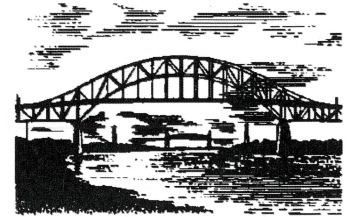


Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## Meeting MINUTES December 13, 2023

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

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

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#### 1. Attendance.

Members in Attendance: William "Bill" Doherty, Chair; Barbara Princiotta, Vice Chair (via remote participation); Bob Collett, Clerk; and William "Dusty" Meier.

Staff in Attendance: Terri Guarino, Health Agent (via remote participation); Kaitlyn Shea, Assistant Health Agent; Stacey Burgess, Administrative Assistant; and Deon Wills, Health Inspector (via remote participation).

Mr. Doherty requested that item 12 be heard now prior to the other items.

#### 2. Title 5 Workshop – Review CWMP Slides from Environmental Partners 11/21/23 and MassDEP extension. Discussion and possible vote on Title 5 watershed permitting and next steps.

Mr. Doherty asked Miss Guarino for her comments. She explains that she has no specific comments but can answer questions as needed. Miss Guarino clarifies that the November 30th notice from MassDEP indicates the new construction upgrade requirement has been extended to July 8, 2024.

Mr. Doherty discusses his confusion with the various boards and administrative approval. The Board and Miss Guarino discussed this concept and the importance of the regulations and the influence of the Board. Miss Shea explained the difference between administrative approvals and the need for Board of Health filings. Ms. Princiotta stated her interpretation of the regulation and what she believes the role of the Health Department is.

Mr. Doherty asked if anyone had an opinion on what the Board should do in implementing the new regulations. Mr. Meier discussed the difficulty regarding the new regulations since they are done through the state, so there is a disconnect to the local Board.

The Board agrees to discuss this and have the workshop in March so that they can discuss this in more detail and have more focused questions and information.

#### 3. Topics from the Chair – ZBA Halloween meeting, piggeries and animal wellbeing reports, initiation of work plan to update title 5 regulations, and MA Public Health Standards.

Mr. Doherty brought up the regulation on piggeries and that he discovered in his discussion with the state that they will do an unannounced inspection once a month when they check on garbage sterilization for pig feed. Mr. Doherty's opinion is that the BOH's regulation should be kept as is so that there is more accountability.

Ms. Princiotta discussed the Town of Bourne Zoning Board and asked about the procedural requirements in regards to the Board of Health and Health Department. Ms. Shea brought up the ZBA process and how she writes memos for ZBA applications, specifically to inform the applicants of any Health Department or Board of Health requirements for such a project.

Mr. Doherty brought up an editorial that he provided to the Board. There were no comments from the Board or the public regarding the article.

4. **9 Pocahontas Rd – Glen Harrington, R.S. of Geo-Cape Environmental Consultants, on behalf of owner/applicant the Mulhall Family Realty Trust – Requesting property line setback reduction approval for septic system upgrade.**

Glen Harrington introduced himself as the representative of the project. Mr. Harrington provided a background and explanation of the property, discussing how there are 2 cesspools currently. He explained the proposed system. Ms. Princiotta inquires about the need for an I/A system and the proximity to the Pocasset River. She would like to have Mr. Harrington return with alternative options for nitrogen reduction. Mr. Harrington explained that it is more than 150ft to the Pocasset River. Miss Guarino clarifies that an I/A system isn't necessary and shares her screen to demonstrate that this property address does not fall within a designated nitrogen sensitive area (NSA). Mr. Collett asked for more clarification regarding the property and how it will be affected by the updated MassDEP regulations for NSAs and impaired watersheds. Mr. Meier has a question for the engineer regarding the neighboring property and the neighbor's septic components.

Ms. Princiotta wants to compel an I/A system as variances are requested and states that the application is incomplete due to a check-box on the nitrogen loading calculations sheet.

Ms. Shea clarified that the property is not in a defined TMDL watershed.

**Mr. Meier makes a motion to approve 9 Pocahontas Rd. Mr. Collett seconds the motion. No further discussion. Roll call vote: Mr. Meier-yes, Mr. Collett-yes, Ms. Princiotta-no, Mr. Doherty-yes. The motion to approve passes.**

5. **401 Circuit Ave – Zachary Basinski, P.E., C.F.M of Bracken Engineering, Inc. on behalf of owner/applicant Robert W. Nelson – Requesting variances from 310 CMR 15.405 and Bourne Board of Health 150' Setback Regulations for the installation of an I/A septic system upgrade.**

Mr. Zachary Basinski introduced himself as representative for the project and provides an explanation.

Miss Guarino gives feedback on the project and that the only variance needed is due to the setback regulations. No abutters were present. The Board has no further questions.

**Mr. Meier makes a motion to approve 401 Circuit Ave. Mr. Collett seconds the motion. No further discussion. Roll call vote: Mr. Meier-yes, Mr. Collett-yes, Ms. Princiotta-yes, Mr. Doherty-yes. The motion to approve passes.**

6. **55 Maryland Ave – Raul Lizardi-Rivera, P.E. of Cape & Islands Engineering, Inc. on behalf of owner/applicant Bruce Tofias – CONTINUED from 11/15/23 – Requesting relief from 310 CMR 15.405 and Bourne Board of Health 150' Setback Regulations for the installation of an I/A septic system upgrade.**

Mr. Raul Lizardi-Rivera introduced himself as the representative for the project. Mr. Lizardi-Rivera explained the background and details of the project, outlining the process for the new system.

Ms. Princiotta discussed information that she received from the Cape Cod Commission and how it pertains to the wetland area within the project. They discussed the relation of the project to a flood zone and the wetlands. Miss Guarino gave her input, clarifying the town's policies and definitions. Mr. Doherty explains that there they should look further at the definitions, but that this project fits the Town regulations.

Mr. Meier asks for clarification on the nitrogen loading calculations. Mr. Lizardi-Rivera explains the nitrogen loading and how they obtained the calculations.

**Mr. Meier makes a motion to approve 55 Maryland Ave. Mr. Collett seconds the motion. No further discussion. Roll call vote: Mr. Meier-yes, Mr. Collett-yes, Ms. Princiotta-yes, Mr. Doherty-yes. The motion to approve passes.**

7. **31 Tahanto Rd – Zachary Basinski, P.E., C.F.M of Bracken Engineering, Inc. on behalf of owner/applicant William & Ann Murray – CONTINUED from 11/15/23 – Requesting extension of expired variance approvals from October 13, 2021.**

Mr. Basinski introduces himself as a representative for the project. Mr. Basinski provides the Board with a refresher on the project and plans. He explained how this project was previously approved but that the permit has since expired.

Mr. Meier asks about the bedroom count. Mr. Basinski states the property has a two bedroom deed restriction.

Mr. Princiotta asks for clarification on the property and the plans submitted. She also requested that they update the date on the plans.



Mr. Collett makes a motion to approve the variance extension for 31 Tahanto Rd with the changes that were made. Mr. Meier seconds the motion. Ms. Princiotta asks if there is a timeframe. Mr. Collett amends the motion to include a completion deadline of December 13, 2024. Mr. Meier seconds the amendment. No further discussion. Roll call vote: Mr. Meier- yes, Mr. Collett-yes, Ms. Princiotta-yes, Mr. Doherty-yes. The motion to approve passes.

**8. 60 Arlington Dr – Zachary Basinski, P.E., C.F.M of Bracken Engineering, Inc. on behalf of owner/applicant Peri Jacobs – CONTINUED from 11/15/23 – Requesting extension of variance approvals from March 31, 2022.**

Ms. Princiotta explains that she is an abutter so that she is going to recuse herself from the vote. Mr. Doherty stated that he also knows the applicant but that he is not going to recuse himself since it is just for an extension.

Mr. Basinski introduces himself as a representative for the project and asks if the Board has any questions.

**Mr. Meier makes a motion to approve the extension for 60 Arlington Dr until December 13, 2025. Mr. Collett seconds the motion. Mr. Meier requests an update on the project in 1.5 years. No further discussion. Roll call vote: Mr. Meier-yes, Mr. Collett-yes, Mr. Doherty-yes. The motion to approve passes.**

The homeowner, Peri Jacobs, requested that they ensure that it is Arlington Dr, not Arlington Rd.

**9. Health Agents' Report.**

Miss Guarino gives her report via Zoom regarding what is going on in the office, such as checking in with septic installers. She explained that the renewal permitting process has been going smoothly.

**10. Comments from the Board in regard to future agenda items.**

The Board discusses that they need to schedule a workshop to discuss well regulations after the holidays.

Mr. Doherty discussed the need to work on cannabis regulations so that it is monitored properly.

**11. Public Comment on non-agenda items.**

None.

**12. Approve Minutes – Approve the minutes from the previous meetings dated August 23rd, September 13th, September 19th, September 27th, October 11th, October 25th and November 15th, 2023. \*item taken out of order\***

Ms. Princiotta requests the following changes to the minutes: August 23: Change the date referenced in item number 2 to reflect the appropriate date of "September 14, 2022" instead of "2023"; September 27: Change sentence in item number 3 to read "Ms. Princiotta stated she was considering tendering her resignation..." The Board discusses how the November 15th minutes have not yet been completed.

**Mr. Meier makes a motion to approve the minutes of August 23rd, September 13th, September 19th, September 27th, October 11th, and October 25th as amended. Mr. Collett seconded the motion. Roll call vote: Ms. Princiotta-yes, Mr. Meier-yes, Mr. Collett-yes, Mr. Doherty-yes. The motion to approve with amendments passes.**

**13. Adjourn.**

**Mr. Meier makes a motion to adjourn the meeting. Ms. Princiotta seconds the motion. Roll call vote: Mr. Meier-yes, Ms. Princiotta-yes, Mr. Collett-yes, Mr. Doherty-yes. The motion to adjourn passes.**

The meeting adjourned at 6:58pm.

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