



Terri A. Guarino
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TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES August 9, 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.

In person: William Doherty, Robert Collet, Donald Uitti, William Meier
Zoom: Barbara Princiotta
Staff: Stacey Burgess, Terri Guarino, Deon Wills

Mr. Doherty requests to move item 3 and 4 to come after item 6.

2. Board of Health Business.

- Discussion and vote on the Inclusion of Public Comment on Future Agendas.
- Comments from the Board in regard to future agenda items.

Mr. Collett states that since they are a public board, he thinks that it would be very appropriate to have a public comment section for the beginning of the meeting. Ms. Princiotta states that she likes the idea of public comment but that they will just need to establish parameters about how they cannot respond to it.

Mr. Collett made a motion that they allow public comment on future agendas and that it is limited to people being allowed to speak for 3 minutes without Board input. Ms. Princiotta seconds. No further discussion. Roll Call Vote as follows: Ms. Princiotta-yes, Mr. Collett-yes, Mr. Uitti-yes, Mr. Meier-yes, Mr. Doherty-yes. The motion passed.

Mr. Doherty asks the Board if they have any comments in regard to future agenda items. Mr. Meier states that he thinks it's good if the members do more research and come prepared for future meetings.

Mr. Collett says he likes the idea of adding in a discussion of future agenda items at the end of each agenda. He also highlights that there is an opportunity for the board to get involved with the Public Health Excellence Grant where they can bring new programs to the town and that most towns have engaged in this. Mr. Collett suggested that they invite Katie O'Neill in to discuss this as she is the program coordinator and can explain more. Miss Guarino states that she is in favor of this and that she was planning to bring this up to the Board during her Health Agent Update.

Ms. Princiotta asked about open meeting law and states that the Zoom meeting on the town calendar stated 5:30-7pm so she did not know if they were allowed to go over 7pm. Mr. Doherty states that they should continue.

Mr. Doherty explains that he has read the 9/14/2022 minutes that have been discussed and that there was an amendment, and they could not figure out the validity of it since the minutes were never approved. He expresses concern that it is a lot of administrative things and that they should have a hearing to revisit it.

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He discusses the administrative burden of publishing the minute notes. Mr. Doherty states that going forward, he thinks that the minutes should only be on what the votes were and that they can post the recordings so people can refer to them there with any further questions. He suggests that they revisit this at a future meeting.

3. Health Agents' Reports.

Miss Guarino provided an arbovirus update with risk categories and disease prevention measures.
Beach sampling update-- all have been doing well. The APCC sampling the two ponds for cyanobacteria and they have a mapping tool available online. There are no cyanobacteria advisories.
Opioid settlement funding update and pursuit of a needs assessment and implementation plan.
Miss Guarino discusses the letter from the governor declaring a state of emergency on August 8th due to rapid and unabating increases in the number of newly arriving migrants and refugees. Mr. Doherty asks if they have to inspect the housing on Joint Base Cape Cod and Miss Guarino stated that they don't have jurisdiction over federal property.
Mr. Doherty asks about OneCape attendance. Miss Guarino states that Kaitlyn Shea attended for one day.

4. 1048 Sandwich Rd – Joel Anderson – Requesting a stable permit to hold two existing alpacas on premises.

Mr. Joel Anderson of 1048 Sandwich Rd was present on the Zoom Call to represent the item matter, but he was having challenges getting his audio to work via Zoom.
Mr. Doherty states that they will be moving on to another project.
Mr. Anderson returns via phone call.
Mr. Anderson explains that he has had the two existing alpacas on his property for various years now, and that he is looking for a stable permit to continue holding them there.
Mr. Doherty emphasizes how Mr. Anderson's connection is not great. Mr. Doherty asks if they are long-haired alpacas and Mr. Anderson confirms.
Mr. Doherty discusses the fencing and that he thinks that it is not good for the alpacas and could hurt their fur. Mr. Anderson states that he can fix the fencing.
Mr. Doherty asks about how the alpacas get their exercise. Mr. Anderson explains that he also owns 262 Sandwich Rd and that he takes them there to graze.
Mr. Doherty asked what vet they use. Mr. Anderson states that is Dr. Bonnie from New Hampshire. Mr. Doherty asks if they get inspected and vaccinated, and Mr. Anderson confirmed that they do.
Mr. Collett asks how long the alpacas have been on the property, and Mr. Anderson states that he has had them for 2.5 years and apologizes that he did not fill out an application.
Mr. Doherty asks about the grain and if they have an issue with vermin. Mr. Anderson states that they do not have any issues with that.
Ms. Princiotta asks about the manure management. Mr. Anderson states that they clean it out every other day and that they use it for their gardens because it is very good for the soil.
Miss Guarino confirms that Assistant Health Agent Kaitlyn Shea, Health Inspector Deon Wills, and a few of the Animal Control Officers with the Department of Natural Resources went to a site visit for the property.
Mr. Wills states that their joint visit with DNR was regarding the same concerns that Mr. Doherty had and that there were plans put in place and that they feel satisfied with the project as long as the fencing gets fixed.
Mr. Collett asks if they plan to bring any more alpacas onto the property. Mr. Anderson says no and that they only have the two and that they are both male.

Mr. Meier makes a motion to approve 1048 Sandwich Rd for a stable permit. Ms. Princiotta seconds. There is no discussion. Roll Call Vote as follows: Ms. Princiotta- yes, Mr. Meier-yes, Mr. Uitti-yes, Mr. Collett-yes, Mr. Doherty-yes. All were in favor and the motion passed unanimously.

5. 10 Harbor Way – Installation of septic system components without valid construction permit or installer's license by James Giles. Variances and permits expired and may need renewal.

Mr. James Giles was not present to discuss this matter. Miss Guarino states that she was told that Mr. Giles would be present. She states that this is a project that has been ongoing and presented the history of the project to the Board. She emphasizes that a major problem is that this installer does not have a license in Bourne and has not submitted all the materials to get a license. Miss Guarino states that she is looking for guidance on how they should proceed with the project based on the complications of the installer.

Mr. Doherty states that he does not want to set a precedent allowing an unlicensed installer to be used. Mr. Meier states that he is very uncomfortable, and he wants all of the information for the house before they even entertain an idea.

Mr. Meier makes a motion to deny 10 Harbor Way – Installation of septic system components without valid construction permit or installer's license by James Giles. Mr. Uitti seconded the motion. Roll Call Vote: Mr. Meier-yes, Mr. Uitti- yes, Mr. Collett- yes, Ms. Princiotta-yes. Mr. Doherty-yes. All were in favor, and the motion to deny 10 Harbor Way passed unanimously.

6. 90 Circuit Ave – Raul Lizardi-Rivera, P.E. of Cape & Islands Engineering on behalf of owners/applicants Erica, Robert, and Linda Morse – 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.

Raul Lizardi-Rivera introduced himself as the representative for the project on behalf of the homeowners.

Mr. Lizardi-Rivera explained the history of the property and that there was an attempt to demolish and rebuild the house and that the project was not completed. Mr. Lizardi-Rivera specified that at the time of the potential project, they had a septic inspection done which had failed. He said because of this, they are looking at upgrading the septic system.

Mr. Lizardi-Rivera shared the plans with the Board. He states that they are looking to enhance nitrogen removal due to the low elevation of the property. He highlighted that their primary problems are setbacks.

Miss Guarino questioned the driveway and the parking area. She stated it was not laid out on the plans. Mr. Lizardi-Rivera pointed out the location on the plans to the Board and explained that it would be gravel.

Ms. Princiotta questions if the project has been before the Conservation Commission. She also commented on how the measurements on the plan use +/- . She also states that she is not confident that this is the best plan since it has been in the works for 6 years and she thinks that it does not reflect the newest technology.

Mr. Lizardi-Rivera clarifies that this plan is not being reused and that this submission is brand new and reflects a new plan. He states that they do not clarify the measurements to a decimal since it is in relation to coastal banks which do frequently shift. He also argues that he believes the plan reflects the current guidelines. He also highlights that regardless of Bourne's bedroom definition, there is a 2-bedroom deed restriction on the property.

Ms. Princiotta also discusses the 75' +/-, which would need to be more specific. She also highlighted that despite the deed restriction, the Board would need the floor plan provided. Ms. Princiotta also argues that since the percolation test is from 2017, she would like a new test to be done.

Mr. Lizardi-Rivera states that they did present to the Conservation Commission the previous week, and that they got approval. Mr. Lizardi-Rivera also states that perc tests are not required to be redone after Title V in 1995, so the tests were valid, and that the length of the test does not mean that it has to be redone. He also apologized that since this is not new construction, but rather just an upgrade, and since there is a deed restriction, he did not believe that they had to submit floor plans.

Ms. Princiotta states that the Board does require the floor plan for every engineer. Mr. Lizardi-Rivera suggested that if comfortable, in their decision the Board could include that the provision of a floor plan to the office is required before the issuance of an installation permit.

Mr. Doherty stops the conversation and states that it has clearly been established that there needs to be a floor plan provided before they move forward, and that he would like to see if any of the other board members have any questions.

Mr. Meier asks about the tank, and the dewatering located in the gravel parking area. Mr. Lizardi-Rivera explains that the tank they are using will not be buoyant based on their calculations of the weight of the tank.

Mr. Collett asked about the liner material and the life expectancy. Mr. Lizardi-Rivera explains that it is a poly-liner, which is plastic, so the life expectancy is pretty long, and it would even outlast the septic.

Mr. Peter Meier at 96 Circuit Ave comes to the podium, with his sister Diane. He states that he has no issue with the system or anything with the remodel, but that he is aware that the homeowners are planning on moving. He explains that his concern is that there will be a retaining wall that is closer to his driveway, and that he is fearful of his ability to open his car door. He states that he is not there to complain, but rather to suggest other options. He states that in the Town of Bourne, you are allowed a bottomless sand filter, and that he thinks that everything could be compacted and even save the homeowners money. He states that it could help save over 30 feet of wall, and that it could also decrease the amount of waivers that they need. Mr. Peter Meier also suggested that there is an area in the backyard that could be utilized.

Ms. Princiotta asks if the driveway is a shared driveway. It is not.

Mr. Meier of the Board asks Mr. Lizardi-Rivera has heard of the bottomless sand filter and if he has dealt with it before. Mr. Lizardi-Rivera explained that the bottomless filter will have the bottom as the leeching component. He states that with the groundwater elevation at the property, it would not be preferable. He also explains that the septic system was initially going to go in the backyard, but that it would be too difficult because of the proximity to the abutting properties.

Mr. Peter Meier, the neighbor, states that he is really just in opposition to the plan if they are not willing to fine-tune it.

Mr. Dusty Meier, of the Board, asks Mr. Peter Meier if he owns one car or two cars. Mr. Peter Meier states that he has two and that they can only fit one car width wise of the driveway. Mr. Peter Meier requests a site visit so that they can see what he is talking about.

Mr. Collett agreed that he would like to have a site visit because he wants to get a full visual.

Miss Guarino responds explaining that there is a drastic change in elevation above and that there are supportive retaining walls that she wanted to bring to the Board's attention. Miss Guarino explained that they should not have to redo the percolation tests. She explains that the system that they have is the best available technology.

Mr. Doherty states that he does believe that a site visit would be useful to have occur before they approve it. Mr. Lizardi-Rivera asks about the waiver requirements.

Mr. Doherty suggests that they need to do a site visit, but only 2 can go because if 3 go, it is considered a meeting. Mr. Doherty recommends Mr. Collett and Mr. Meier go, and that they coordinate with Mr. Lizardi-Rivera.

Ms. Princiotta highlights that since the applicant is asking for a variance then he needs to keep in mind the various factors to include in the application.

Mr. Peter Meier asks if the retaining wall can be shifted over. Ms. Princiotta suggests Mr. Peter Meier also is present at the site visit so that they can discuss the details then.

Mr. Lizardi-Rivera asks for a continuance for 90 Circuit Ave.

Ms. Princiotta makes a motion to continue 90 Circuit Ave, 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. Mr. Meier seconds. There was no further discussion. Roll Call Vote as follows. Mr. Meier-yes, Mr. Uitti-yes, Mr. Collett-yes, Ms. Princiotta-yes, Mr. Doherty-yes. The motion passes unanimously and the project is continued.

7. Approve the Minutes – Approve the minutes from the previous meetings dated September 14, 2022, June 14, 2023, June 28, 2023, & July 26, 2023.

Mr. Doherty discusses the minutes for September 14, 2022. He states that he investigated the record of it and states that Bourne TV had not recorded the meeting but that there was a contractor who did the recording and that the only possible minutes were the ones that were recorded. He states that he would like input as to what the problem is so that it can be corrected.

Ms. Princiotta states that there are recordings of the minutes and that the minutes were rewritten. Mr. Doherty asked where the recordings exist. Ms. Princiotta states that what originally happened was that there were full sentences missing that related to regulations that they were asking to be put back in. Mr. Doherty states that every organization he has ever

been involved in has only focused on the vote and that some supporting discussion matters but as a practical matter, the vote matters and is confused if one of the votes was different. Ms. Princiotta states that the minutes are kept verbatim because it reflects what was discussed and the background and history of why things were voted on, and that the BOH voted to keep the minutes verbatim.

Mr. Doherty asks if the vote was different. Ms. Princiotta stated that it was not about the vote but the substance of discussion and that the substance of discussion was not sufficient. Mr. Doherty asked for the recording of the minutes. Ms. Princiotta states that she will not vote on the minutes until Mr. Doherty listens to the tape.

There were no other available minutes to approve.

Miss Guarino also highlighted that the BOH was looking to have verbatim minutes in 2015 but that Town Counsel and the Town Administrator both ruled it was not needed to be verbatim because this is not a court transcript.

Mr. Doherty states that he is going to listen to the tape and suggest changes as needed.

8. Schedule workshops for: Tobacco Regulation Amendments, Overview of Staff and Board of Health duties, and Title 5.

Miss Guarino stated that September could be considered as the soonest. Mr. Doherty said that he would like to do the workshop for the tobacco regulations. Miss Guarino states that they could do the 13th of September as a possibility. Mr. Collett states the 13th could work. They decide on October 11th for potential responsibilities and duties. Miss Guarino proposes December 13th as a date to discuss the Title V amendments.

9. Adjourn.

Mr. Meier made a motion to adjourn. Mr. Uitti seconded the motion. There was no further discussion. Roll Call Vote as follows: Mr. Meier-yes, Mr. Uitti-yes, Mr. Collett-yes, Ms. Princiotta-yes, Mr. Doherty-yes. The meeting was adjourned at 7:17pm.

Taped by: Terri Guarino, Health Agent
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