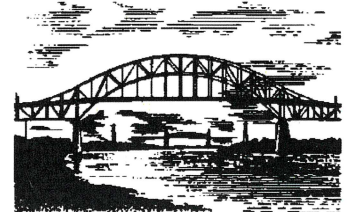


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PUBLIC SESSION MINUTES

July 26, 2023

Meeting was called to order at 05:42 P.M.

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

1. Attendance.

Board Members: William Meier, Bob Collett, Don Uitti, Barbara Princiotta, William Doherty
Support Staff: Terri Guarino, Kaitlyn Shea, Stacey Burgess, Bryan Bertram

2. Report on All Votes of Executive Session.

No votes taken.

3. Board of Health Business.

▪ **Reorganization of the Board.**

Ms. Princiotta nominated Mr. Doherty for Chair of the Board of Health. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.

Mr. Doherty nominated Ms. Princiotta for Vice Chair. Mr. Uitti seconded the motion. Roll Call Vote: Mr. Doherty-yes, Mr. Collett-yes, Mr. Uitti-yes, Mr. Meier-yes. The motion passed.

Ms. Princiotta nominated Mr. Meier for Clerk. Mr. Meier declined.

Ms. Princiotta nominated Mr. Collett for Clerk. He questions what the position entails. Ms. Princiotta explains. Mr. Doherty seconded the motion. A vote was not taken.

▪ **Committee Appointments.**

Mr. Doherty asked for clarification on the committees since he is unfamiliar with them. Ms. Princiotta explains that it is the Wastewater Advisory Committee, the Emergency Planning Committee, and the Bourne Landfill Business Model Group.

Mr. Doherty states that he would like to be on the Wastewater Advisory Committee. For the Emergency Planning Committee, Mr. Doherty states that he has completed the Incident Planning Course but that he feels as though a staff member should be the appointee, specifically Miss Guarino. Mr. Doherty asks who would want to be on the Bourne Landfill Business Model Group, and Mr. Meier states he would. Mr. Doherty asks Miss Guarino if she would want to serve on the local Emergency Planning Committee and she confirms.

Ms. Princiotta makes a motion to appoint Mr. Doherty to the Wastewater Advisory Committee, Miss Guarino to the Emergency Planning Committee, and Mr. Meier to the Bourne Landfill Business Model Group. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.

- **Discussion of the Inclusion of Public Comment on Future Agendas.**

Mr. Doherty states that he would like to postpone this discussion to a later date because he does not agree with the prior policy in place where people have to apply beforehand to speak in public comment, and that he would like to mirror a policy used by the select board where they would not discuss or respond to public comments. He states that he views the Board as being partners with the community, and he wants us to be able to work together more.

- **Discussion of the Inclusion of New Business on Future Agendas.**

Mr. Doherty states that this is a very important issue and that he thinks the agenda is lacking for the Board members to comment on what is happening and be able to speak on issues. He states that he wants people to consider this and that they can discuss it at a later date.

Mr. Meier states that he thinks that it should be on the agenda every week. Mr. Doherty agrees.

Ms. Princiotta states that her concern with "New Business" is that it would lead to things being more open ended, especially since they are a regulatory board. She states that is a good idea but that she just wants more time to look into it. Mr. Bertram raised his hand but was not called upon.

Mr. Doherty states that he thinks that he also would like to have a spot on the agenda for the staff to discuss the operations of the office and varying things that have occurred in the preceding period. Ms. Princiotta asks for clarification. Mr. Doherty states maybe what kinds of permits have been approved and what projects have been worked on. Mr. Collett states that he is aware that other town's boards have "Agent's Report" where they update what happens in the office since there are areas of public health that expand past things like septic systems and Title 5 regulations. Ms. Princiotta states that Miss Guarino used to send it ahead of time to the Board and that it was very effective and allowed the Board to ask questions. Mr. Collett adds that it is also important for transparency with the public.

Miss Guarino requests to revisit the "New Business" section. She questions if that would be more for scheduling purposes for topics, workshops, or more details. Mr. Doherty states that he thinks it could be something that they could pass a motion on and allow Board members to say what is on their mind. Ms. Princiotta adds that it would be great so that they can look at their regulations and look into a workshop, especially since they are out of date, and they could even set a calendar of when they can go into all their regulations in more depth.

Bryan Bertram, Town Counsel, adds that if they are going to include New Business, they do need to be careful, and if it is known that they want to add it prior to the 48-hour deadline, then they should have it added in prior so that there is no open meeting law issue.

Mr. Collett asks if a particular topic is suggested for discussion, should they wait to add it to the next agenda. Mr. Bertram said that they can.

Mr. Doherty adds that he would like Miss Guarino to start organizing the workshops, and maybe start with one with the roles and responsibilities of the staff and the board. He also adds that this will give the Board the opportunity to gauge the work of the office more so that they can get proper credit for quality performance. He states that he will meet with Marlene McCollum, Town Administrator, to get that started.

- 4. 435 Circuit Ave – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owners/applicants Paul H. Stenberg & Madeline K. Stenberg – *CONTINUED FROM 7/12/2023* – Requesting relief from 310 CMR 15.405 and Bourne Board of Health 150' Setback regulations for the installation of an I/A septic system to accommodate the raze and rebuild of a dwelling. Variances requested include:**

- **A 5' Local Upgrade Approval Waiver from full compliance is requested for a 5' setback from a property line (Pequot Avenue) to a soil absorption system;**
- **A 2' Local Upgrade Approval Waiver from full compliance is requested for an 8' setback from a property line (#425 Circuit Ave) to a soil absorption system;**
- **A 2' Local Upgrade Approval Waiver from full compliance is requested for an 8' setback from the property line (#425 Circuit Ave) to a septic tank;**
- **A 3' Local Upgrade Approval Waiver from full compliance is requested for a 7' setback from the locus foundation (#435 Circuit Ave) to a soil absorption system; and**
- **A 76' local variance is requested from the Bourne Board of Health Regulation for a 74' setback from a proposed soil absorption system to the top of a Coastal Bank.**

Mr. Doherty asked if there was a hydrological survey done, and Mr. Basinski stated that it was not required because they were over 75ft.

Mr. Doherty asked if there were any questions. Ms. Princiotta stated that she has one, and asked Mr. Basinski if they were approved by Conservation. Mr. Basinski confirmed. Ms. Princiotta asked if they have received all of the new green cards. Mr. Basinski confirmed.

Mr. Basinski presented, stating that they are looking to raise and demo the existing house and upgrade the septic. He states that it is currently a cesspool, that the house is a 5-bedroom home, and that the nitrogen loading is currently at 19.8 parts per million. He explains that they are reducing it down to 10.9 parts per million, which is down 45%. He states that they are looking for Title V requests for the property setbacks, and for the Bourne BOH regulations to a coastal bank. He states that it is a vast improvement and good for the area.

Mr. Doherty questions about correspondence from the abutters. Mr. Basinski confirmed that no one wrote any letters, and that they are not in attendance at the meeting. He emphasizes that they were notified of the project.

Mr. Doherty asks if the Board has any questions. Ms. Princiotta asks about the number of bedrooms, since the town record card has it written as 4 bedrooms, but that Mr. Basinski recorded it as 5 bedrooms. He explained that they did a walk through with the Health Department and determined it to be a 5 bedroom. Ms. Princiotta states that they do not have the "before" drawings of the property, and that there were no permits pulled on the property, so she is a bit confused how it can be a 5 bedroom if it is recorded as a 4 bedroom. She emphasizes that it has a bearing on the project because it could change the nitrogen loading calculations. She requests that Mr. Basinski provides the before drawings. Ms. Princiotta also questions how the plans show pluses and minuses so that she would like those to be adjusted, and Mr. Basinski states that those are for a zoning setback, not from a Board of Health standpoint. Mr. Basinski states that that has no bearing on their requirements. Ms. Princiotta explains that it has a bearing on their approvals because it does not give the unit of measurement. Ms. Princiotta questions the blower unit and alarm control, and states that they usually have it visible from the street and she requests that it be changed on the plan. She asks about how the neighbors feel about it. Mr. Basinski states that they all saw the plan and approved. Ms. Princiotta states that she still does not like to call this a reduction from 5 bedrooms to 4 since it is recorded as 4 with the town. Ms. Princiotta discusses how the alarm control will be field coordinated, and Mr. Basinski asks her to point out an ideal location for it.

Mr. Doherty asks about where an appropriate place on the building would be. Mr. Basinski explained that it needs to be on the exterior of the building facing the road so that if it goes off, people can see.

Ms. Princiotta also states that she would consider the "family room" a bedroom, because there is no 6 foot opening. Miss Guarino states that it is common protocol for the Health Department to do a walk through to confirm the bedroom count, which was done here. Miss Guarino explains that due to the Board of Health Bedroom regulations, it

was considered a 5 bedroom, and that the Assessors will update that eventually, typically it is done after the Building permit process is completed. Ms. Princiotta states that she does not agree with it because of the nitrogen reduction and that they cannot claim it is a 45% reduction in nitrogen loading if the calculations are based off of an inaccurate bedroom count.

Ms. Shea, Assistant Health Agent, adds that the assessment by the Assessors was done in 2021 prior to the Board of Health Bedroom Regulations being updated, so they could have decided prior to that. Ms. Princiotta states that regardless of that, the prior cased door opening would not have fit the prior standards. Ms. Princiotta suggests that the Board of Health do a walk through to make their own determination.

Miss Guarino explains that whether or not there were 5 bedrooms or not, it would not impact the Boards decision because there is not an increase in flow and that a reduction is still a sewage disposal system upgrade without an increase in flow under maximum feasible compliance with the best available nitrogen reducing technology.

Ms. Princiotta states that in the past, the applicants provided the Board with prior drawings and updated plans, and that those were not provided, meaning that this project is not following policy. She also emphasizes that this is new construction, so the levels should be at 5 parts per million, and that it is at 10.9ppm. She reads the application policy, showing that if new construction does not meet the threshold of 5 parts per million, then an alternative solution must be provided on a worksheet. Mr. Basinski responds, stating that under Title V, new construction just prohibits an increase in flow. He states that they are decreasing, and that it is not new construction, it is a tear down and rebuild, which is why it qualifies under maximum feasible compliance. He states that the 5 parts per million does not apply to that, and that there is a decrease on the lot, so that they are meeting the required standards and providing an upgrade for the health, safety, and welfare of the general public.

Mr. Basinski also clarifies that they only need to provide existing floor plans if there is additions or if there is an increase in the number of bedrooms, so all the floor plans are proposed, and that they can also adjusted the cased opening for the family room so that it meets the standards of the Board. Ms. Princiotta states that it is a proposed 5 bedroom. Mr. Basinski states that they can provide the architectural to upgrade that.

Ms. Princiotta includes that she would like to see the plans adjusted without the pluses and minuses. Mr. Basinski states that they are there for survey accuracy. Mr. Basinski questions why this is an issue if the measurements are not for the Board of Health standards and because it has never been an issue in the past.

Mr. Doherty states that it is a significant issue because the dimensions need to be accurate.

Miss Guarino asks where the plus and minus in question is because she states that the setback distances were updated. Miss Guarino questions if they are referring to the zoning requirements.

Miss Guarino also adds that for the blower unit, the plans do indicate that it will be sub surface but that she suggests there be venting. She asks if the vents can be closer to the dwelling so that there is not a discrepancy with the property line. Mr. Basinski confirms.

Ms. Princiotta states that she is just trying to be more careful with review, especially since there are new regulations, and that they want to prioritize the health and safety of the area. Mr. Basinski questions if they can vote tonight and include the changes as conditions of the permit because he does not want to delay the Board to delay the submission any further. Ms. Princiotta states that it is not their fault that it was delayed, but rather, because the application was not originally complete. Mr. Basinski highlights how at the past meeting he was told he would receive comments to address, and that he did not receive those comments. Ms. Princiotta states that an email was sent asking if those were needed, and no response was received.

Mr. Doherty asks if any of the other Board members have any questions. He states that he is not sure of those items cannot be met via revision with a conditional vote, and if so, they can go forward with it. Mr. Doherty states that in his opinion, if those changes are made, then they can move forward, especially because those items are important, but

that they want to prioritize being mindful. Ms. Princiotta asks what he suggests the vote be. Mr. Doherty states that it could be decided within the group and not only be up to the Chair.

Mr. Uitti asks if Mr. Basinski can have the corrections made tonight. Mr. Basinski states that he can provide an updated plan to the Health Department the next day, and that they can mark up the architectural drawings for the cased opening tonight since the owner is present.

Ms. Princiotta asks Bryan Bertram, Town Counsel, if they can vote tomorrow, via email, once they see the updated plans. Mr. Bertram states no, but that they could vote in 48 hours for another meeting, on Monday. Mr. Basinski states that the reason he would prefer them to vote that night is so that it does not extend to another meeting. Ms. Princiotta states that they could just do a vote. Mr. Basinski states that he would like to be present at the vote and then he would just prefer to be on the next agenda. Mr. Collett adds that if they could do a conditional vote, where if the corrections could be made then they can approve. Mr. Doherty asks about conditional votes. Mr. Bertram confirms that it is legal.

Ms. Princiotta shows Mr. Basinski the pluses and minuses on the measurements, Mr. Basinski confirms that they are from a zoning and survey standpoint. Ms. Princiotta requests that they at least add in a footnote explaining the unit of measurement. Miss Guarino clarifies that with the actual decision for the relief for the plus and minuses, it would not need to be conditional since it has been updated, so it would just need to have the comment added, and that for the blower unit they would just need to have it added and initialed that it would be struck through, and that they could also do that with the cased opening to the family room.

Mr. Meier asks if there is a charcoal filter. Mr. Basinski states that the kind of I/A system would not be ideal for a charcoal unit.

Ms. Princiotta makes a motion to approve 435 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 to accommodate the raze and rebuild of a dwelling. Variances requested include a 5' Local Upgrade Approval Waiver from full compliance is requested for a 5' setback from a property line (Pequot Avenue) to a soil absorption system; a 2' Local Upgrade Approval Waiver from full compliance is requested for an 8' setback from a property line (#425 Circuit Ave) to a soil absorption system; a 2' Local Upgrade Approval Waiver from full compliance is requested for an 8' setback from the property line (#425 Circuit Ave) to a septic tank; a 3' Local Upgrade Approval Waiver from full compliance is requested for a 7' setback from the locus foundation (#435 Circuit Ave) to a soil absorption system; and a 74' local variance is requested from the Bourne Board of Health Regulation for a 74' setback from a proposed soil absorption system to the top of a Coastal Bank, and that this approval is conditional on the following: 4 bedroom deed restriction, an I/A disclosure, the +/- on plan with a footnote on plan, the vent to be moved closer to dwelling, alarm/control panel in plain sight of street, & the plan to be marked up so family room has a 6ft cased opening. Mr. Uitti seconds the motion. Mr. Doherty asks if there is any further discussion. No discussion. All were in favor, and the motion passed unanimously.

5. Approve the Minutes – Approve the minutes from the previous meetings dated September 14, 2022, June 14, 2023, June 28, 2023, & July 12, 2023.

Ms. Princiotta requests to wait as she has yet to review the meeting minutes. She also clarified that only Mr. Meier, Mr. Uitti, and herself can vote on the September 14, 2022, meeting minutes. Mr. Doherty asks who can vote at the July 12th meeting, and confirms that it is Mr. Meier, Mr. Uitti, Mr. Collett, and himself.

Mr. Meier made a motion to approve the July 12, 2023 meeting minutes. Mr. Collett seconds the motion. Roll Call Vote: Mr. Meier-yes, Mr. Collett-yes, Mr. Uitti-yes, Mr. Doherty-yes, Ms. Princiotta-no.

Mr. Doherty questions if they can vote on the other minutes. Ms. Princiotta states that it is not appropriate for them to vote on the minutes because she has yet to read them.

Ms. Princiotta makes a motion to wait to vote on the minutes of September 14, 2022, June 14, 2023, and June 28, 2023.

Miss Guarino states that the June 14, 2023, and June 28, 2023 minutes have not been submitted, and that the revised September 14, 2022 minutes have not been submitted.

Mr. Uitti makes a motion to wait to vote on the minutes of September 14, 2022, June 14, 2023, and June 28, 2023. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

6. Adjourn.

Mr. Meier made a motion to adjourn. Ms. Princiotta seconded the motion. All were in favor, and the motion passed unanimously and the meeting ended at 6:36pm.

Taped by: Terri Guarino, Health Agent

Typed by: Viveca Stucke, Recording Secretary

Edited by: Stacey Burgess, Administrative Assistant