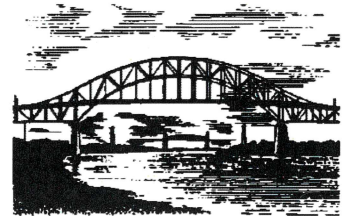


Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



Meeting MINUTES August 23, 2023

Meeting was called to order at 05:30 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

1. Attendance.

Board Members: William Doherty, Donald Uitti, Robert Collett, William Meier.
Professional Staff: Terri Guarino, Kaity Shea, and Stacey Burgess.

2. Public Comment.

Perri Jacobs of 60 Arlington Dr introduced herself to present for public comment.
She stated that she had a question about the updated minutes from September 14, 2022.
Mr. Doherty stated that in public comment, the Board is unable to respond.

3. **90 Circuit Ave – Raul Lizardi-Rivera, P.E. of Cape & Islands Engineering on behalf of owners/applicants Erica, Robert, and Linda Morse – *CONTINUED FROM 8/9/2023* – Requesting relief from 310 CMR 15.405 and Bourne Board of Health 150' Setback Regulations for the installation of an I/A septic system including: a 108' variance for a 44' setback from the SAS to a wetland; a 6.9' & 9' variance for a 3.1' & 1' setback from the SAS to property lines; &, a 1' variance for a 4' setback from the SAS to groundwater.**

Doug Schneider, via Zoom, introduced himself as the representative of the project in Raul's place. Mr. Schneider updates the Board that they provided a revised plan. He also states that Mr. Lizardi-Rivera had a site visit with one of the Board members.

Miss Guarino states that the most recent submission addresses all of the Board of Health concerns. Mr. Meier states that he completed the site visit, and that he does not see any issues with the driveway. Mr. Collett states that he went on his own time, and that he does not think that the system should be put in the back, and that he sees no problems with the current plan.

Miss Guarino emphasizes that the project is long overdue, and due to that, should be given a time frame for completion. Mr. Schneider states that he thinks that could be done.

Mr. Doherty states that the date should be set for November and emphasizes that there should be a fine imposed if the project is not completed in adequate time.

Mr. Meier makes a motion to approve 90 Circuit Ave as presented and that a fine shall be imposed if not completed by November 23, 2023 at \$300 per day.

Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.

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4. **457 Circuit Ave – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owners/applicants Bryan & Kelly Stenberg – Requesting relief from Bourne Board of Health 150' Setback regulations for the installation of an I/A septic system to accommodate the raze and rebuild of a dwelling including a 47' reduction for a 103' setback from a proposed soil absorption system to the top of a Coastal Bank, & a 7' reduction for a 143' setback from a proposed soil absorption system to Mean High Water.**

Zachary Basinski of Bracken Engineering presents on behalf of Bryan and Kelly Stenberg.

Miss Guarino provides the background of the project in regards to its relation to the Board and questions if there is a deed restriction.

Mr. Uitti made a motion to accept the project as presented. Mr. Meier seconded the motion. No discussion. All were in favor. The motion passed unanimously.

5. **60 Red Brook Harbor Rd – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Karen Fish-Will – Requesting relief from Bourne Board of Health 150' Setback regulations for the installation of an I/A septic system to accommodate the raze and rebuild of a dwelling including a 9' reduction for a 141' setback from a proposed soil absorption system to the top of a Coastal Bank, an 85' reduction for a 65' setback from a reserve area to a Coastal Bank, & a variance for the use of a conventional soil absorption system with I/A technology within 150' of a Coastal Bank.**

Zachary Basinski of Bracken Engineering presents on behalf of Karen Fish-Will and gives a background on the project.

Miss Guarino questions the architectural plans, specifically in reference to the bedroom count. She highlighted the exercise room, the room above the garage to be habitable space, and the additional flow of the pool house.

Mr. Basinski discussed a deed restriction having the pool house as seasonal, and there being a change to the opening for the exercise room.

Mr. Doherty expressed concern over the pool house.

Mr. Collett asks Miss Guarino if this will interfere with the new MassDEP regulations. Miss Guarino explained no and discussed the location and history of the property.

Mr. Doherty expressed concern over the Conservation Commission approval. Mr. Basinski explained the process and regulations that he sorted out with them.

Mr. Meier asks about access to the pool house. Mr. Basinski explained the architectural details.

Mr. Collett asks about heating in the pool house. Mr. Basinski explained that it is not heated but that it has AC.

Mr. Meier made a motion to approve the project as stated. Mr. Uitti seconded the motion. In discussion, Mr. Collett made a suggestion to amend the motion, stating that there is a deed restriction to the pool room making it seasonal with no heat allowed, and to also add a 6-foot cased opening on the exercise room.

Mr. Meier made a motion to make an amendment to the original motion, adding a seasonal deed restriction on the pool house, and that the pool house be without heating, and that there be a 6-foot cased opening on the exercise room. Mr. Uitti seconds the amendment to the motion. There was no further discussion. All were in favor, and the amendment passed unanimously.

Vote to approve the original motion as amended. No further discussion. All were in favor, and the motion passed unanimously.

- 6. 10 Harbor Way – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owners/applicants Stanley DaVitoria & Ludo Gardini – Requesting relief from Bourne Board of Health 150' Setback regulations for the installation of an I/A septic system for new construction of a dwelling including a 45' reduction for a 105' setback from a proposed soil absorption system to a non-eroding Coastal Bank, & a 5' reduction for a 145' setback from a proposed soil absorption system to Mean High Water.**

Zachary Basinski of Bracken Engineering presents the project on behalf of Stanley DaVitoria and Ludo Gardini.

Miss Guarino presents her opinions and background on the project.

Mr. Doherty asks clarifying questions about the history of the project. Miss Guarino responds and answers.

Mr. Doherty asks if anyone from the public wants to make a comment.

Mr. Dan Kelly of 20 West View came to the podium. He discussed the sensitivity of the area. He described his concerns regarding wells and the septic. He emphasized that he just wants to ensure that it is the best possible system. He also expressed how it will appear visually and highlights how he would like the trees to stay short and maintain the foliage around the system.

Ms. Marie Cronin presented herself as an abutter to the property. Her questions are answered by Mr. Doherty.

Mr. Meier and Miss Guarino discuss the permit history for this property.

Miss Guarino gives a background of the property in regards to the testing requirements and various regulations.

A question was asked regarding wells and sources of nitrogen. Miss Guarino provided clarification.

Ms. Cronin asked about the type of system. She also discussed the visual aspect. Mr. Doherty explained that it is not a Board of Health concern. Miss Guarino explained that the system is MassDEP approved.

Newman Flannigan of 6 West View came to the podium to discuss his concerns about the project. Mr. Flannigan explained some background. Mr. Doherty discussed it with him.

Mr. Doherty asked Mr. Basinski to further discuss the details of the lot. Mr. Basinski explained.

Mr. Collett requested a brief recess. The Board returned at 6:50pm.

Mr. Collett discussed his concerns and asked Mr. Basinski clarifying questions. Miss Guarino and Mr. Basinski explained.

Mr. Doherty asked Miss Guarino her opinion on the project. Miss Guarino explains her opinion, especially in regards to the history of the project. The Board has a discussion regarding wells.

Mr. Meier makes a motion to approve the septic variances as presented. Mr. Uitti seconds the motion. There was no discussion. All were in favor, and the motion passed unanimously.

7. Health Agents' reports.

Miss Guarino states that Ms. Shea had a presentation and information to report on One Cape but that she unfortunately was not present and will present at a later date.

8. Comments from the Board in regard to future agenda items.

Mr. Meier mentions that the Board should look more deeply into the wells and well regulations. Mr. Doherty states that they should inquire about them in a workshop, preferably around January.

Mr. Doherty provided the Board with a list of ideas to think about for the direction of the Board. He explains that he wants to make sure he is properly addressing issues that are important to the community.

Mr. Collett states that he wants Katie O'Neil from the County to come in and speak to the Board.

9. Approve Minutes – Approve the minutes from the previous meetings dated September 14, 2022, & June 14, 2023.

Mr. Meier makes a motion to approve the minutes from September 14th, 2022. Mr. Uitti seconded the motion. Mr. Meier and Mr. Uitti were in favor, and the motion passes.

Mr. Doherty asked to amend the minutes of June 14, 2023.

Mr. Collett made a motion to approve the June 14, 2023 minutes as amended. Mr. Meier seconded the motion. Mr. Collett, Mr. Doherty, and Mr. Meier voted yes. Mr. Uitti was not at the meeting, so he abstained. The motion passed.

Perri Jacobs came to the podium again to ask for clarification regarding the September 14th minutes. Mr. Doherty responded, providing an explanation on what occurred. Miss Guarino explains the changes made and what amendments to the minutes entails. Ms. Jacobs also asks for clarification on hearing dates and outlets for the public to voice their opinions. Miss Guarino responded, detailing the processes of the Board of Health. Ms. Jacobs discussed her concern over language changes, specifically in regards to the lawsuit across the Board.

10. Adjourn.

Mr. Meier makes a motion to adjourn. Mr. Collett seconded the motion. All were in favor, and the motion passed unanimously. The meeting adjourned at 7:32pm.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Stacey Burgess, Administrative Assistant