March due to safety concerns.

Agent Comment – Mr. Haines stated the existing structure predates the Wetlands Protection Act. He discussed regulations that will allow the Commission leeway with granting approval for design changes to the structure in order to prevent negative impacts to nearby beaches. He explained that because the structure is above Mean High Water, a Chapter 91 License is not required. He expressed concern over allowing mortar to be placed at the front of the structure and suggested alternate materials instead of the loam and seed proposed by the applicant to serve as the erosion buffer in front of the wall. A discussion ensued.

Mr. Palumbo opened a brief discussion regarding whether to allow the use of mortar or to require the stones to be dry set.

Public Comment – None.

Mr. Palumbo entertained a motion to close the public hearing. **Mr. Ligor moved, Ms. Weston seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 7, 9, 10, 12, 15, 18, 19, 21, 22, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 4, 6, and the following Additional Special Conditions; ASC (1) the applicant must retrieve and properly dispose of any historic concrete mortar located in the intertidal area, ASC (2) the contractor must have spill containment materials on site at all times. No refueling is allowed within 100-feet of the coastal beach, ASC (3) no concrete or mortar material shall be placed on the seaward face of the revetment.

Mr. Daniels asked if the association will need to obtain the Commission's permission to repair/replace stones that become loose in the future since mortar won't be allowed. Mr. Haines told the applicant in the future, he'll need to contact the agent who will then determine whether a new filing is required.

Mr. Palumbo entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no further discussion, the motion carried. 3-0-0.

*Chm. Gray returned to chair the meeting.*

3) Applicant: Joseph Saade

File Number: SE7-2033

Representative: GAF Engineering Surveyors

51 Pine Ridge Road, Buzzards Bay

To remove and reconstruct an existing licensed pier, gangway and float, as well as licensing an existing mortared stone seawall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record dated 12/18, Eco-mooring System handout, Division of Marine Fisheries Guidance Letter, and DEP Wetlands Change Mapping.

(Continued from October 4, 2018)

Brian Grady addressed the members. He stated he's revised the plan based on discussions he had with Mr. Haines and Dave Hill from DEP. Mr. Grady discussed the revisions made to the plan and the comments he received from the Division of Marine Fisheries (DMF).

Board Comment – Ms. Leduc questioned why float stops can't be used as recommended by DMF. Mr. Grady explained and a brief discussion transpired regarding the representative's preference to install the Eco-mooring System with helical anchors vs. 2" pipes with float stops.

Ms. Leduc asked if the float is intended to be seasonal and if there's somewhere to store the float. Mr. Grady indicated yes, it's intended to be seasonal and it will be stored upland of the existing wall.

Mr. Ligor expressed concern that the vegetation under the pier will be disturbed during the removal and reconstruction pier. Mr. Grady discussed the construction methodology he's proposing, the deck spacing and the material he will use.

Agent Comment – Mr. Haines discussed the plan that was originally submitted and the revisions made based on bylaw requirements and DMF guidance.

Mr. Berman asked if any work is proposed for the seawall. Mr. Haines stated no work is being proposed for the seawall at this time. It is currently unlicensed so the applicant is just seeking to license it.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Palumbo moved, Mr. Ligor seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 7, 9, 10, 12, 14, 15, 18, 19, 21, 22, 27, 28, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 4, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and the following Additional Special Condition; ASC (1) instead of chains, this Order requires the use of the Eco-mooring System as presented at January 17, 2019 hearing.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

*Chm. Gray changed the order of the agenda.*

**Amend Order of Conditions:**

- 1) Applicant: Bruce H. Silverbrand  
File Number: SE7-1969  
Representative: Same  
Within Buttermilk Bay, Bourne

To amend the Order of Conditions for SE7-1969 to expand the existing shellfish grant within Buttermilk Bay, Bourne.

Materials Reviewed – Photograph of the Town’s floating bag system, Response from the Wampanoags, Response from The Natural Heritage and Endangered Species Program.

Bruce Silverbrand addressed the members and discussed the request to amend the previously approved Order by adding a floating bag system and expanding the grant area.

Board Comment – None.

Agent Comment – Mr. Haines stated the Commission approved the existing grant under SE7-1969. This request will modify that filing by adding float bags as well as a 2-acre expansion. The Natural Heritage and Endangered Species Program issued a no take and his review from the other regulatory agencies have not uncovered any issues.

Correspondence has not yet been received from the Division of Marine Fisheries; however, they did not identify any issues with the initial project. Mr. Haines stated he has not received any complaints from any residents and DNR supports the project. He did not identify any issues with the project.

Public Comment – None.

Chm. Gray entertained a motion to grant the request to Amend the Order of Conditions. **Mr. Ligor moved, Ms. Leduc seconded to grant the request to Amend the Order of Conditions.** The motion carried. 3-0-1. Ms. Weston abstained.

► Discussion of ongoing erosion issues and engineering alternatives at the Sagamore Highlands with Jack Vaccaro of Epsilon Associates.

Materials Reviewed –

Jack Vaccaro of Epsilon Associates was present on behalf of four homeowners on Indian Trail to discuss solutions to cliff erosion and prevent them from losing their homes down the eroding Coastal Bank.

Mr. Vaccaro discussed a previous request by the homeowners to build a 17-foot high stone revetment at the tow of the bank; which is town-owned-land. That request was denied by the Commission, was subsequently appealed by the property owners and has since been withdrawn.

Chm. Gray discussed both the regulatory role and the management role the Commission plays because the property is town-owned land. He explained that the previously proposed revetment did not comply with Open Space and Passive Recreation's legal requirements; therefore, their proposal was denied.

Mr. Vaccaro presented several erosion control options for the Commission to consider; i.e., geotextile sandbags, stacked gabions or geotextile tubes.

Chm. Gray and Mr. Haines discussed hurdles that will need to be overcome in order to move forward.

After a lengthy discussion it was decided Mr. Vaccaro and Mr. Haines will explore options together.

**Notice of Intent**

4) Applicant: Towne of Bourne

File Number: SE7-2051

Representative: Bourne Conservation Department

0 Puritan Road (Assessors Map 20-Parcel 1), Buzzards Bay

Perform vegetation management and culvert cleanings.

Materials Reviewed – DEP Wetlands Change Mapping.



Mr. Haines briefly described the proposed project; to maintain the maritime shrubland. He stated most of the work will be performed with chainsaws; however, there may be a need to use a small rubber tire track excavator on swamp mats to remove some of the concrete near the culvert.

Public Comment – Jim Mulvey provided background information on the culvert. A brief discussion transpired regarding the location of the culvert being serviced.

Chm. Gray entertained a motion to close the public hearing. **Mr. Ligor moved, Mr. Palumbo seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 3, 18, 19, 20 and 27. There are no Special Conditions pursuant to the Bourne Wetlands Protection Bylaw.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Ligor seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

**Request for Certificate of Compliance:**

1) Applicant: JMC Realty Trust  
File Number: SE7-1825  
Representative: Holmes & McGrath  
1 Tern Way (526 Scraggy Neck Rd.), Cataumet

Relocation and construction of a single-family dwelling, drywells, vista cutting, construction of path and stairs, grading, landscaping and installation of septic system components within 100 feet of a Wetland Resource Area.

Agent Comment – A site visit was performed on January 15, 2019. Mr. Haines recommended issuing the Certificate of Compliance.

**Mr. Ligor moved, Ms. Weston seconded to issue the Certificate of Compliance.** With no discussion, the motion carried. 4-0-0.

▶ Vote to excuse absent members, if necessary – **Ms. Weston moved, Mr. Ligor seconded to excuse the absent members.** With no discussion, the motion carried. 4-0-0.

▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the December 6, 2018 meeting. Mr. Haines noted revisions. **Mr.**

**Ligor moved, Ms. Weston seconded to approve the minutes of the December 6, 2018 meeting as revised.** With no discussion, the motion carried. 4-0-0.

▶ Report of the Conservation Agent – Mr. Haines mentioned a violation letter that will be discussed at the next meeting.

Mr. Haines stated he'll be working with Buzzards Bay National Estuary Program with their survey in the spring.

▶ Public Comment Period on Non-Agenda Items – None.

▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Ms. Weston moved, Ms. Leduc seconded to adjourn.** With no discussion, the motion carried. 4-0-0. The meeting adjourned at 10:10 PM.

Minutes submitted by: Carol Mitchell



## CONSERVATION COMMISSION AGENDA

Thursday, February 7, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

TOWN CLERK COURTESY

2019 FEB -4 AM 9:54

RECEIVED

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

### 7:00 Request for Determination

- 1) **Applicant:** Christopher Smith **File Number:** CC19-01  
**Representative:** Keese Engineering  
**Project Address:** 26 Shore Road, Bourne  
**Proposed Project:** To construct a two story garage, extend the existing gravel driveway, and conduct septic system improvements within an AE floodzone and 100 feet of a wetland resource area.  
(Continued from 1.17.19)

### Notice of Intent:

- 1) **Applicant:** Edward and Caroline O'Malley **DEP File Number:** SE7-  
**Representative:** Bracken Engineering Inc.  
**Project Address:** 7 Cove Lane, Pocasset.  
**Proposed Project:** To raze and rebuild a single family dwelling, new title V septic system, utilities, grading, landscaping, and appurtenances within an AE Flood zone  
(Hearing under state act only)

- 2) **Applicant:** James S. Diede      **DEP File Number:** SE7-  
**Representative:** Bracken Engineering Inc.  
**Project Address** 60 Lewis Point Road and 0 Nye Lane, Buzzards Bay  
**Proposed Project:** To construct a single family dwelling, Title V septic system, including placement of supplement fill, utilities, grading, landscaping, and appurtenances within an AE Flood zone and within a 100 feet of wetland resource area.

**Extension Request for Order of Compliance:**

- 1) **Applicant:** Elizabeth Gillis Warden      **DEP File Number:** SE7-1933  
**Representative:** Bracken Engineering Inc.  
**Project Address** 10 Harbor Way, Wings Neck  
**Proposed Project:** Construction of a single family home with associated site work and utilities with in an AE Flood zone.
- 2) **Applicant:** Christina Stevens Lighthouse Realty Tr.  
**DEP File Number:** SE7-1934  
**Representative:** Bracken Engineering Inc.  
**Project Address** 0 Lighthouse Lane, Wings Neck  
**Proposed Project:** Installation of a 3 bedroom septic field, landscape wall and associated site grading to support the development of a single family residence at 10 Harbor Way, Bourne within an AE Flood zone and within 100 feet of a wetland resource area.
- 3) **Applicant:** Judith Tubbs      **DEP File Number:** SE7-1572  
**Representative:** Same  
**Project Address** 829 Scenic Highway, Bournedale  
**Proposed Project:** Redevelopment of a Commercial Property including the removal of all existing structures and the construction of a condominium complex.

- ▶ Violation: 2 Plow Penny Way. Placement of fill within a salt marsh and construction of an unpermitted dock/pier. Discussion and possible vote.
- ▶ Discussion of Town Bylaw Sections 3.7.4 & 3.7.12
- ▶ Discussion of Bourne Wetland Regulations BWR 1.16
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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**  
**Meeting Minutes**

Town Hall Lower Conference Room  
24 Perry Ave., Buzzards Bay, MA 02532

February 7, 2019

RECORDED  
2019 FEB 7 AM 9:59  
TOWN HALL LOWER CONFERENCE ROOM

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on February 7, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Thomas Ligor, Elise Leduc, Paul Szwed, Susan Weston and Associate Member, Greg Berman.

**Excused Members:** Melvin P. Holmes and Rob Palumbo.

**Also Present:** Sam Haines, Zack Basinski, Jim Mulvey, Ed O'Malley, Karin Callis, Heather Smith, Sandy Keese, Frank Westgate, Christopher Kirrane, Mr. Silva and Stan Budryk.

**Request for Determination**

- 1) Applicant: Christopher Smith  
File Number: CC19-01

Representative: Keese Engineering  
26 Shore Road, Bourne

To construct a two-story garage, extend existing gravel driveway, and conduct septic improvements within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site/Septic Plan, Land Survey, FEMA Flood Map, LOMA and DEP Wetlands Change Mapping.

(Continued from January 17, 2019)

Sandy Keese and Frank Westgate addressed the members. Mr. Westgate, who performed the survey of the property, discussed the differences between the FEMA Flood Map and the actual 15' contour.

Agent Comment – Mr. Haines explained at the last hearing, he didn't think that the construction of the garage/accessory dwelling would have any adverse impacts on the vernal pool or the Bordering Vegetated Wetland. The continuance allowed the representative to revise the map. Mr. Haines now feels confident that the applicant has met all requirements.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Leduc seconded a Negative Two Determination.** The motion carried. 3-0-1. Mr. Szwed abstained.

*Chm. Gray recused himself from discussion and vote. Ms. Leduc chaired the next several hearings.*

### **Notice of Intent**

1) Applicant: Edward and Caroline O'Malley  
File Number: SE7-  
Representative: Bracken Engineering  
7 Cove Lane, Pocasset

To raze and rebuild a single-family dwelling, new Title V septic system, utilities, grading, landscaping and appurtenances within an AE Flood Zone.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

(Hearing Under State Act Only)

Zack Basinski addressed the members and described the proposed project. He stated the applicant previously filed an RDA to upgrade the septic system; however, the upgrade was never completed because the property owners decided to raze and rebuild the dwelling.

Agent Comment – Mr. Haines stated this is a straightforward raze and rebuild in the AE Flood Zone only on a relatively flat lot that is entirely landscaped and developed. He doesn't have any issues with the project as designed as long as it meets the Building Code and FEMA guidance. The matter will have to be continued because a DEP file number has not been issued yet.

Board Comment – Mr. Ligor referred to aerial photographs and a brief discussion transpired regarding the location of the proposed septic system and the number of bedrooms being proposed.

Public Comment – None.

Ms. Leduc entertained a motion. **Mr. Ligor moved, Ms. Weston seconded to continue the matter to February 21, 2019.** With no discussion, the motion carried, 3-0-0.

3) Applicant: James Diede

File Number: SE7-

Representative: Bracken Engineering Inc

60 Lewis Point Road and 0 Nye Lane, Buzzards Bay

To construct a single-family dwelling, Title V septic system, including placement of supplement fill, utilities, grading, landscaping and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Zack Basinski addressed the members and described the proposed project. He discussed a previous filing which allowed the applicant to place fill at the back of the lot. That work began last summer; however, due to heavy rains, that project was put on hold.

Agent Comment – Mr. Haines discussed the previous Order SE7-1986, which allowed fill to be placed on the property creating a Coastal Bank; thus, removing portions of the property from jurisdiction and allowing it to become a single-family lot. The Flood Zone is shown on the plan but it is the applicant's intent to request a letter of map change. Mr. Haines discussed his concerns regarding drainage and thinks that conditions should be added to the Order requiring a 50-foot buffer be established as mitigation, that it be



required to remain naturalized and any vista pruning would need to be approved by the Commission prior to performing that work. Mr. Haines made note that the erosion controls are starting to fail so they need to be dug out and reestablished.

Board Comment – Mr. Berman and Ms. Leduc briefly discussed the existing Coastal Banks, their functions and the work that was completed under the previous filing.

Mr. Szwed discussed the proposed drainage.

Public Comment – A member of the public asked the agent to provide additional information regarding the functions of the Coastal Banks on the property. He commented on the amount of existing vegetation on the property and expressed concern that storm water runoff will become problematic once that vegetation is removed. A discussion ensued.

Ms. Leduc entertained a motion to continue the matter. **Mr. Ligor moved, Ms. Weston seconded to continue the matter to February 21, 2019.** With no discussion, the motion carried. 3-0-0.

**Extension Request for Order of Conditions:**

1) Applicant: Elizabeth Gillis Warden  
File Number: SE7-1933  
Representative: Bracken Engineering Inc.  
10 Harbor Way, Wings Neck

Construction of a single-family home with associated site work and utilities within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Zack Basinski addressed the members and discussed the reason for the request to extend the Order of Conditions.

Agent Comment – Mr. Haines explained this project is currently under ZBA appeal and Land Court appeal. The homeowner has not performed any construction on the property other than minor landscaping.

Public Comment – Stan Budryk read a letter of opposition on behalf of himself and the Wing's Neck Lighthouse Association.

After a brief discussion, Ms. Leduc entertained a motion. **Mr. Ligor moved, Ms. Weston seconded to grant a three-year extension.** The motion carried. 3-0-0.

2) Applicant: Christina Stevens Lighthouse Realty Tr.

File Number: SE7-1934

Representative: Bracken Engineering

0 Lighthouse Lane, Wings Neck

Installation of a three-bedroom septic field, landscape wall and associated site grading to support the development of a single-family residence at 10 Harbor Way, Bourne within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Zack Basinski addressed the members and discussed the reason for the request to extend the Order of Conditions.

Agent Comment – Mr. Haines reiterated the comments he made for the request for an extension at 10 Harbor Way.

Public Comment – Stan Budryk reiterated the comments he made for the request for an extension at 10 Harbor Way.

After a brief discussion, **Ms. Weston moved, Mr. Ligor seconded to grant a three-year extension.** The motion carried. 3-0-0.

*Chm. Gray returned to chair the meeting.*

3) Applicant: Judith Tubbs

File Number: SE7-1572

Representative: Same

829 Scenic Highway, Bournedale

Redevelopment of a commercial property including the removal of all existing structures and the construction of a condominium complex.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Judy Tubbs addressed the members. She provided a brief history of the property and the reason for the request.

Agent Comment – Mr. Haines explained the order was originally issued in 2006 and has been extended several times. Based on aerials, no substantial work has occurred on the site since 2010. He said ordinarily he would recommend that the Commission deny this request; however, the Planning Board granted a six-month extension. He commented on the number of extensions the Commission has granted with no work being completed.

Public Comment – Attorney Christopher Kirrane, representing the buyer and developer, requested a three-year extension because this is a substantial project which costs money and takes time. He doesn't think work will begin in the first year so he suggested a compromise of a two-year extension. Adding that the six-month extension granted by the Planning Board was based on the signed Purchase and Sale Agreement. It was his understanding that once the P & S was signed, the Planning Board would allow this project to move forward with his client.

Board Comment – Mr. Ligor asked what the status of securing financing is. Attorney Kirrane stated his client has a bank but hasn't received a commitment letter yet. The developer, Mr. Silva, stated financing will not be a problem; it's the development of the plans that will be time consuming.

Mr. Ligor asked how long it will take to have a plan developed. Mr. Silva thinks it will take at least one year to develop architectural plans and a topographic map. Mr. Ligor asked if he thinks the entire project can be completed in two years. Mr. Silva responded yes, and thinks a two-year extension is very fair.

Chm. Gray asked if any substantial changes are being proposed to the original Order that was previously approved. Mr. Silva indicated no, adding that the size of the previously approved project may be reduced. A discussion ensued.

Mr. Haines expressed concern over the complexity of the project. He suggested granting a one-year extension with a letter stating another continuance will not be granted unless the Commission sees substantial work has been conducted within the next year.

Chm. Gray stated normally, a three-year extension would be granted and suggested granting the two-year extension as requested by the applicant. At the end of the second year, the applicant should return to provide a status report to the Commission. A determination will then be made whether another year extension is necessary. Mr. Haines asked that he be notified of any substantial changes made to the plan so that he may administratively review them. The representative agreed.

Ms. Leduc would like a condition or a letter added that states if construction hasn't begun by the end of the second-year extension, no additional extensions will be granted and the applicant will have to reapply. The applicant agreed.

Public Comment – Jim Mulvey thinks the agent should be notified of all changes made to the plan; not just substantial changes, as suggested by the agent. A brief discussion transpired regarding the term substantial.

Chm. Gray entertained a motion. **Ms. Leduc moved, Mr. Ligor seconded to issue a two-year extension with a letter stating if construction has started within the two years, the Commission will grant a third-year extension at the end of the second year. If construction has not started at that time, another extension will not be granted and the applicant will have to submit a new application.** The motion carried. 4-0-0.

► Violation 2 Plow Penny Way. Placement of fill within a salt marsh and construction of an unpermitted dock/pier. Discussion and possible vote.

Materials Reviewed – Site Photographs.

Agent Comment - Mr. Haines provided an update on the violation. He issued a violation notice but has not heard from the property owner. He stated the next step is to issue an enforcement order.

After a brief discussion, Chm. Gray entertained a motion to issue an enforcement order. **Ms. Weston moved, Mr. Ligor seconded to issue an enforcement order.** Ms. Leduc asked whether a phone number was available to contact the property via telephone prior to issuing the enforcement order. Mr. Haines stated he does not have a phone number but will check to see if DNR has one since the swim platform is permitted with the Town. Chm. Gray briefly discussed the violations. With no further discussion, the motion carried. 4-0-0.

► Discussion of Town Bylaw Sections 3.7.4 & 3.7.12 – Mr. Haines briefly discussed the language of the Storm Damage Prevention section of the bylaw. He stated the current language makes it extremely difficult for engineers to construct projects. He then discussed amending the language in 3.7.12; which currently only allows the Commission to regulate docks & piers. After a lengthy discussion, it was decided that the members will take time to review the proposed revisions. The matter will be discussed again at a future meeting and public input will be allowed. Mr. Haines will also speak with the town planner who is experienced with amending the bylaw at Town Meeting.

Public Comment – Mr. Mulvey suggested using strong terminology when drafting the revised language to avoid challenges.

A brief discussion transpired regarding how best to present the matter at Town Meeting.

- ▶ Discussion of Bourne Wetland Regulations BWR 1.16 – Deferred.
- ▶ Vote to excuse absent members, if necessary – **Mr. Ligor moved, Ms. Weston seconded to excuse the absent members.** With no discussion, the motion carried. 4-0-0.
- ▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the December 20, 2018 meeting. A brief discussion transpired regarding revisions. **Mr. Szwed moved, Mr. Ligor seconded to approve the minutes of the December 20, 2018 meeting as revised.** With no further discussion, the motion carried. 4-0-0.
- ▶ Report of the Conservation Agent – None.
- ▶ Public Comment Period on Non-Agenda Items – None.
- ▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## II. Adjournment

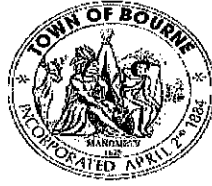
**Mr. Ligor moved, Ms. Leduc seconded to adjourn.** With no discussion, the motion carried. 4-0-0. The meeting adjourned at 8:40 PM.

Minutes submitted by: Carol Mitchell

RECEIVED

2019 FEB 15 PM 12:41

TOWN CLERK BOURNE



## CONSERVATION COMMISSION AGENDA

Thursday, February 21, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

### 7:00 Request for Determination

- 1) **Applicant:** Susan Marandett **File Number:** CC19-06  
**Representative:** Cape & Islands Engineering, Inc.  
**Project Address:** 37 Harbor Drive, Wings Neck  
**Proposed Project:** To remove trees within an AE Flood zone, V Flood zone and within a 100 feet of a wetland resource area.
  
- 2) **Applicant:** Douglas Keys **File Number:** CC19-07  
**Representative:** Engineering Works Inc.  
**Project Address:** 34 Tahanto Road, Pocasset  
**Proposed Project:** To perform a septic system upgrade within an AE Flood zone  
**(Hearing Under State Act Only)**
  
- 3) **Applicant:** John Mitchell **File Number:** CC19-05  
**Representative:** Bracken Engineering Inc.  
**Project Address:** 62 Gilder Road, Gray Gables  
**Proposed Project:** To raze existing dwelling and associated site work within an AE Flood zone, and within a 100 feet of a wetland resource area

**Notice of Intent:**

- 1) **Applicant:** Edward and Caroline O'Malley **DEP File Number:** SE7-2054  
**Representative:** Bracken Engineering Inc.  
**Project Address** 7 Cove Lane, Pocasset  
**Proposed Project:** To raze and rebuild a single family dwelling, new title V septic system, utilities, grading, landscaping, and appurtenances within an AE Flood zone  
**(Hearing under state act only)**

- 2) **Applicant:** James S. Diede **DEP File Number:** SE7-2053  
**Representative:** Bracken Engineering Inc.  
**Project Address** 60 Lewis Point Road and 0 Nye Lane, Buzzards Bay  
**Proposed Project:** To construct a single family dwelling, Title V septic system, including placement of supplement fill, utilities, grading, landscaping, and appurtenances within an AE Flood zone and within a 100 feet of wetland resource area.

- ▶ Discussion of the Natural Systems section of the revised Local Comprehensive Plan with Wesley Ewell
- ▶ Violation: Update on 2 Plow Penny Way.
- ▶ Policy 09-01 Regarding Extending an Order of Conditions
- ▶ Policy on Delineation of Land Subject to Coastal Storm Flowage
- ▶ Discussion of Town Bylaw Sections 3.7.4 & 3.7.12
- ▶ Discussion of Bourne Wetland Regulations BWR 1.16
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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**  
**Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 21, 2019

2019 MAY -1 AM 8:59  
TOWN HALL LOWER CONFERENCE ROOM

000000000000

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on February 21, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Thomas Ligor, Elise Leduc, and Paul Szwed.

**Excused Members:** Susan Weston, Melvin P. Holmes, Rob Palumbo and Greg Berman.

**Also Present:** Sam Haines, Carol Mitchell, Paul Gately, Zachary Basinski, Bob Bangs, Wesley Ewell, Dan Dwyer and Bobbie Dwyer.

Chm. Gray announced the 37 Harbor Drive filing is continued to March 7, 2019. He asked if anyone was present for the filing. A member of the public reviewed the plan and asked the agent several questions regarding buffer zone requirements.

**Request for Determination of Applicability**



1) Applicant: Susan Marandett  
File Number: CC19-06  
Representative: Cape & Islands Engineering  
37 Harbor Drive, Wings Neck

To remove trees within an AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan and DEP Wetlands Change Mapping.

(Continued to March 7, 2019)

*Chm. Gray evoked the rule of necessity to maintain the quorum. He disclosed that he has performed work for Engineering Works, Inc. and asked if anyone objected to him sitting on the hearing. No one objected.*

2) Applicant: Douglas Keys  
File Number: CC19-07  
Representative: Engineering Works, Inc.  
34 Tahanto Road, Pocasset

To perform a septic system upgrade within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan and DEP Wetlands Change Mapping.

(Hearing Under State Act Only)

Bob Bangs addressed the members and discussed the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated this is a straightforward septic system upgrade. The site is relatively flat and completely developed. He didn't identify any issues with the proposed work.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved, Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried 4-0-0.

3) Applicant: John Mitchell

File Number: CC19-05  
Representative: Bracken Engineering, Inc.  
62 Gilder Road, Gray Gables

To raze existing dwelling and associated site work within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan, FEMA Guidance Document and DEP Wetlands Change Mapping.

**(Hearing Under State Act Only)**

*Chm. Gray evoked the rule of necessity to maintain the quorum. He disclosed that he has performed work for Bracken Engineering, Inc. and asked if anyone objected to him sitting on the hearing. No one objected.*

Zack Basinski addressed the members and described the proposed project. He stated the applicant is not sure whether he wants to rebuild another house so the existing home will be demolished, the existing septic system will be removed then they will re-stabilize the site to lawn for the time being.

Agent Comment – Mr. Haines stated the topo on the ground is the best available data; however, it differentiates from the AE Flood Zone as shown on FEMA mapping; which made it difficult for him to properly delineate land subject to coastal storm flowage. He explained based on his interpretation of a guidance document from the state, for land subject to coastal storm flowage, the FEMA Flood Map is used until a letter of map amendment (LOMA) is received. Mr. Basinski disagreed and briefly discussed the map amendment process through FEMA. A lengthy discussion ensued.

Board Comment – Mr. Ligor asked if any trees are proposed to be removed. Mr. Basinski stated no.

Public Comment – Roberta Dwyer expressed support of the proposed project.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Leduc seconded a Negative One Determination.** With no further discussion, the motion carried. 4-0-0.

**Notice of Intent**

1) Applicant: Edward and Caroline O'Malley  
File Number: SE7-2054  
Representative: Bracken Engineering, Inc.  
7 Cove Lane, Pocasset

To raze and rebuild a single-family dwelling, new Title V septic system, utilities, grading, landscaping and appurtenances within an AE Flood Zone.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

**(Hearing Under State Act Only)**

Zack Basinski explained the matter was continued from the previous meeting because a DEP file number hadn't been issued yet.

Agent Comment – None.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Szwed moved, Mr. Ligor seconded to close the public hearing.** With no discussion, the motion carried. 4-0-0.

Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 9, 10, 12, 15, 16, 18, 19, 27, 28 and 29.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

2) Applicant: James Diede

File Number: SE7-2053

Representative: Bracken Engineering, Inc

60 Lewis Point Road and 0 Nye Lane, Buzzards Bay

To construct a single-family dwelling, Title V septic system, including placement of supplement fill, utilities, grading, landscaping and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record and DEP Wetlands Change Mapping.

Zack Basinski addressed the members and discussed the grading revisions made to the plan.

▶ Vote to excuse absent members, if necessary – **Ms. Leduc moved, Mr. Ligor seconded to excuse the absent members.** With no discussion, the motion carried. 4-0-0.

▶ Acceptance of Previous Meeting Minutes – None.

▶ Report of the Conservation Agent – Mr. Haines discussed the notification received from Joint Base Cape Cod regarding 50 acres of timber clearing operations. He performed a site visit and didn't see any issues for the Commission's jurisdiction.

Eversource sent notification that they'll be spraying herbicides along the right of ways as part of their annual maintenance plan.

Chm. Gray asked if additional information was available on the proposed expansion of the National Cemetery. Mr. Haines stated not yet but anticipates an RDA will be filed soon. A brief discussion transpired regarding whether the Commission has jurisdiction over the proposed project.

▶ Public Comment Period on Non-Agenda Items – None.

▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Mr. Ligor moved, Ms. Leduc seconded to adjourn.** With no discussion, the motion carried. 4-0-0. The meeting adjourned at 8:47 PM.

Minutes submitted by: Carol Mitchell



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TOWN CLERK BOURNE

## CONSERVATION COMMISSION AGENDA

Thursday, March 7, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

### 7:00 Request for Determination

- 1) **Applicant:** Susan Marandett **File Number:** CC19-06  
**Representative:** Cape & Islands Engineering, Inc.  
**Project Address:** 37 Harbor Drive, Wings Neck  
**Proposed Project:** To remove trees within an AE Flood zone, V Flood zone and within a 100 feet of a wetland resource area.
  
- 2) **Applicant:** Massachusetts Dept. of Transportation Highway Division  
**File Number:** CC19-08  
**Representative:** Environmental Service MassDOT Highway Division 5  
**Project Address:** Bourne – Plymouth town line, Route 25 near mile marker 7.9 to 10.0  
**Proposed Project:** To trim trees associated with road way resurfacing within 200 ft. of a riverfront Area  
**(At the request of the Applicant this filing will be continued until March 21, 2019)**

**Notice of Intent:**

- 1) **Applicant:** John & Suzanne F. Ball **DEP File Number:** SE7-20  
**Representative:** David R. MacLean  
**Project Address:** 284 Scraggy Neck Road, Cataumet  
**Proposed Project:** To construct additions and alterations to existing residence, redesign of east wing, deck and landscape mitigation within an A floodzone and 100 feet of a wetland resource.
  
- 2) **Applicant:** Joseph A. Agrillo III **DEP File Number:** SE7-20  
**Representative:** Bracken Engineering  
**Project Address:** 62 County Road, Bourne  
**Proposed Project:** To construct a single family dwelling, Title V septic system and all associated landscaping, grading, utilities, and appurtenances within a 100 feet of a wetland resource area
  
- 3) **Applicant:** Douglas S. Prince **DEP File Number:**  
**Representative:** Bracken Engineering  
**Project Address:** 40 Cove Lane, Pocasset  
**Proposed Project:** To construct an addition to the existing residence, upgrade septic system and all associated landscaping, grading, utilities, and appurtenances within an AE flood zone and 100 feet of a wetland resource area

- ▶ Policy 09-01\_Regarding Extending an Order of Conditions
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 7, 2019

RECORDED  
2019 MAY -1 AM 8:59  
TOWN & COMM. COURSE

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on March 7, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Thomas Ligor, Elise Leduc, Susan Weston (7:10), Rob Palumbo, Paul Szwed and Associate Member, Greg Berman.

**Excused Members:** Melvin P. Holmes.

**Also Present:** Sam Haines, Carol Mitchell, Doug Prince, Joe Agrillo Jr., Joe Agrillo III, Zac Basinski, Tom Lee and David MacLean.

**Request for Determination of Applicability**

- 1) Applicant: Susan Marandett
- File Number: CC19-06
- Representative: Cape & Islands Engineering

37 Harbor Drive, Wings Neck

To remove trees within an AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan, NOI from 2003, and DEP Wetlands Change Mapping.

**(Continued from February 21, 2019)**

Raul Lizardi-Rivera addressed the members and described the proposed project. He discussed the Resource Areas located on the property and mentioned the property owner is proposing a twenty-foot buffer to the BVW remain naturalized. He referred to the plan which shows the trees proposed to be removed, stating that the purpose of the clearing is to improve the viewshed.

Agent Comment – Mr. Haines explained this is a significant tree removal project within the buffer zone. Based on the site review, he had asked the representative to confirm the spring high tide for the area shown as BVW. This area consists of Phragmites and Sea myrtle; which are transitional species that could be considered saltmarsh. Mr. Haines said he spoke with Matt at Cape & Islands Engineering who stated the representation is based on the spring high tide topography. Mr. Haines thinks what's shown is fairly accurate because he did not observe any evidence of a rack line that went any higher than what's shown. The site is located within a Velocity Zone so the Commission could consider its storm damage prevention language under the bylaw for the removal of trees. The marsh is within rare species habitat but the buffer where the work is being proposed is not. Mr. Haines suggested conditioning the determination requiring the twenty-five-foot buffer as shown on the plan be maintained at a minimum height of three feet or higher.

Board Comment – Mr. Ligor asked how many trees are marked for removal. Mr. Lizardi - Rivera stated nineteen trees are proposed. Mr. Ligor thinks that it a significant number of trees just to enhance the views.

Mr. Berman asked how the proposed twenty-five-foot buffer was established. Mr. Lizardi – Rivera stated that's what's required under the regulations. Mr. Haines suggested the applicant offer a minimum of twenty-five feet of mitigation, so that's what was done.

Ms. Leduc referred to a site photograph and asked if there are any trees not being cut. The representative stated there is a section to the north and to the south that will not be cut. She followed up asking if all of the trees are Oaks. He stated he believes so. She noted they've been limbed up approximately twenty feet. Mr. Haines said it appears that there was recent mowing under the trees; however, he looked at realtor photos from 2017



when the house was sold and the area looks the same; it's always been mowed and limbed up.

Ms. Leduc asked if any shrub plantings are being proposed in that area to be left as a naturalized buffer. The representative replied that no shrubs are being proposed. Mr. Haines feels there is plenty of seed source and once the mowing stops, that area will grow in quickly. Mr. Lizardi – Rivera stated the applicant will not grind the stumps after the trees have been cut within the twenty-five-foot buffer, which will allow the understory to regrow in that section.

Chm. Gray opened a brief discussion regarding the Mean High Water elevation.

Ms. Weston asked when the house was built and whether there were any conditions from previous Orders that dealt with this area. Mr. Haines stated there aren't any active Orders; however, he did not go back into the archives.

Ms. Leduc expressed concern that some of the trees that are proposed to be cut are extremely close to the BVW. She feels allowing this will counter what the Commission has allowed under previous filings. A discussion ensued.

Ms. Leduc noted that the plan shows twenty trees are proposed to be removed; however, the representative stated nineteen are proposed. She also questioned how the work will be performed. The representative clarified that twenty trees are proposed to be cut and he was unsure how the work would be performed. Mr. Haines said at the very least they will have a Bobcat on site. Ms. Leduc asked that a limit of work be established as a condition.

Mr. Lizardi – Rivera commented that while he was performing research, he found a Certificate of Compliance was issued for a 2003 Notice of Intent. Chm. Gray reviewed the filing which called for a fifty-foot buffer and conditioned the height of the vegetation.

Public Comment – None.

After a brief discussion, the representative asked that the matter be continued to allow him to review the previous Order and discuss the matter with the applicant. The members agreed. The matter was continued to March 21, 2019.

Chm. Gray announced the MassDOT was continued at their request.

- 2) Applicant: Massachusetts Dept. of Transportation Highway Division  
File Number: CC19-08  
Representative: Environmental Service MassDOT Highway Division 5  
Bourne – Plymouth town line, Route 25 near mile marker 7.9 to 10.0

To trim trees associated with road way surfacing within 200 feet of a Riverfront Area.

(At the request of the applicant, continued to March 21, 2019)

**Notice of Intent**

1) Applicant: John & Suzanne F. Ball  
File Number: SE7-20  
Representative: David R. MacLean  
284 Scraggy Neck Road, Cataumet

To construct additions and alterations to existing residence, redesign of east wing, deck and landscape mitigation within an A Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record, Landscape Plan and DEP Wetlands Change Mapping.

David MacLean along with Tom Lee addressed the members and described the proposed project.

Board Comment – Mr. Szwed opened a brief discussion regarding existing plantings at the site.

Mr. Haines stated the area in front of the wall is seasonally mowed and is proposed to be converted into turf lawn. He asked the representative how the conversion will transpire. Mr. Lee stated the area will be over seeded with a fescue mix.

Agent Comment – Mr. Haines explained the proposed area for alteration for the addition is relatively flat, in an existing landscaped area and is no closer to the Resource Area than what's existing. As long as the roof runoff is diverted into drywells, he doesn't think there will be adverse impact to the Coastal Bank or the Resource Area, other than expansion of square footage. He doesn't think the stone wall will adversely impact the neighboring properties as a result of moving it closer to the Coastal Bank because it will be at the top of the Coastal Bank and will be dry set stone. He thought the landscape plan was well thought out.

Ms. Weston discussed the area proposed for mitigating plantings.

Mr. Haines mentioned that he did look at historic aerials and did not observe changes. Mr. MacLean added that the applicants purchased the property in 2010 and have not changed anything.

Mr. Berman stated in this instance, he is not opposed to moving the stone wall because the elevation will be similar and it's already behind a reeveiment.

Mr. Ligor asked whether the turf grass will be fertilized. Mr. Lee stated they are proposing a fescue grass mix because it requires less fertilizer.

Public Comment -- None.

With no further discussion, the matter was continued to March 21, 2019 awaiting a DEP file number.

*Chm. Gray recused himself from discussion and vote. Mr. Patumbo chaired the next several hearings.*

2) Applicant: Joseph A. Agrillo III  
File Number: SE7-20

Representative: Bracken Engineering, Inc  
62 County Road, Bourne

To construct a single-family dwelling, Title V septic system and all associated landscaping, grading utilities and appurtenances within 100 feet of a Wetland Resource Area.

Materials Reviewed -- Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Mr. Basinski addressed the members. He reminded the members the applicant was before the Commission the previous spring requesting to add fill to the edges of the property in order to close off the Flood Zone. That work has been completed. Mr. Basinski then described the proposed project. He explained that he and the agent discussed revegetating the fifty-foot buffer asked that the Commission allow the existing path to the cranberry bog be maintained. He discussed a sloped area on the property; mentioning the bylaw prohibits construction on a slope greater than twenty-five percent. Additionally, he mentioned three trees are proposed to be removed and he noted the location of the erosion controls.

Mr. Haines asked if the limit of work is outside the fifty-foot buffer. Mr. Basinski stated it is outside the fifty-foot buffer.

Agent Comment -- Mr. Haines read the language in Section 3.75 of the bylaw. He said the habitat was surveyed by Bracken Engineering and it was determined to have obligated amphibian species and although the Natural Heritage & Endangered Species Program has not certified that a vernal pool exists, he thinks there is sufficient information for the

Commission, under the bylaw, to determine that a vernal pool exists; therefore, their jurisdiction extends two-hundred feet from the edge of the pool. He stated the applicant has been mowing the buffer and suggested the Commission condition the Order requiring that area be allowed to re-naturalize. He said the access roads on the property are used for agricultural access to the adjoining cranberry bogs and thinks these are exempt.

Board Comment – Mr. Berman briefly discussed the fill that was added the previous spring.

Mr. Ligor asked for the depth of the vernal pool and expressed interest in protecting the wildlife habitat. Mr. Agrillo stated the pool is chest deep and because he has control over the surrounding properties, the vernal pool and wildlife will be protected.

Mr. Agrillo asked that he be allowed to continue to eradicate the knotweed. A discussion ensued. Mr. Haines asked that the invasive species control be shown on a revised plan.

A brief discussion transpired regarding the existing pathways to the bogs.

Public Comment – None.

With no further discussion, the matter was continued to March 21, 2019 awaiting a DEP file number.

**3) Applicant: Douglas S. Prince**

File Number: SE7-

Representative: Bracken Engineering, Inc  
40 Cove Lane, Pocasset

To construct an addition to the existing residence, upgrade septic system and all associated landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Mr. Basinski addressed the members and discussed the proposed project.

Mr. Haines asked if nitrogen counts were provided. Mr. Basinski said they will remain the same.

Agent Comment – Mr. Haines stated this is straightforward project and as long as it meets the Building Code, he doesn't have any issues with the project.

Board – None.

Public – None.

With no further discussion, the matter was continued to March 21, 2019 awaiting a DEP file number.

*Chm. Gray returned to chair the meeting.*

▶ Policy 09-01 Regarding Extending an Order of Conditions – Mr. Haines opened a discussion regarding amending the policy language. Based on input received from the members, he will revise the language and submit it at a future meeting for their approval.

▶ Vote to excuse absent members, if necessary – **Mr. Palumbo moved, Ms. Leduc seconded to excuse the absent members.** With no discussion, the motion carried. 5-0-0.

▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the January 17, 2019 meeting. Mr. Haines and Ms. Leduc noted a few revisions. **Mr. Ligor moved, Ms. Leduc seconded to approve the minutes of the January 17, 2019 meeting as revised.** With no further discussion, the motion carried. 5-0-0.

▶ Report of the Conservation Agent – Mr. Haines discussed the Municipal Vulnerability Workshop that is planned for April 16, 2019 Ms. Leduc suggested organizations she thinks should be invited to the event.

Mr. Haines briefly discussed a few projects he is looking to pursue over the upcoming year.

Ch. Gray asked the agent whether he knew of information pertaining to the Buzzards Bay Fire Station relocating. A discussion ensued.

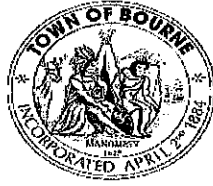
▶ Public Comment Period on Non-Agenda Items – Mr. Basinski questioned when the Commission will discuss their Dock & Pier Regulations. A discussion ensued.

▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## II. Adjournment

**Mr. Ligor moved, Ms. Weston seconded to adjourn.** With no discussion, the motion carried. 5-0-0. The meeting adjourned at 8:21 PM.



## CONSERVATION COMMISSION AGENDA

Thursday, March 21, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

RECORDED  
2019 MAR 19 PM 2:15  
TOWN HALL BOURNE

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

### 7:00 Request for Determination

- 1) **Applicant:** Susan Marandett **File Number:** CC19-06  
**Representative:** Cape & Islands Engineering, Inc.  
**Project Address:** 37 Harbor Drive, Wings Neck  
**Proposed Project:** To remove trees within an AE Flood zone, V Flood zone and within a 100 feet of a wetland resource area.  
(Continued from March 7, 2019)
  
- 2) **Applicant:** Massachusetts Dept. of Transportation Highway Division  
**File Number:** CC19-08  
**Representative:** Environmental Service MassDOT Highway Division 5  
**Project Address:** Bourne – Plymouth town line, Route 25 near mile marker 7.9 to 10.0  
**Proposed Project:** To trim trees associated with road way resurfacing within 200 ft. of a riverfront Area  
(Continued from March 7, 2019)

- 3) **Applicant:** Maryann and Bruce Benner **File Number:** CC19-09  
**Representative:** Same  
**Project Address:** 23 Emmons Road, Monument Beach  
**Proposed Project:** To add a shed to the to the side of home, within a V Flood zone and within 100 ft. of a Wetland Resource area
- 4) **Applicant:** Massachusetts Maritime Academy **File Number:** CC19-10  
**Representative:** Baxter Nye Engineering  
**Project Address:** 320 Main St (Formally 10 Old Bridge Road), Buzzards Bay  
**Proposed Project:** To raze an existing single-family dwelling, including backfill, loaming, seeding, and erosion control within an AE flood zone, 100 feet of a wetland resource area and 200 feet of a riverfront
- 5) **Applicant:** Jackie Crocetti **File Number:** CC19-11  
**Representative:** Peter Valeri  
**Project Address:** 430 Barlows Landing Road, Pocasset  
**Proposed Project:** To replace old septic system with new Title V System within an AE Flood zone area.  
**(Hearing under state act only)**

**Notice of Intent:**

- 1) **Applicant:** Tara R. Greco, Trs. **DEP File Number:** SE7-2057  
**Representative:** BSS Design, Inc.  
**Project Address:** 1 Maple Ave. Pocasset  
**Proposed Project:** To raze and rebuild a 3 bedroom house within an AE flood zone and within 100 feet of a wetland resource area
- 2) **Applicant:** Mary Jo Diogo **DEP File Number:** SE7-  
**Representative:** JC Engineering, Inc.  
**Project Address:** 38 Massasoit Ave. Pocasset  
**Proposed Project:** To install tight tank and minor grading to replace an existing cesspool within an AE flood zone, V flood zone and within a 100 feet of a wetland resource area
- 3) **Applicant:** John & Suzanne F. Ball **DEP File Number:** SE7-2058  
**Representative:** David R. MacLean  
**Project Address:** 284 Scraggy Neck Road, Cataumet  
**Proposed Project:** To construct additions and alterations to existing residence, redesign of east wing, deck and landscape mitigation within an A floodzone and 100 feet of a wetland resource.  
**(Continued from March 7, 2019)**

- 4) **Applicant:** Vincent P. Michienzi **DEP File Number:** SE7-  
**Representative:** Bracken Engineering  
**Project Address:** 32 & 32A Cohasset Ave and 0 Main Street, Buzzards Bay  
**Proposed Project:** To install an auxiliary parking lot, rain garden to include associated paving, landscaping and site work within an AE flood zone  
(Hearing under state act only)
- 5) **Applicant:** Joseph A. Agrillo III **DEP File Number:** SE7-2055  
**Representative:** Bracken Engineering  
**Project Address:** 62 County Road, Monument Beach  
**Proposed Project:** To construct a single family dwelling, Title V septic system and all associated landscaping, grading, utilities, and appurtenances within a 100 feet of a wetland resource area  
(Continued from March 7, 2019)
- 6) **Applicant:** Douglas S. Prince **DEP File Number:** SE7-2056  
**Representative:** Bracken Engineering  
**Project Address:** 40 Cove Lane, Pocasset  
**Proposed Project:** To construct an addition to the existing residence, upgrade septic system and all associated landscaping, grading, utilities, and appurtenances within an AE flood zone and 100 feet of a wetland resource area  
(Continued from March 7, 2019)

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 21, 2019

TOWN SELECT BOARD  
2019 MAY -6 AM 8:15  
10:00 AM

At 7:00 PM, Chm. Gray announced the meeting could not be opened because there was not a quorum. He then stated two of the filings were being continued at the request of the applicants; Greco and Michienzi.

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:02 PM on March 21, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Elise Leduc, Susan Weston (7:02), Rob Palumbo (7:26) and Paul Szwed.

**Excused Members:** Tom Ligor, Melvin P. Holmes and Associate Member, Greg Berman.

**Also Present:** Sam Haines, Carol Mitchell, Jim Mulvey, Raul Lizardi, Duane Downey, Peter Valeri, Colette Joyce, Tom Joyce, Gary Maloney, Tom Parrott, Jeff Parrott, Bruce

Benner, Bradley Bertolo, Pedro Hernandez, John Lavelle, Mike Clemente, Matthew da Corta, Jack MacDonald and Joe Agrillo III.

**Request for Determination of Applicability**

- 1) Applicant: Susan Marandett  
File Number: CC19-06  
Representative: Cape & Islands Engineering  
37 Harbor Drive, Wings Neck

To remove trees within an AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan and DEP Wetlands Change Mapping.

(Continued from March 7, 2019)

Raul Lizardi-Rivera addressed the members. He discussed revisions to the plan that were made in order to adhere to conditions requiring a fifty-foot buffer be maintained under a previous Order. A limit of work was added and the Mean High Water elevation was defined on the revised plan.

Agent – Mr. Haines thinks the revisions made meet the conditions of the previous filing, SE7-1221; in terms of the fifty-foot setback. He will work with the applicant regarding the revegetation of that area. He doesn't foresee any adverse impacts from the cutting of the trees.

Board Comment – Mr. Szwed asked for clarification pertaining to notes 4 & 5 on the plan.

Ms. Leduc asked whether the existing lawn within the fifty-foot naturalized buffer will be left untouched, allowing it to revegetate naturally. She also asked how the area will be demarcated. The representative stated the limit of work will establish the no-touch area. Mr. Haines explained the original Order to did not require the fifty-foot be demarcated. Chm. Gray suggested the agent work with the applicant to demarcate the area.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved, Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 3-0-0.

- 2) Applicant: Massachusetts Dept. of Transportation Highway Division  
File Number: CC19-08

Representative: Environmental Service MassDOT Highway Division 5  
Bourne – Plymouth town line, Route 25 near mile marker 7.9 to 10.0

To trim trees associated with road way surfacing within 200 feet of a Riverfront Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

(Continued from March 7, 2019)

Mike Clemente addressed the members and described the proposed project.

Agent Comment – Mr. Haines stated the filing includes the Riverfront exemption; however, based on review of aerial photographs and a site visit, he did not identify any rivers within the area. The representative agreed. Mr. Haines did not identify any issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved, Mr. Szwed seconded a Negative Two Determination.** With no discussion, the motion carried. 3-0-0.

3) Applicant: Maryann and Bruce Benner  
File Number: CC19-09  
Representative: Same  
23 Emmons Road, Monument Beach

To add a shed to the side of home within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Bruce Benner addressed the members and described the proposed project.

Chm. Gray asked if the proposed location of the shed is on the landward side of the house. Mr. Benner stated the proposed location is the highest side of the property.

Agent Comment – Mr. Haines described the layout of the property. He explained the project is no closer than what's existing and it's the only spot on the site that there's work to room on. He doesn't see how handwork will have an adverse impact on the Resource Area as long as it meets the Building Code. He doesn't have any issues with the project.

Board Comment – None.

Public – Mr. Mulvey inquired about anchoring of the shed and organic storage. The applicant stated the shed will be anchored to sonotubes and the shed will be used to store garden furniture mainly.

Chm. Gray entertained a motion. **Ms. Leduc moved, Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 3-0-0.

4) Applicant: Massachusetts Maritime Academy

File Number: CC19-10

Representative: Baxter Nye Engineering

320 Main Street (formerly 10 Old Bridge Road), Buzzards Bay

To raze an existing single-family dwelling, including backfill, loaming, seeding and erosion control within an AE Flood Zone, 100 feet of a Wetland Resource Area and 200 feet of a Riverfront.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

*Mr. Szwed stated he is an employee of the applicant and would normally recuse himself. However, in order to maintain the quorum, the rule of necessity should be invoked. Chm. Gray invoked the rule of necessity and asked if anyone opposed. No one opposed.*

John Lavelle along with Pedro Hernandez addressed the members. Mr. Lavelle provided a brief history of the property, discussed the Resource Areas located on the property and described the proposed project.

Agent Comment – Mr. Haines stated the proposed work involves multiple Resource Areas. The work will include; removal of the existing dwelling, adding fill, then loaming and seeding over the fill. He doesn't think this will have any adverse impacts on the Resource Areas. He thinks an argument could be made that the proposed work is exempt under the Wetlands Protection Act because an impervious surface is being replaced with a pervious surface within the buffer zone. Mr. Haines expressed approval of the proposed silt sack over the catch basin. He feels this is a straightforward project. He then asked the representative to discuss what the property will be used for.

Mr. Lavelle explained the school would like to store a few small boats on trailers at this location. Mr. Hernandez agreed, adding that the cost to repair the existing house is too expensive and because the academy doesn't have use for the dwelling, they would like to remove it and use the property to store a few small boats.

Board – Mr. Szwed asked if grading will be limited to where the structure is. Mr. Lavelle stated essentially there won't be any grading; however, there will be a hole where the existing foundation is located. The hole will be backfilled, compacted, loamed and seeded.

Public Comment – Tom Parrott addressed the members and asked why the paved parking lot on the other side of the building can't be used to store the boats. Mr. Hernandez stated it's a property the school owns and would like to utilize. Adding, it is not the school's goal to annoy the neighbors.

Tom Joyce, who resides directly across the street, expressed opposition of the proposed project. He requested that the installation of screening be considered and expressed concern that mechanical work will be performed on the boats being stored on the property.

Collette Joyce voiced concern that the flavor of the residential neighborhood is being encroached with commercial properties. She mentioned that the existing curb cut is not large enough to accommodate the excessively large trucks that have been accessing the property and is worried that boats being trailered will have similar access problems. She too would like screening installed.

Mr. Hernandez stated the academy is willing to listen to its neighbors' concerns. Mr. Lavelle feels many of the concerns voiced are not within the Commission's jurisdiction with enforcing the Wetland's Protection Act. Mr. Gray agreed but allowed additional input from the public since this may be one of the only opportunities for them to review the plan and ask questions.

Gary Maloney asked whether the proposed project will need to be heard by the Historic Commission since the data card shows the existing home was built in the 1880s. Mr. Haines stated the project is not subject to the town's bylaws because the academy is state owned. Therefore, other than the Conservation Commission, no other town departments will be involved. State agencies will oversee the project.

Chm. Gray discussed the Commission's role with enforcing town bylaws and the Wetlands Protection Act.

Mr. Maloney opened a brief discussion regarding the disconnection of the existing sewer lines on the property and future rights to reconnect sewer/water to the property.

John MacDonald commented on the amount of development the area has seen in recent years and questioned whether there is a limit to how much more growth will be allowed. A discussion ensued.

Chm. Gray discussed the lack of regulations pertaining to Flood Zones; explaining as long as a proposed project meets the State Building and FEMA codes, it's deemed to meet the interest of the Wetlands Protection Act. He stated the state has regulations written pertaining to Flood Zones but they haven't been released. Mr. Haines added that many of the abutter's concerns pertain to Zoning or Planning rather than Conservation. Mr. Hernandez encouraged members of the public to voice their concerns to the academy directly.

A brief discussion transpired regarding the feasibility of preserving or deconstructing the existing building due to its historical value.

Jim Mulvey acknowledged the academy's willingness to show sensitivity to the community's thoughts on the matter. He questioned when the structure was built and asked for the total acreage being considered that evening. Mr. Lavelle replied, stating the field card says in the late 1800s; however, based on his experience, he thinks the structure was built in the late 1700s early 1800s. Mr. Hernandez stated a couple thousand square feet is being considered. Mr. Mulvey asked if the property is one assessed parcel. Mr. Lavelle stated it is one lot that is approximately five acres. Mr. Mulvey suggested preserving the structure as affordable housing. He also expressed concern that there will be fuel storage or boat maintenance performed on the site.

Tom Joyce also requested screening be installed. Mr. Hernandez stated he will bring that request to the academy. He asked when the work is anticipated to begin. Mr. Hernandez stated it depends on the permitting. He again encouraged the public to bring their concerns directly to the academy.

Chm. Gray opened a brief discussion regarding the possibility of refurbishing the exiting building to create a residential structure or for another use as an entity for the Maritime Academy. Mr. Hernandez stated the academy did consider potential uses for the building; however, the cost to refurbish the building and bring it up to code would be exorbitant.

Collette Joyce discussed the academy's previous plan to create administrative space in the building.

Tom Parrot asked if the academy has plans to build dormitories on the site. Mr. Hernandez stated that is not a consideration at this time.

Jim Mulvey asked when the academy acquired the property. Mr. Hernandez stated approximately four years ago.

With no further discussion, Chm. Gray entertained a motion. **Ms. Leduc moved, Ms. Weston seconded a Negative Two Determination.** The motion carried. 3-0-1. Mr. Palumbo abstained.

5) Applicant: Jackie Crocetti  
File Number: CC19-11  
Representative: Peter Valeri  
430 Barlows Landing Road, Pocasset

To replace old septic system with new Title V system within an AE Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

**(Hearing under State Act only)**

Peter Valeri addressed the members and discussed the proposed project.

Agent Comment – Mr. Haines stated this is a straightforward septic installation on a relatively flat, AE Flood Zone only lot. He spoke with the Board of Health and there are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Leduc moved, Ms. Weston seconded a Negative Two Determination.** The motion carried. 4-0-0.

### **Notice of Intent**

1) Applicant: Tara R. Greco, Trs.  
File Number: SE7-2057  
Representative: BSS Design, Inc.  
1 Maple Ave., Pocasset

To raze and rebuild a 3 bedroom house within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

**(Continued to April 4, 2019)**

*Chm. Gray recused himself from discussion and vote. Mr. Palumbo chaired the next hearing.*

2) Applicant: Mary Jo Diogo  
File Number: SE7-  
Representative: JC Engineering, Inc  
38 Massasoit Ave., Pocasset

To install a tight tank and minor grading to replace an existing cesspool within an AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Brad Bertolo described the proposed project. He mentioned there have been numerous violations on the property that must be addressed; i.e., storage of a boat, concrete and other material on the marsh. He stated the agent recommended installing a post and rail fence along the edge of the saltmarsh and the property owner is amenable to that.

Agent Comment – Mr. Haines explained this was once saltmarsh that was filled in. The proposed tank will be within the water table, so it'll have to be pumped out. He is comfortable with the proposed septic system, but the debris stored within the saltmarsh must be removed. Mr. Haines made note that the applicant and numerous neighbors are mowing their saltmarsh. He thinks the area will convert to Phragmites once the mowing stops.

Board Comment – Ms. Weston discussed adding conditions to the Order.

Mr. Palumbo and Ms. Leduc opened a brief discussion regarding how the Commission will address future Phragmites management.

Public Comment – None.

Mr. Bertolo discussed a timeline the material from the saltmarsh will be removed.

With no further discussion, the matter was continued to April 4, 2019.

*Chm Gray returned to chair the meeting.*

3) Applicant: John & Suzanne F. Ball  
File Number: SE7-2058  
Representative: David R. MacLean  
284 Scraggy Neck Road, Cataumet



To construct additions and alterations to existing residence, redesign of east wing, deck and landscape mitigation within an A Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Aerial Photographs, Site Plan of Record, Landscape Plan and DEP Wetlands Change Mapping.

(Continued from March 7, 2019)

Chm. Gray announced the matter was continued for file number only and entertained a motion to close the public hearing. **Mr. Palumbo moved, Ms. Leduc seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 26, 27, 28, 29 and Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 4, 5 and 6.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

4) Applicant: Vincent Michienzi

File Number: SE7-

Representative: Bracken Engineering

32 & 32A Cohasset Ave and 0 Main Street, Buzzards Bay

To install an auxiliary parking lot, rain garden to include associated paving, landscaping and site work within an AE Flood Zone.

(Hearing under State Act only)

(Continued to April 4, 2019)

*Chm. Gray recused himself from discussion and vote. Mr. Palumbo chaired the next two hearings.*

5) Applicant: Joseph A. Agrillo III

File Number: SE7-2055

Representative: Bracken Engineering, Inc

62 County Road, Bourne

To construct a single-family dwelling, Title V septic system and all associated landscaping, grading utilities and appurtenances within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record and DEP Wetlands Change Mapping.

Mr. Haines explained the matter was continued for a file number and so a revised plan has could be submitted showing a fifty-foot naturalized buffer and a walking trail that will be maintained. He is satisfied with the revisions.

Board Comment – Ms. Leduc asked whether the plan depicts the areas where the Japanese Knotweed will be managed. Mr. Haines stated that will be added as a Special Condition. After a brief discussion transpired regarding the fifty-foot naturalized buffer and the maintenance of the agricultural road located within the buffer, the members decided the applicant must submit a revised plan showing that the fifty-foot buffer will end at the roadway and does not have to be maintained beyond it.

Public Comment – None.

Mr. Palumbo entertained a motion to close the public hearing. **Ms. Weston moved, Ms. Leduc seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 26, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 4, 5, 6, 7, 9 and the follow Additional Special Conditions; ASC (1) the Order allows for the continued use and maintenance of the existing ten-foot wide agricultural road within the fifty-foot naturalized buffer to the vernal pool so long as the adjacent bogs are active in production and owned by the property owner, ASC (2) the Order allows for a maintained four-foot wide foot path within the fifty-foot naturalized buffer to allow for access to the vernal pool and ASC (3) the Order allows for the continued hand pulling of invasive vines and Japanese Knotweed within the fifty-foot naturalized buffer to the vernal pool.

Mr. Palumbo entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Szwed seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no further discussion, the motion carried. 3-0-0.

6) Applicant: Douglas S. Prince  
File Number: SE7-2056

Representative: Bracken Engineering, Inc  
40 Cove Lane, Pocasset

To construct an addition to the existing residence, upgrade septic system and all associated landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

(Continued from March 7, 2019)

Mr. Palumbo announced the matter was continued for file number only. **Ms. Leduc moved, Ms. Weston seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 10, 11, 12, 15, 16, 18, 19, 21, 27, 28, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2 and 9.

Mr. Palumbo entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Szwed seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 3-0-0.

*Chm Gray returned to chair the meeting.*

▶ Vote to excuse absent members, if necessary – **Ms. Leduc moved, Mr. Palumbo seconded to excuse the absent members.** With no discussion, the motion carried. 4-0-0.

▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the February 21, 2019 meeting. **Ms. Leduc moved, Ms. Weston seconded to approve the minutes of the February 21, 2019 meeting.** With no discussion, the motion carried. 4-0-0.

▶ Report of the Conservation Agent – Mr. Haines announced progress is being made on the 2 Plow Penny violation.

▶ Public Comment Period on Non-Agenda Items – None.

▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Ms. Weston moved, Mr. Palumbo seconded to adjourn.** With no discussion, the motion carried. 4-0-0. The meeting adjourned at 8:31 PM.

Minutes submitted by: Carol Mitchell

RECEIVED

2019 APR -1 AM 9:26

TOWN CLERK BOURNE



## CONSERVATION COMMISSION AGENDA

Thursday, April 4, 2019 ~ 7 pm ~  
Bourne Town Hall – Lower Conference Room

### 7:00 Request for Determination

- 1) **Applicant:** US Department of Veteran's Affairs - Massachusetts National Cemetery  
**File Number:** CC19- 12  
**Representative:** AECOM  
**Project Address** Massachusetts National Cemetery, Connery Ave, Bourne  
**Proposed Project:** To confirm the boundaries and jurisdictional status of 3 isolated wetland features

### Notice of Intent:

- 1) **Applicant:** Patrick Ross **DEP File Number:** SE7-20  
**Representative:** Same  
**Project Address** Located north of the Mashnee Dike and east of Hog Island  
**Proposed Project:** To expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne
- 2) **Applicant:** Tara R. Greco, Trs. **DEP File Number:** SE7-2057  
**Representative:** BSS Design, Inc.  
**Project Address:** 1 Maple Ave. Cataumet  
**Proposed Project:** To raze and rebuild a 3 bedroom house within an AE flood zone and within 100 feet of a wetland resource area.

(Continued from March 20, 2019, at the request of the representative)

- 3) **Applicant:** Mary Jo Diogo **DEP File Number:** SE7-2060  
**Representative:** JC Engineering, Inc.  
**Project Address:** 38 Massasoit Ave. Pocasset  
**Proposed Project:** To install tight tank and minor grading to replace an existing cesspool within an AE flood zone, V flood zone and within a 100 feet of a wetland resource area  
(Continued from March 20, 2019)

- 4) **Applicant:** Vincent P. Michienzi **DEP File Number:** SE7-2059  
**Representative:** Bracken Engineering  
**Project Address:** 32 & 32A Cohasset Ave and 0 Main Street, Buzzards Bay  
**Proposed Project:** To install an auxiliary parking lot, rain garden to include associated paving, landscaping and site work within an AE flood zone  
(Hearing under state act only)  
(Continued from March 20, 2019, at the request of the representative)

**REQUEST TO AMMEND ORDER OF CONDITIONS:**

- 1) **Applicant:** John and Elizabeth LoMedico **DEP File Number:** SE7-2037  
**Representative:** Bracken Engineering  
**Project Address:** 18 Winsor Road, Cataumet  
**Proposed Project:** To include reducing the size of the proposed dwelling, removing the raised parking area and replacing with a standard driveway configuration, shifting the location of the proposed garage, and revising the proposed septic system to include Innovative/Alternative Technology within a V flood zone and within a 100 feet of a wetland resource area

- ▶ 3 Beachwood Avenue: bordering vegetated wetland restoration plan
- ▶ 0 Crab Rock Way (Map 2/parcel 2): discussion of coastal bank erosion with Jack Vaccaro of Epsilon Associates.
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes:
- ▶ Report of the Conservation Agent:
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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

RECEIVED

2019 JUN 10 AM 8:47 Conservation Commission

**Meeting Minutes**

TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

April 4, 2019

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on April 4, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Tom Ligor, Elise Leduc, Susan Weston (7:04) and Paul Szwed.

**Excused Members:** Rob Palumbo, Melvin P. Holmes and Associate Member, Greg Berman.

**Also Present:** Sam Haines, Carol Mitchell, Bradley Bertolo, Brendan Mullaney, Chris Newhall, Patrick Ross, Stephen Chmiel, Diane Reed, Wayne Tavares, Tom Bunker, William Ribich, Bob Bishop, Suzanne Meuse, Seth Wilkinson and Jack Vaccaro.

**Request for Determination of Applicability:**



1) Applicant: US Department of Veteran's Affairs – Massachusetts National Cemetery  
File Number: CC19-12  
Representative: AECOM  
Massachusetts National Cemetery, Connery Ave, Bourne

To confirm the boundaries and jurisdictional status of 3 isolated wetland features.

Materials Reviewed – Site Photographs, Aerial Photographs and DEP Wetlands Change Mapping.

Chris Newhall addressed the members stating the purpose of the filing is to determine jurisdiction to use in conjunction with the planning for a multi-phase expansion of the Massachusetts National Cemetery.

Board Comment – None.

Agent Comment – Mr. Haines explained all three of the wetlands that the applicant has identified meet the bylaw definition of a Wetland Resource Area with the exception of Wetland #1. Based on aeriels, it is the agent's opinion it is exempt; since it's a storm water basin. The applicant performed a parking lot improvement in 2012, and the area of that basin was defined; so it meets the exemption criteria. Wetland #13 is a man-made feature which appears to be made from sand and gravel activities sometime between 2010 and 2012. This had three spotted salamander egg masses in it and appeared to drain quickly. Mr. Newhall stated they are monitoring that area to see if it has a definite hydroperiod. Mr. Haines stated Wetland #7 is a small depressional wetland, with a large natural buffer. He did not observe any obligated activity in that wetland. The question for #7 and #13 is whether the Commission feels they have bylaw jurisdiction on federal land. Towns have dealt with this doctrine as sovereign immunity previously on state land. So first, the town places the burden of proof of immunity on the applicant to provide a legal opinion as to why the bylaw does not apply. To date, the Commission hasn't received any letter from the Department of Veterans Affairs legal counsel, so the Commission will need to decide how to determine jurisdiction on those two. Second, the Commission has to assess whether the bylaw will interfere with an essential government purpose or would have negligible impact on the project. In his opinion, because this is being heard under the bylaw only, it may be easier for the Commission not to take jurisdiction and request the applicant return with a design plan for discussion.

Board Comment – Chm. Gray asked if a conceptual design has been prepared for the Commission to review. Mr. Newhall explained there isn't a design available to share; however, only Wetland #1 currently has development planned.

Chm. Gray asked if it is possible to take the square footage of the total to see if there's a spot somewhere on the property where a similar wetland could be created. Mr. Newhall stated he cannot commit to that request; however, he can submit the request to the applicant's planning team. A discussion ensued.

Chm. Gray thinks the Commission should issue a Negative Determination which will allow for additional design review.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved, Ms. Leduc seconded a Negative One Determination.** The motion carried, 4-0-0.

### Notice of Intent

1) Applicant: Patrick Ross

File Number: SE7-2061

Representative: Same

Located north of the Mashnee Dike and east of Hog Island

To expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Patrick Ross addressed the members. He explained that he's been before the Commission in the past and received grants in a couple of different areas. He is seeking to expand the operation because Little Bay, where the base of the operation is now, has been reclassified by the state and will be closed annually from July 1<sup>st</sup> to November 1<sup>st</sup>. He will continue to use the space as a nursery for year one but nothing can be harvested. If approved, the new space will be used for final grow out and harvesting.

Board Comment – None.

Agent Comment – Mr. Haines explained that the area is being shut down due to water quality issues. This project is essentially the same project that was previously approved in Little Bay, the operation will just be moved north of Mashnee Dike. He said they are waiting to receive input from the Division of Marine Fisheries (DMF) and the Natural Heritage and Endangered Species Program, so the matter has to be continued. He added that the project has been approved by the select board and has been given a positive recommendation by the shellfish warden.

Board Comment – Mr. Ligor asked for clarification of the water quality issues. Mr. Haines explained the levels of fecal coliform bacteria tested high; therefore, DMF has conditionally closed the area to shell fishing.

Public Comment – None.

With no further discussion, the matter was continued to April 18, 2019

2) Applicant: Tara R. Greco, Trs.  
File Number: SE7-2057  
Representative: BSS Design, Inc.  
1 Maple Ave., Cataumet

To raze and rebuild a 3 bedroom house within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

**(Continued from March 20, 2019, at the request of the representative)**

Materials Reviewed – Site Photographs, Revised Site Plan of Record, Letter of opposition from Suzanne Meuse and DEP Wetlands Change Mapping.

Tom Bunker addressed the members. He discussed the location of the property and described the proposed project.

Board Comment – Chm. Gray asked if the representative found a culvert under the grasslands connecting it to the main saltmarsh during his investigation of the off-site northeast saltmarsh. Mr. Bunker replied that he didn't look that closely at it. Mr. Haines responded that he's looked at the area several times and did not observe a culvert.

Agent Comment – Mr. Haines stated it's difficult to tell what the existing structure was used for or whether it had a cesspool or septic system. Mr. Haines mentioned that based on the transects, there is a fragment of Coastal Bank on the property. He doesn't feel that it warrants protection under the Wetlands Protection Act because he doesn't think it has much value for storm damage prevention. Mr. Haines asked that a vegetative planting plan be submitted for the area shown on the plan to be converted from lawn to native vegetation. Additionally, Mr. Haines recommended conditioning the Order requiring that a twenty-five foot buffer be retained in perpetuity.

Board Comment – Ms. Leduc made note that the new structure will not be constructed within the same footprint as the existing structure.

Public Comment – Abutter, William Ribich, expressed concern that the new structure will be close to the property line and the wetlands. He expressed opposition with the

current design because the property has been abandoned for at least twenty-five years and he thinks that adding a three-bedroom structure will add more contaminants to the harbor. Mr. Bunker responded that they are planning to install an advanced treatment septic system. Mr. Haines explained under the Wetlands Protection Act, if the septic system meets Title V and the Board of Health's performance standards, then it automatically is presumed to meet the Wetlands Protection Act.

Bob Bishop commented that he doesn't think a water hookup was ever run to the property. He questioned whether that would affect the viability of a new structure. Chm. Gray explained that is not a Conservation issue. Mr. Bishop then expressed concern that the proposed septic system will not meet setback requirements. Mr. Haines explained that falls under the purview of the Board of Health and encouraged him to present those questions at the next Board of Health meeting.

Tom Bunker opened a brief discussion regarding the proposed planting area and the height of the proposed structure.

Diane Reed questioned what entity oversees the preservation of a neighborhood. Mr. Haines explained that may fall under the purview of the Zoning Board of Appeals, the Planning Board and in some cases, the Historic Commission.

Mr. Haines briefly summarized a letter of opposition submitted by Suzanne Meuse.

With no further discussion, Chm. Gray entertained a motion to close the public hearing. **Ms. Leduc moved, Ms. Weston seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 25, 27, 28, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw number 2 and the following Additional Special Condition; ASC (1) the naturalized vegetated mitigation area as shown on the plan of record must consist of native plantings and shall remain in place in perpetuity. All plants must be allowed to grow to maturity before pruning and be maintained at a minimum height of at least three feet in height. All plantings will be monitored for a minimum of two growing seasons and any plants that do not survive must be replaced.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

Chm. Gray explained the appeal process to the audience.

*Chm. Gray recused himself from discussion and vote. Ms. Leduc chaired the next two hearings.*

2) Applicant: Mary Jo Diogo

File Number: SE7- 2060

Representative: JC Engineering, Inc

38 Massasoit Ave., Pocasset

To install a tight tank and minor grading to replace an existing cesspool within an AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

**(Continued from March 20, 2019, at the request of the representative)**

Brad Bertolo addressed the members He explained that the matter was continued because a file number had not been issued and then he briefly summarized the proposed project. He also discussed violations that occurred on the property and measures the applicant is taking to resolve them.

Board Comment – Ms. Leduc clarified that other than the violations, the matter was continued for a file number. Mr. Haines agreed. He also commented that the mowing violation dates back to the 90s.

Agent Comment – Mr. Haines stated all debris has been removed except for the concrete. He suggested conditioning the Order that requires all debris be removed prior to excavation. Mr. Bertolo agreed.

Mr. Ligor asked about the water table height. Mr. Bertolo stated ground water is approximately two feet below grade. A brief discussion transpired regarding the installation depth of the tank, the frequency that the tank will be pumped and the tank's capacity.

Ms. Leduc asked if the proposed fence is depicted on the plan. Mr. Haines stated the Order will be conditioned requiring the fence be installed at the delineation line.

Public Comment – None.

Ms. Leduc entertained a motion to close the public hearing. **Ms. Weston moved, Mr. Ligor seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 5, 7, 9, 10, 11, 12, 14, 15, 18, 19, 27, 28, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw number 2, 4, 7 and the following Additional Special Conditions; ASC (1) as agreed to in the hearing, the saltmarsh must be delineated by split rail fence along the delineated boundary and no work shall occur within the marsh without a permit from the Commission, ASC (2) all existing debris and concrete must be removed from the marsh prior to the installation of the septic system. No equipment is allowed within the saltmarsh unless it is done under the supervision of the Bourne Conservation Agent.

Ms. Leduc entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Szwed seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 3-0-0.

**4) Applicant: Vincent Michienzi**

File Number: SE7-2059

Representative: Bracken Engineering

32 & 32A Cohasset Ave and 0 Main Street, Buzzards Bay

To install an auxiliary parking lot, rain garden to include associated paving, landscaping and site work within an AE Flood Zone.

**(Hearing under State Act only)**

**(Continued from March 20, 2019, at the request of the representative)**

Materials Reviewed – Site Photographs, Revised Site Plan of Record and DEP Wetlands Change Mapping.

Brendan Mullaney addressed the members and discussed the proposed project.

Agent Comment – Mr. Haines stated the only issue he has is it is labor intensive to keep the proposed material of the parking lot clean. Based on guidance from UNH, he recommended the following conditions be placed on the Order; ASC (1) pavement vacuuming shall occur at a minimum of two to four times per year and shall occur more frequently if operation and maintenance personnel observe sediment or organic buildup on the pavement. Pavement vacuuming shall occur during fall clean up to remove dead leaves and during spring clean up to remove accumulated debris and sediment. Improper maintenance shall be a violation of this Order. Mr. Haines expressed concern that drainage from this lot is tied into the adjacent property's drainage system, which is tied into the town's drainage system. This is why a comprehensive maintenance plan is

essential. ASC (2) the operation and maintenance records shall be made available to members of the Conservation Commission or its agent upon request. Prior to the start of work, the applicant shall supply the Commission with contact information for obtaining those records.

Board Comment – Mr. Szwed discussed proposed grading at the site.

Ms. Leduc asked if rain gardens are being proposed. Mr. Mullaney stated no, that was part of the original plan which has been revised.

Public Comment – None.

Ms. Leduc entertained a motion to close the public hearing. **Ms. Weston moved, Mr. Ligor seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 7, 9, 10, 12, 14, 15, 18, 19, 27, 28, 29 and the two Additional Special Conditions previously stated by the agent.

Ms. Leduc entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 3-0-0.

**Request to Amend Order of Conditions:**

4) Applicant: John and Elizabeth LoMedico  
File Number: SE7-2037  
Representative: Bracken Engineering  
18 Winsor Road, Cataumet

To include reducing the size of the proposed dwelling, removing the raised parking area and replacing with a standard driveway configuration, shifting the location of the proposed garage, and revising the proposed septic system to include Innovative/ Alternative Technology within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan of Record and DEP Wetlands Change Mapping.

Brendan Mullaney addressed the members and discussed revisions made to the original plan that was approved in the Fall of 2018.

Agent Comment – Ms. Haines stated the revised plan is an improvement over what was previously approved. Ordinarily, this would be something he would have administratively approved; however, because of the scope of the changes, he felt it important to allow for public input.

Board Comment – Ms. Leduc opened a brief discussion regarding water flow under the proposed structure.

Public Comment – None.

Ms. Leduc entertained a motion to close the public hearing. **Mr. Szwed moved, Ms. Weston seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines explained all of the conditions are the same as the original Order, it just incorporates the new plan date.

Ms. Leduc entertained a motion. **Ms. Weston moved, Mr. Ligor seconded to grant the Request to Amend the Order of Conditions.** The motion carried. 3-0-0.

*Chm. Gray returned to chair the hearing.*

► 3 Beachwood Avenue, Monument Beach: bordering vegetated wetland restoration plan. –

Materials Reviewed – Restoration Planting Plan and Site Plan of Record.

Wayne Tavares spoke on behalf the property owner who had encroached on the wetland line and the twenty-five foot buffer zone. Mr. Tavares stated he worked with the agent and then presented the restoration plan to the members.

Board Comment – None.

Agent Comment – Mr. Haines reminded the members this was a wetland cutting violation. Since the property owner hadn't performed excavation in the area, the agent feels there is adequate seed source for the vegetation to regrow. Mr. Haines said after speaking with the applicant and the representative, they decided on a twenty-five foot buffer vs. a thirty-three foot buffer to provide recreational value at that section of the property. He explained that the outer boundary will be established with plantings and the remaining boundary will reestablish itself from the seed source.

Board Comment – None.

Public Comment – None.



After a brief discussion, it was decided that the agent will monitor the situation and report back to the Commission if necessary.

▶ 0 Crab Rock Way (Map 2/ parcel 2): discussion of Coastal Bank erosion with Jack Vaccaro of Epsilon Associates.

Materials Reviewed – Erosion Control Narrative, Memorandum from Town Counsel.

Jack Vaccaro and Seth Wilkinson addressed the members to discuss possible erosion control options to stabilize the bank at 0 Crab Rock Way. Mr. Vaccaro stated he is hoping for a preliminary determination from the Commission that authorizes a Notice of Intent to be filed. Mr. Haines explained procedurally, the Commission will not be voting on the matter that evening. He stated he is meeting with town counsel and the town administrator the following week to discuss how the Commission should proceed.

Mr. Wilkinson discussed his experience with similar projects. A lengthy discussion transpired regarding potential strategies to stabilize the bank.

Mr. Vaccaro thanked the members for allowing the discussion.

▶ Vote to excuse absent members, if necessary – **Ms. Leduc moved, Ms. Weston seconded to excuse the absent members.** The motion carried. 4-0-0.

▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the February 21, 2019 meeting. **Mr. Ligor moved, Ms. Weston seconded to approve the minutes of the February 21, 2019 meeting.** With no discussion, the motion carried. 4-0-0.

▶ Report of the Conservation Agent – Mr. Haines announced he would like to discuss saltmarsh mowing at the next meeting.

Mr. Haines mentioned a homeowner would like to discuss the town's dock and pier regulations at the next meeting.

▶ Public Comment Period on Non-Agenda Items – None.

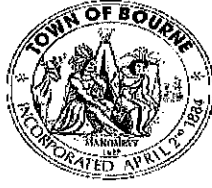
▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Ms. Weston moved, Ms. Leduc seconded to adjourn.** The motion carried. The meeting adjourned at 9:23 PM.

Minutes submitted by: Carol Mitchell



RECEIVED  
2019 APR 11 AM 10:05  
TOWN CLERK BOURNE

**CONSERVATION COMMISSION AGENDA**  
**Thursday, April 18, 2019 ~ 7 pm ~**  
**Bourne Town Hall – Lower Conference Room**  
**Amended**

**7:00 Notice of Intent:**

- 1) **Applicant:** William Senne c/o Charles R. Meyer and Partners, Ltd.  
**DEP File Number:** SE7-  
**Representative:** Falmouth Engineering  
**Project Address:** 4 Bassett's Island, Bourne  
**Proposed Project:** To raze and re-construct a single family dwelling, with associated clearing, grading, landscaping, and installation of a Title V Septic System within the AE Flood zone, V Flood zone, and within a 100 feet of a wetland resource area
  
- 2) **Applicant:** Sean Glennon **DEP File Number:** SE7-  
**Representative:** Falmouth Engineering  
**Project Address:** 511 County Rd., Bourne  
**Proposed Project:** To construct a single family dwelling, with associated clearing, grading, landscaping, and installation of a Title V Septic System within a 100 feet of a wetland resource area.
  
- 3) **Applicant:** Patrick Ross **DEP File Number:** SE7-20  
**Representative:** Same  
**Project Address:** Located north of the Mashnee Dike and east of Hog Island  
**Proposed Project:** To expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne

**At the Request of the Applicant this filing will be continued until April 18th**

**REQUEST TO EXTEND ORDER OF CONDITIONS:**

- 1) **Applicant:** Jeff Reade **DEP File Number:** SE7-1938  
**Representative:** Warwick & Associates, Inc.  
**Project Address:** 1265 County Rd, Cataumet  
**Proposed Project:** To renovate and add onto the existing single family dwelling, installation of a new Title V septic system, removal of storage building, to include utilities, landscaping, grading, and other appurtenances within 100 feet of a wetland resource area and within 200 feet of a riverfront.

- ▶ Discussion of Wetland Bylaw Regulation 1.16(e)g concerning construction of docks/piers in the flood zone.
- ▶ Discussion of salt marsh mowing as a method of controlling invasive phragmites
- ▶ Discussion of Indian Trail Residents proposed Notice of Intent Application
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes:
- ▶ Report of the Conservation Agent:
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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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2019 APR 11 AM 10:03

TOWN CLERK BOURNE

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**Bourne Town Hall – Lower Conference Room**

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- 3) **Applicant:** Patrick Ross **DEP File Number:** SE7-20  
**Representative:** Same  
**Project Address:** Located north of the Mashnee Dike and east of Hog Island  
**Proposed Project:** To expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne

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- ▶ Discussion of Wetland Bylaw Regulation 1.16(e)g concerning construction of docks/piers in the flood zone.
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- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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  
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

April 18, 2019

2019 MAY 28 PM 9:27  
TOWN OF BOURNE  
TOWN CLERK

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on April 18, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Tom Ligor, Elise Leduc and Rob Palumbo.

**Excused Members:** Melvin P. Holmes, Susan Weston, Paul Szwed and Associate Member, Greg Berman.

**Also Present:** Sam Haines, Carol Mitchell, Paul Gately, Jim Mulvey, Michael Borselli, Mr. and Mrs. Senne, Charles Myer, Brad Shutts, Peter Coffin, Jamy Madeja, Pat Filbin and Jim Filbin.

**Notice of Intent**

1) Applicant: William Senne c/o Charles R. Myer and Partners, Ltd.  
File Number: SE7-2062  
Representative: Falmouth Engineering  
4 Bassett's Island, Bourne

To raze and reconstruct a single-family dwelling with associated clearing, grading, landscaping and installation of a Title V septic system within the AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Michael Borselli addressed the members. He introduced the property owners, Mr. & Mrs. Senne, architects Charles Myer and Brad Shutts and the builder, Peter Coffin. Mr. Borselli described the location of the property and the Resource Areas located on the property. He explained that several years ago, an Order of Conditions was issued for work to stabilize the bank. A Certificate of Compliance was issued for that work to the previous owner. Mr. Borselli stated BlueFlax Design reviewed and flagged saltmarsh on the south and east sides of the property. Mr. Borselli described the proposed project and the proposed septic system. He stated Variances will be needed to meet Bourne's stringent health regulations; however, the Board of Health requested they appear before the Conservation Commission first. Lastly, he discussed site access and the construction methodology.

Mr. Haines asked how the proposed septic system will be maintained. Mr. Coffin explained waste from the tank will be pumped and discharged into containers and then uploaded onto a small barge. This will occur approximately every two years or as needed.

Agent Comment – Mr. Haines expressed concern over access. He stated there are small areas of saltmarsh vegetation on the beach that weren't shown on the plan. Those would have to be shown on the plan or the Order should be conditioned that the marshes be delineated prior to construction and staked out so the materials drop off doesn't adversely impact that vegetation. He suggested conditioning the Order to require the bank be rebuilt after construction and stabilized with native vegetation. As for the actual construction, as long as the limit of work is adhered to and the existing naturalized buffers are in place, he doesn't have concerns with the project. Mr. Haines noted some erosion on the existing bank that's been stabilized with the previously permitted retaining wall.

Board Comment – Chm. Gray asked if the area was mapped for rare species habitat by the Natural Heritage and Endangered Species Program. Mr. Borselli stated he relies on



Mass GIS for that information. Chm. Gray explained Eastern box turtle has been reported on the island. Mr. Haines stated he will research the matter further.

Mr. Ligor opened a brief discussion regarding the proposed tree removal and the landing area for the barge. Mr. Coffin discussed building a small ramp to allow for easier access to the site from the landing area. He then summarized the construction methodology.

Chm. Gray asked when the representative anticipates starting. Mr. Coffin said he would like to begin around the end of September.

Mr. Ligor referred to a site photograph and asked if any vista pruning is being proposed. Mr. Borselli stated once the proposed house is built, if there's a need for vista pruning, he will file an amendment to the Order. Mr. Ligor questioned whether any clear cutting of trees will be performed. Mr. Borselli stated not without permission and as of right now, there is no intention to cut more than what's proposed. Mr. Senne agreed. Mr. Haines added he will condition the project prohibiting work from occurring outside the limit of work as shown on the plan.

Chm. Gray announced that the agent reviewed the Natural Heritage and Endangered Species Program mapping and the project site is not mapped for Eastern box turtle. The water is mapped for Diamondback terrapin and east of the site is mapped for both species of turtle.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Palumbo moved, Mr. Ligor seconded to close the public hearing.** The motion carried. 3-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 18, 19, 21, 25, 26, 27, 28, 29, Special Conditions pursuant to the Bourne Wetlands Protection Bylaw numbers; 2, 4, 5, 6, 7, 9, and the following Additional Special Conditions; ASC (1) the area to be used as an access of material offloading location shall be restored to its original grade upon completion of the project and replanted with native vegetation, ASC (2) any area of saltmarsh vegetation on the coastal beach must be delineated and marked in the field prior to the start of construction. The Order does not allow for any equipment on the saltmarsh vegetation.

Mr. Palumbo opened a brief discussion regarding the proposed ramp and its installation. Both he and Ms. Leduc requested a condition be added requiring removal of the ramp

upon completion of the project. ASC (3) any ramp used for construction purposes on the Coastal Bank shall be removed upon completion of construction.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Mr. Ligor moved, Ms. Leduc seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 3-0-0.

Chm. Gray asked the representative to inform the construction workers of the potential that Eastern box turtles may be in the vicinity of the project site and to relocate any off site should they see any.

2) Applicant: Sean Glennon  
File Number: SE7-2063  
Representative: Falmouth Engineering  
511 County Rd., Bourne

To construct a single-family dwelling, with associated clearing, grading, landscaping and installation of a Title V septic system within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record, Driveway Easement and DEP Wetlands Change Mapping.

Michael Borselli addressed the members and described the proposed project. Mr. Borselli stated the proposed house and septic system are outside the one hundred-foot buffer so only the proposed grading and construction for the gravel driveway falls under the Commission's jurisdiction.

Mr. Haines opened a brief discussion regarding the installation of dry wells; particularly near the driveway, since the existing common driveway is starting to show wear. Mr. Borselli stated he will supply a revised plan that depicts storm water improvements.

Agent Comment – Mr. Haines said the only issue he had was relating to storm water runoff; which the representative will address.

Mr. Haines questioned whether the Commission would like a formal vernal pool certification performed or if they just want him to perform a site visit to assess it. Ms. Leduc questioned whether the project would be impacted if a vernal pool is certified. Mr. Haines stated it won't impact the project. After a brief discussion, it was decided that the agent will perform a site visit and make a determination himself.

Public Comment – None.

- ▶ Report of the Conservation Agent – None.
- ▶ Public Comment Period on Non-Agenda Items – None.
- ▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Mr. Palumbo moved, Ms. Leduc seconded to adjourn.** The motion carried. The meeting adjourned at 8:46 PM.

Minutes submitted by: Carol Mitchell



RECEIVED

2019 APR 29 PM 12:48

TOWN CLERK BOURNE

**CONSERVATION COMMISSION AGENDA**  
**Thursday, May 2, 2019 ~ 7 pm ~**  
**Bourne Town Hall – Lower Conference Room**

**7:00 Request for Determination**

- 1) **Applicant:** Christopher Sollars and Susan Handy **File Number:** CC19-13  
**Representative:** MacDougal Associates  
**Project Address:** 230 Circuit Ave, Pocasset  
**Proposed Project:** To install a new septic system and sand fill existing cesspools within an AE flood zone and within 100 feet of a wetland resource area.

**Notice of Intent:**

- 1) **Applicant:** Dan Maurice **DEP File Number:** SE7-  
**Representative:** Same  
**Project Address:** Adjacent to Bassett's Island  
**Proposed Project:** To grow oysters and quahogs as an extension to an existing aquaculture grant located adjacent to Bassett's Island, within a V Flood zone and within a 100 feet of a wetland resource area.

**REQUEST FOR CERTIFICATE OF COMPLIANCE:**

1) **Applicant:** William C. Duane **DEP File Number:** SE7-1177  
**Representative:** Self  
**Project Address:** 108 Jefferson Rd. Gray Gables  
**Proposed Project:** To repair, maintain, and expand an existing rip rap wall within a coastal bank

2) **Applicant:** John Ferguson **DEP File Number:** SE7-1673  
**Representative:** Alan Ewing Engineering, Inc.  
**Project Address:** 63 Pine Ridge Rd. Bourne  
**Proposed Project:** To repair a septic system within a VE Flood zone and within 100 feet of a wetland resource area.

3) **Applicant:** Kimberly O'Connor **DEP File Number:** SE7-1389  
**Representative:** Same  
**Project Address:** 9 Harbor View Rd. Pocasset  
**Proposed Project:** Septic Upgrade within an AE Flood zone

- ▶ Discussion and possible vote to allow a Notice of Intent to be filed for Town owned property at 0 Crab Rock Way.
- ▶ Update and possible vote on 3 Plow Penny Way enforcement
- ▶ Violation at Deep Water Way, Hideaway Village.
- ▶ Discussion of salt marsh mowing
- ▶ Possible vote to revise Policy 09-01 regarding extending an Order of Conditions
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes:
- ▶ Report of the Conservation Agent:
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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

RECEIVED

2019 JUN 10 AM 8:47 Conservation Commission  
Meeting Minutes

TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 2, 2019

**I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on May 2, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Tom Ligor, Elise Leduc, Rob Palumbo, Paul Szwed, Melvin P. Holmes and Associate Member, Greg Berman.

**Excused Members:** Susan Weston.

**Also Present:** Sam Haines, Carol Mitchell, David Flaherty, Dave MacDougal, Jim Mulvey, Brian Mauro, David Wiggin, Susan Wiggin and Hollis Hickey.

**Request for Determination of Applicability:**

- 1) Applicant: Christopher Sollars and Susan Handy  
File Number: CC19-13  
Representative: MacDougal Associates

230 Circuit Ave, Pocasset

To install a new septic system and sand fill existing cesspools within the AE Flood Zone, V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Dave Flaherty and Greg MacDougal addressed the members and discussed the proposed project.

Agent Comment – Mr. Haines explained the lot is small, limiting the placement of the proposed system. He thinks the proposed location is as far as it can be from the Resource Area and it's been designed for maximum feasibility. He feels it's an improvement over the current cesspool; however, after speaking with the contractor, he is concerned over possible changes to the location of the driveway. Those proposed changes aren't shown on the plan. He questioned whether the driveway will remain permeable and mentioned that a tree may need to be removed but he isn't sure that it is located on the subject property. Mr. Haines noted that the same family owns the adjoining lot; however, he expressed concern over potential property boundary issues.

Mr. Haines suggested a condition be added to the Determination requiring a revised plan be submitted; should the Commission issue a determination. Mr. Flaherty stated he is willing to revise the plan and the new driveway will be crushed stone or crushed shell.

Board Comment – Ms. Leduc questioned whether a new tree could be planted in another location on the property to replace the one proposed to be removed. Mr. Flaherty was amenable and will work with the agent to determine a suitable replacement which will be added to the revised plan.

Ms. Leduc opened a brief discussion regarding an access agreement.

Chm. Gray mentioned the current plan isn't stamped. Mr. Flaherty said he will submit a revised stamped plan.

Chm. Gray entertained a motion. **Mr. Palumbo moved, Mr. Ligor seconded a Negative Two Determination with conditions.** The motion carried. 5-0-0.

**Notice of Intent:**

- 1) Applicant: Dan Maurice and Jim Rossignol  
File Number: SE7-

Representative: Same  
Adjacent to Bassett's Island

To grow oysters and quahogs as an extension to an existing aquaculture grant located adjacent to Bassett's Island within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Description of Proposal, Island Bay Aquaculture Narrative, Selectmen's Meeting Minutes, Proposed Conditions from the Natural Heritage and Endangered Species Program, Letter from Division of Marine Fisheries and DEP Wetlands Change Mapping.

Jim Rossignol introduced himself and provided some background information about himself. He explained in the summer of 2018, an area biologist performed extensive water quality testing in Little Bay; where he currently has an aquaculture grant, and high levels of bacteria were discovered, resulting in the area being reclassified from approved to conditionally approved for shell fishing. The applicants are seeking a shellfish grant expansion. Mr. Rossignol then described the proposal.

Agent Comment – Mr. Haines stated other grant holders have experienced similar water quality issues and have also had to relocate. He thinks the biggest issue for the Commission in this area is to evaluate the recreational value the area holds. He provided the members with the minutes of the Board of Selectmen's meeting where the location was approved and the harbormaster/shellfish warden provided an opinion on the issue. He also included the proposed conditions from the Natural Heritage and Endangered Species Program to avoid a take and a letter from the Division of Marine Fisheries (DMF) stating additional time is needed to perform a complete survey. Mr. Haines suggested conditioning the Order that if in the future, the harbormaster determines that the site is an adverse impact to recreation or navigation, then the harbormaster has the ability to minimize, remove or relocate the grant location. Mr. Haines recommended continuing the matter since a DEP file number hasn't been issued and DMF hasn't conducted a complete survey.

Board Comment – Mr. Holmes and Mr. Berman would like to wait for the DMF report.

Ms. Leduc discussed the amount of boat traffic the proposed location attracts. She liked the agent's suggestion to allow the harbormaster to determine whether the site has become a hazard.

Mr. Palumbo opened a brief discussion regarding the degraded water quality levels and possible causes. Mr. Palumbo questioned whether the grant is adversely affecting water



quality levels. Mr. Rossignol stated the cause of the diminished water quality has not been determined.

Mr. Palumbo asked where all of the aquaculture grants are located throughout the town. Mr. Haines discussed the locations including the town's own shellfish propagation sites. Mr. Palumbo expressed concern that if allowed, the expansion will attract additional waterfowl to an area that is inundated with boat traffic; thus, diminishing the water quality levels further. A discussion ensued.

Chm. Gray asked whether the area has been marked. Mr. Rossignol stated yes, the area has been flagged with yellow markers.

Chm. Gray discussed the various types of watercraft that utilize the proposed expansion area. He questioned whether the equipment would be damaged should a boat miss the yellow markers and maneuvered through the grant area. Mr. Rossignol stated that is a possibility; however, the proposed location is a good distance away from the channel, so he doesn't foresee that being an issue.

Mr. Palumbo asked how the term "extension" applies to this project when the proposed location is a completely different area from the initial grant. Mr. Rossignol explained the term "extension" applies because it's considered an extension of the farm. A discussion ensued.

As an experienced boater in this area, Mr. Palumbo feels the proposed location isn't suitable because of the amount of boat traffic the area receives.

Mr. Berman continued the discussion regarding the term "extension". Mr. Haines stated he will look for the language in the aquaculture grant program that deems this an extension. He said he didn't allow this to be filed as an amendment to the original NOI; instead, he asked for a new filing because the applicant is changing the location of the aquaculture farm and a new Division of Marine Fisheries survey will need to be performed.

A brief discussion transpired regarding a moratorium placed on aquaculture grants within the town.

Mr. Szwed questioned how an aquaculture site is determined. Mr. Haines explained the process.

A brief discussion transpired regarding alternate sites.

Public Comment – Jim Mulvey asked for the dimensions of the proposed grant. Mr. Palumbo responded, 1.95 acres. Mr. Rossignol stated it's roughly 150' wide and 800' long. Mr. Mulvey asked if it adjoins the existing grant. Chm. Gray replied the existing grant is in a different location.

Mr. Mulvey asked if all of the equipment is subsurface, other than the marker buoys. Mr. Rossignol stated the bags float. Mr. Mulvey feels the bags will cause an increase in waterfowl. Mr. Rossignol explained the equipment they have chosen is different than their competitors because the bags will sink if waterfowl try to roost on them. Mr. Mulvey suggested conditioning this and future Orders that require remedies be imposed should equipment be recognized as a nuisance for roosting.

William Hickey asked if this is a temporary solution that will close down once the original area has been reopened. Mr. Rossignol stated it will not be a temporary site.

Mr. Hickey asked if restrictions could be placed on the type of equipment that's allowed to be used, in effort to avoid an increase in the presence of waterfowl. Mr. Rossignol stated he has no intentions of using any type of equipment that will attract waterfowl.

Mr. Mulvey opened a brief discussion regarding the possibility of the proposed equipment impeding recreational activities in the proposed location.

Mr. Haines revisited Mr. Hickey's question regarding restrictions being placed on equipment. He explained that the Commission refers to the Division of Marine Fisheries for a professional opinion on what gear is suitable for a particular location.

With no further discussion, the matter was continued to May 16, 2019, pending input from DMF and a DEP file number.

**Request for Certificate of Compliance:**

1) Applicant: William C. Duane  
File Number: SE7-1177  
Representative: Self  
108 Jefferson Road., Gray Gables

To repair, maintain and expand an existing rip rap wall within a Coastal Bank

Agent Comment – A site visit was performed on May 1, 2019. Mr. Haines recommended issuance of the Certificate of Compliance.

Board Comment – None.

Chm. Gray entertained a motion to grant the Certificate of Compliance. **Mr. Palumbo moved, Mr. Ligor seconded to grant the certificate.** The motion carried. 5-0-0.

2) Applicant: John Ferguson  
File Number: SE7-1673  
Representative: Alan Ewing Engineering, Inc.  
63 Pine Ridge Rd., Bourne

To repair a septic system within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – A site visit was performed on May 2, 2019. Mr. Haines recommended issuance of the Certificate of Compliance.

Board Comment – None.

Chm. Gray entertained a motion to grant the Certificate of Compliance. **Mr. Palumbo moved, Mr. Holmes seconded to grant the certificate.** The motion carried. 5-0-0.

3) Applicant: Kimberly O'Connor  
File Number: SE7-1389  
Representative: Same  
9 Harbor View Rd., Pocasset

Septic upgrade within an AE Flood Zone.

Agent Comment – A site visit was performed on May 1, 2019. Mr. Haines recommended issuance of the Certificate of Compliance.

Board Comment – None.

Chm. Gray entertained a motion to grant the Certificate of Compliance. **Mr. Palumbo moved, Mr. Holmes seconded to grant the certificate.** The motion carried. 5-0-0.

► Discussion and possible vote to allow Notice of Intent to be filed for Town owned property at 0 Crab Rock Way – Deferred to May 16, 2019. Chm. Gray briefly explained the matter to Mr. Holmes who had been out of town for several meetings.

► Update and possible vote on 2 Plow Penny Way enforcement – Mr. Haines explained an enforcement order for violations at 2 Plow Penny Way required a planting plan be submitted to the Commission by May 1, 2019; it was not. Mr. Haines spoke with Michael Borselli of Falmouth Engineering, who respectively requested additional time be given to draft the plan because the company is behind with surveys. Mr. Haines is concerned that the grass is still covered with sand and it's the growing season so he'd like to issue a

deadline requiring the sand be removed by hand within fourteen days. After a brief discussion, it was decided Mr. Haines will issue a letter to the property owner requiring the sand be removed by hand within fourteen days or face further action by the Commission.

► Violation at Deep Water Way, Hideaway Village –

Materials Reviewed: Site Photographs and Site Plan.

Mr. Haines explained on April 29, 2019, he observed unpermitted drainage improvements on Deep Water Way and Thompson Street in Hideaway Village; which occurred within land subject to coastal storm flowage, a Riverfront Area and within the saltmarsh. It is his opinion that the work performed is in violation of the bylaw and the Wetlands Protection Act and is having an adverse impact on those Resource Areas. Mr. Haines issued and posted a cease and desist violation in two locations at the site. It is his opinion that the Commission require a wetland scientist create a restoration plan.

Brian Mauro spoke on behalf of the Hideaway Village board and apologized for the violation. He referred to site photographs and provided a brief history of the site. He then discussed work that was performed at the site which varied from what was originally intended to address storm water flowage issues at the site.

Board Comment – Mr. Ligor asked if the Hideaway Village board voted to perform the work without a permit. Mr. Mauro stated the board, being unfamiliar with the Wetlands Protection Act, simply voted to maintain a natural swale that's been there for years. Ms. Leduc explained to the representative a permit is required for any work being performed on or near a wetland.

Mr. Palumbo asked the agent how the matter should be resolved. Mr. Haines discussed the need to restore the area.

After a brief discussion, it was decided the representative will work with the agent on a resolution.

► Discussion of salt marsh mowing – A brief discussion transpired regarding whether the agent should actively pursue salt marsh mowing violations.

► Possible vote to revise Policy 19-01 regarding extending an Order of Conditions – Mr. Haines explained the language in the existing policy needed to be revised. He submit a revised draft for the members to review. After a brief discussion, **Ms. Leduc moved, Mr. Ligor seconded to approve the Bourne Conservation Commission Policy 19-01 as revised.** The motion carried. 5-0-0.

- ▶ Vote to excuse absent members, if necessary – **Mr. Palumbo moved, Mr. Ligor seconded to excuse the absent members.** The motion carried. 5-0-0.
- ▶ Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the March 21, 2019 meeting. **Mr. Ligor moved, Ms. Leduc seconded to approve the minutes of the March 21, 2019 meeting.** With no discussion, the motion carried. 4-0-1. Mr. Holmes abstained.
- ▶ Report of the Conservation Agent – Mr. Haines will draft a thank you letter to Michael Carrara for the work he performed at the Carter Beal Conservation area.
- ▶ Public Comment Period on Non-Agenda Items – None.
- ▶ Questions and Answers re: M.G.L. Chapter 131 §40 and 310 CMR 10.00-10.99 – None.
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16 – None.

## **II. Adjournment**

**Mr. Palumbo moved, Ms. Leduc seconded to adjourn.** The motion carried. 5-0-0. The meeting adjourned at 8:33 PM.

Minutes submitted by: Carol Mitchell

RECORDED

2019 MAY 13 PM 2:39

TOWN CLERK BOURNE



**CONSERVATION COMMISSION AGENDA**  
**Thursday, May 16, 2019 ~ 7 pm ~**  
**Bourne Town Hall – Lower Conference Room**

**7:00 Request for Determination**

- 1) **Applicant:** David Ricci     **File Number:** CC19-14  
**Representative:** Self  
**Project Address:** 4 Quiet Cove Lane, Monument Beach  
**Proposed Project:** To reface existing retaining wall within a V flood zone and within 100 feet of a wetland resource area
  
- 2) **Applicant:** Jane Kramer Garland, c/o Lorenzo and Nicola Ansuini  
**File Number:** CC19-15  
**Representative:** JC Engineering Inc.  
**Project Address:** 30 Old Head of the Bay Rd, Buzzards Bay  
**Proposed Project:** To upgrade failed system to a Title 5 septic system, old cesspools to be pumped, filled and abandon within an AE flood zone and within 100 feet of a wetland resource area

**Notice of Intent:**

- 1) **Applicant:** Massachusetts Maritime Academy     **DEP File Number:** SE7-  
**Representative:** Nitch Engineering  
**Project Address:** 101 Academy Drive, Buzzards Bay  
**Proposed Project:** To build a utility structure to include a generator and fuel storage, within a V Flood zone and within a 100 feet of a wetland resource area

2) **Applicant:** Patrick Ross **DEP File Number:** SE7-20  
**Representative:** Same  
**Project Address:** Located north of the Mashnee Dike and east of Hog Island  
**Proposed Project:** To expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne  
(Continued from April 4, 2019)

3) **Applicant:** Dan Maurice **DEP File Number:** SE7-  
**Representative:** Same  
**Project Address:** Adjacent to Bassett's Island  
**Proposed Project:** To grow oysters and quahogs as an extension to an existing aquaculture grant located adjacent to Bassett's Island, within a V Flood zone and within a 100 feet of a wetland resource area.  
(Continued from May 2, 2019)

**REQUEST FOR EXTENSION OF ORDER OF CONDITIONS:**

1) **Applicant:** Victor and Michelle Pozza **DEP File Number:** SE7-1949  
**Representative:** Self  
**Project Address:** 49 Monument Neck Rd., Bourne  
**Proposed Project:** To construct a single family dwelling; install a septic system, and to perform associated site and utility work within an AE flood zone and within a 100ft of a wetland resource area.

2) **Applicant:** Dan Maurice **DEP File Number:** SE7-1889  
**Representative:** Self  
**Project Address:** Off Toby Island, Monument Beach  
**Proposed Project:** Aquaculture grant

**REQUEST FOR CERTIFICATE OF COMPLIANCE:**

1) **Applicant:** Ellen Fisher **DEP File Number:** SE7-1720  
**Representative:** Steven Stronjy  
**Project Address:** 144 Wings Neck Rd., Pocasset  
**Proposed Project:** To repair cement marine railway within a V zone and within a 100ft of a wetland resource area.

- ▶ Update on 0 Crab Rock Way.
- ▶ Update on violation at Hideaway Village.
- ▶ Update on violation at 2 Plow Penny Way
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes:
- ▶ Report of the Conservation Agent:
- ▶ Public Comment Period on Non-Agenda Items
- ▶ 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 Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 16, 2019

RECEIVED  
2019 JUL -1 AM 9:58  
TOWN HALL LOWER CONFERENCE ROOM

## **I. Call to order**

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on May 16, 2019. Chm. Gray explained all reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rules; which allows the applicant / representative five minutes to make a presentation to the Commission members, Commission members will take five minutes to seek clarification if needed, the Conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Note: The meeting was being recorded and anyone in the audience who was recording or videotaping was asked to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

**Members Present:** Bob Gray, Elise Leduc, Rob Palumbo (7:09), Susan Weston (7:05), Paul Szwed (7:02), Melvin P. Holmes and Associate Member, Greg Berman.

**Excused Members:** Tom Ligor.

**Also Present:** Sam Haines, Carol Mitchell, Bill Maher, David Ricci, Pedro Hernandez, Chris Jacobs, Steve Strojny and Victor Pozza.

### **Request for Determination of Applicability:**

- 1) Applicant: David Ricci  
File Number: CC19-14  
Representative: Self

4 Quiet Cove Lane, Monument Beach

To reface existing retaining wall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Drawings and DEP Wetlands Change Mapping.

David Ricci addressed the members explaining that several months ago he sought advice from the Conservation agent on how to repair the existing retaining wall on his property. He discussed the age of the structure and described its construction. He then asked the members for suggestions on how to repair the damaged wall.

Agent Comment – Mr. Haines stated he performed a site visit to inspect the retaining wall and agrees it is in need of repair but will leave it up to the Commission on how best to proceed.

Board Comment – Mr. Berman asked whether there are any issues with runoff over the top of the structure. Mr. Haines stated he did not observe any erosional rills, just rotted landscape timbers.

Mr. Holmes stated he is more partial to using native coastal rocks to repair the wall because it provides habitat space for wildlife. Mr. Ricci agreed.

Ms. Leduc suggested building a natural slope and vegetate it. Mr. Ricci asked whether that would be filling the marsh. Ms. Leduc stated no, there is a nine foot buffer; therefore, only the buffer would be filled. This will allow the marsh to grow up the slope.

After a brief discussion, it was decided that the agent will work with the applicant to explore the suggestions offered by the members. Mr. Haines will update the members and will notate the file of their final decision.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved, Ms. Leduc seconded a Negative Two Determination with conditions.** The motion carried. 4-0-1. Mr. Palumbo abstained.

Chm. Gray explained the determination to the applicant.

Chm. Gray announced which filings have been continued to the June 6<sup>th</sup> meeting.

2) Applicant: Jane Kramer Garland, c/o Lorenzo and Nicola Ansuini  
File Number: CC19-15  
Representative: JC Engineering Inc.  
30 Old Head of the Bay Rd., Buzzards Bay

To upgrade a failed system to a Title V septic system, old cesspools to be pumped, filled and abandoned within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued to June 6, 2019)

**Notice of Intent:**

*Mr. Szwed recused himself from discussion and vote.*

1) Applicant: Massachusetts Maritime Academy  
File Number: SE7-2065  
Representative: Nitch Engineering  
101 Academy Drive, Buzzards Bay

To build a utility structure to include a generator and fuel storage, within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Bill Maher, Chris Jacobs and Pedro Hernandez were present to discuss the proposed project. Mr. Maher provided a brief presentation of the proposal.

Agent Comment – Mr. Haines questioned whether the walls on the first floor level of the proposed structure meet FEMA requirements in terms of water flow through. Mr. Maher stated they do. Mr. Haines commended the academy for elevating their utilities above the base flood elevation to increase coastal resiliency. He noted that the plan shows an approximate wetland line which is the exact same line used and approved in a 2016 filing. Mr. Haines commented that the proposed work falls within a Velocity Zone so the bylaw applies; however, all of the surrounding structures are owned by the same applicant and because it is designed to increase coastal resiliency and meet Flood Zone standards, he doesn't have any site design concerns.

Board Comment – Mr. Berman asked if the proposed garage doors will be FEMA compliant. Mr. Maher believes they were designed with FEMA standards in mind. Mr. Haines stated this project does not fall under the town's building inspector's purview.

Instead, a state building examiner will determine whether the proposal meets Flood Zone standards.

Mr. Holmes asked whether a rain garden might be considered to catch runoff. Mr. Maher stated that was considered but ultimately it was decided that an infiltration trench with river rocks was suitable for the area.

Public Comment – Jim Mulvey opened a brief discussion regarding the amount of fuel that will be stored at the site, the site's elevation and how the academy will protect the site from vandalism.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved, Mr. Palumbo seconded to close the public hearing.** The motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers; 1, 2, 3, 4, 7, 11, 12, 14, 15, 16, 18, 19, 21, 27, 28 and 29. There are no Special Conditions pursuant to the Bourne Wetlands Protection Bylaw and number 16 was amended to require drywells be installed vs. gutters.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final Order of Conditions. **Ms. Weston moved, Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

*Mr. Szwed returned to the meeting.*

2) Applicant: Patrick Ross

File Number: SE7-

Representative: Same

Located north of Mashnee Dike and east of Hog Island.

To expand an existing aquaculture/shellfish grant operation within the municipal waters of the town of Bourne.

(Continued from April 4, 2019)

(Continued to June 6, 2019)

3) Applicant: Dan Maurice and Jim Rossignol

File Number: SE7-

Representative: Same

Adjacent to Bassett's Island

To grow oysters and quahogs as an extension to an existing aquaculture grant located adjacent to Bassett's Island within a V Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from May 2, 2019)

(Continued to June 6, 2019)

**Request to Extend Order of Conditions:**

1) Applicant: Victor and Michelle Pozza

File Number: SE7-1949

Representative: Self

49 Monument Neck Rd., Bourne

To construct a single-family dwelling, install a septic system and to perform associated site and utility work within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – Mr. Haines explained the applicant is seeking a two-year extension. He performed a site visit on May 15, 2019, noting the lot has been partially developed and that some septic work has been performed. Mr. Haines recommended granting the extension.

Chm. Gray entertained a motion to. **Mr. Palumbo moved, Mr. Holmes seconded to grant a two year extension.** The motion carried. 5-0-0.

2) Applicant: Dan Maurice

File Number: SE7-1889

Representative: Self

Off Tobey Island, Monument Beach

Aquaculture grant

Agent Comment – Mr. Haines stated the applicant will be seeking an additional Aquaculture grant. If granted, the extension will allow the two grants to run concurrently. Mr. Haines recommended granting a three year extension.

Board Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved, Ms. Weston seconded to grant a three year extension.** The motion carried. 5-0-0.

**Request for Certificate of Compliance:**

1) Applicant: Ellen Fisher

File Number: SE7-1720

Representative: Steven Strojny

To repair cement marine railway within a V Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – Mr. Haines stated he performed a site visit and referred to historic aerials and did not identify any issues with the project.

Steve Strojny provided background information about the project.

Chm. Gray entertained a motion. **Ms. Weston moved, Mr. Holmes seconded to grant the Certificate of Compliance.** The motion carried. 5-0-0.

► Update on 0 Crab Rock Way – Mr. Haines explained after discussing the matter with town counsel and the town administrator, it was decided that the select board should make the initial vote on whether to allow a Notice of Intent be filed on town property. The Commission's vote on this issue will be continued to June 6<sup>th</sup>.

Board Comment – None.

► Update on violation at Hideaway Village – Mr. Haines provided a brief update on the violation.

► Update on violation at 2 Plow Penny Way – Mr. Haines stated he met with the engineer and the landscape architect. He then briefly discussed how the violation will be remedied.

Mr. Strojny complimented the agent's professionalism.

► Vote to excuse absent members, if necessary – **Mr. Holmes moved, Ms. Leduc seconded to excuse the absent members.** The motion carried. 5-0-0.

► Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the April 18, 2019 meeting. **Ms. Leduc moved, Mr. Palumbo seconded to approve the minutes of the April 18, 2019 meeting.** With no discussion, the motion carried. 5-0-0.

► Report of the Conservation Agent – Mr. Haines discussed a thank you letter that will be sent to Michael Carrara for his work restoring areas of the Carter Beal Conservation Area.

Chm. Gray opened a brief discussion regarding updating the dock & pier regulations.