

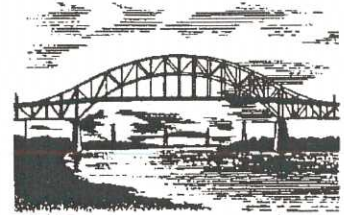


Terri A. Guarino
Health Agent

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



MINUTES
November 18, 2015

Members in attendance: Kathy Peterson, Chairman; Donald Uitti, and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent; Jamie Butler, Health Inspector; and Lisa Collett, Secretary

1. **71-73 MAIN STREET, BUZZARDS BAY – CONTINUED from October 28, 2015 - Terri Guarino – Update board – Discussion and possible vote.** Kimberly Bielan, as attorney for Christopoulos Realty and Investments, was present at this hearing. Terri Guarino stated that the office received a letter from the attorneys representing 71-73 Main Street dated November 16, 2015. Ms. Bielan reported that 69 Main Street has been demolished as planned. Noblin Engineering has been contracted to provide a cost estimate for 71-73 Main Street. Ms. Bielan stated that if repair cost is not feasible, they are prepared to demolish the building. No one is allowed to occupy this building currently. The area is secure as can be with fencing and signs posted reading do not come in, under construction. **Kathy Peterson made a motion to continue to December, 9, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous.**
2. **85-93 MAIN ST, BUZZARDS BAY – CONTINUED from October 28, 2015 - Terri Guarino – Update board – Discussion and possible vote.** Anne MacDonald and Dan MacDonald were present for this hearing. Mr. MacDonald stated that he would like to submit an updated transmission summary. A letter of assessment from Coastal Engineering was also submitted. The Coastal Engineering assessment states that the building is structurally sound and viable to continue use as a retail commercial facility as currently allowed under the Massachusetts State Building Code and Town of Bourne Zoning. There was also a list of repairs in this assessment to accompany that statement. Terri Guarino stated that according to the note on page 13 on November 16, 2015 it says that Coastal Engineering completed a structural assessment and will present a preliminary assessment report by November 18, 2015 and a detailed report by November 30, 2015. Kelly Mastria asked if the Board of Health violations have been corrected. Mr. MacDonald said the violations have all been corrected. Kathy Peterson informed Mr. and Mrs. MacDonald that they will no longer be allowed to submit documents no later than 3:00 pm the day prior to the meeting. Kathy Peterson stated the fine is now \$19,800.00. Mr. MacDonald asked for the Board of Health to remove the fines. This request was denied. Kathy Peterson stated that the last inspection that the Board of Health conducted was on October 13, 2015. Any repairs made to the building since that time still have to be verified by the Health Agent. Kathy Peterson stated that the Board of Health needs a report from Mr. Laporte and Deputy Chief Pelonzi as well. **Kathy Peterson made a motion to deny the waiver of the fines and to continue this case to December 9, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous.**

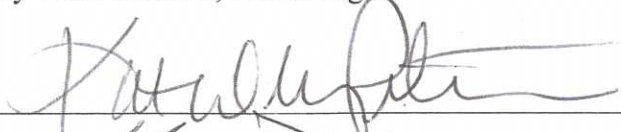
3. **300 COUNTY RD – Stephen Marzelli – Request variance to Town of Bourne Poultry Regulation to keep rooster on property. Discuss and possible vote.** Stephen Marzelli was present for this hearing. Lindsey Cain representing the complaining party, Jane Joska, was also present at this hearing. Lindsey Cain provided the Board of Health with a letter written by the complaining party which expresses her displeasure in having a rooster residing at an abutter's property due to the excessive noise. Maura White a direct property abutter to the Marzelli property stated that she has no issue with the rooster being on the property. Stephen Marzelli submitted a plan to mitigate the noise to the office. A few weeks will be allotted to see if the mitigation process works. Kelly Mastria asked Lindsey Cain if she thinks that her mother would be in agreement to give a few weeks' trial to see if Mr. Marzelli's plan works and can mitigate the noise. Lindsey Cain was in agreement for this trial. **Don Utti made a motion to continue to December, 9, 2015. Kelly Mastria seconded this motion. All in favor. The vote was unanimous.**
4. **10 MORNING MIST LANE – John T. McMahon and Karen M. Gibides – Request hearing regarding impacts to Bourne residents from Future Generation Wind turbine project. Discussion and possible vote.** - Karen Gibides was present for this hearing. Karen Gibides submitted a letter dated November 10, 2015 to the Board of Health office which she read verbatim. See attachment. Karen Gibides stated that she is demanding that the Town of Bourne file a civil injunction against Future Generation Wind. Kathy Peterson stated that the Board of Health will take this under advisement. Doug Giard, from 2 Morning Mist Lane, stated that Future Generation Wind does not take the Bourne Board of Health seriously. Doug and Joan Giard further explained that instead of erecting the turbines that are not in question they are erecting the one turbine that is in question. Neil Anderson from Falmouth showed noise recordings measured from inside his house in units of Hertz from one moment in time and further states that the Falmouth turbines are acoustically trespassing. Chris Bellis from Pocasset stated that he reviewed a document submitted by Mr. Fitch at the Bourne Board of Health office. In the document he found an acoustical analysis that states that the sound level is anticipated to be 45.7 dbA and he believes that the bylaw limits nighttime noise to 40 dbA. In the document he additionally found that the turbine is expected to increase the ambient sound level by a maximum of 6.6 dbA in which he believes that the bylaw is set to 6 dbA. Mr. Bellis stated that the noise levels will be exceed the bylaw set by the Town of Bourne for these reasons. He stated that this would also violate the Department of Environmental Protection dbA limit. Residents expressed their displeasure in the wind turbine being erected closest to Bourne. Doug Giard from Morning Mist Lane asked why the client has not come to the Bourne Board of Health with an alternative solution to the residents' concerns. He further stated that the client should consider moving the turbine to a different location, or offer compensation to the people with whom it is negatively affecting their property values. Mr. Giard stated that one individual should not make a gain at the expense of everyone else that lives in that area. Mr. Giard further stated that property values at a minimum are going to decrease twenty-five percent. **No action was taken at this time.**
5. **BOARD OF HEALTH POLICIES – Terri Guarino – Discuss and possible vote on conditions of variances, waivers, extensions, permit modifications, and other related items. Applicable to federal state and local public health laws, rules and regulations reviewed by the Board.** Terri Guarino recommends that when a septic system variance comes before the board that it should be granted a valid permit for two years rather than the one year. The Board of Health is paying particular close attention to repeat violations for food establishments. It was suggested that restaurants with repeat violations come before the Board of Health. **No need to vote on this item. Health Agent will put this into effect immediately.**

6. **BLIGHT REGULATION – CONTINUED from October 28, 2015 Terri Guarino – Discuss and possible vote to promulgate a Blight Regulation in the Town of Bourne –Kelly Mastria made a motion to adopt the Blight Regulation dated November 16, 2015 effective November 18, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous. There was no public comment on this item.**
7. **REQUEST AUTHORIZATION FROM SELECTMEN TO TOWN COUNSEL TO FILE A CIVIL ACTION FOR INJUNCTIVE RELIEF AGAINST FUTURE GENERATION WIND – Kathy Peterson – Discussion and Possible vote.** Kathy Peterson stated that the Board of Health has repeatedly requested sound data from the wind turbine that is being erected as well as for the owner of the project to come before the Board of Health to request a variance. A letter requesting to be heard by the Board of Selectmen will have to be drafted in the Board of Health. The next Bourne Board of Selectmen meeting will be on December 1, 2015. Chris Bellis from Pocasset read the bylaw and under Section 7- Enforcement he reads that “in the event of non-compliance with an enforcement order the Board may seek injunctive orders at superior court...” and expresses that there is nothing written in bylaw about going to the Board of Selectman. Kathy Peterson states that it has to go to the Board of the Selectman for financial reasons. **Kathy Peterson made a motion to request authorization from the Board of Selectman to file a civil action for injunctive relief against Future Generation Wind and to continue this to December 9, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous.**
8. **Approve minutes from the meeting dated August 26, 2015, September 23, 2015 and October 28, 2015-**
Kathy Peterson made a motion to approve the minutes dated August 26, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous.
Kathy Peterson made a motion to approve the minutes dated September 23, 2015. Don Uitti seconded this motion. All in favor. The vote was unanimous.

Kathy Peterson made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 8:49 PM.

Taped by Lisa Collett, Secretary
Typed by Jamie Butler, Health Inspector

Reviewed and edited by Terri Guarino, Health Agent

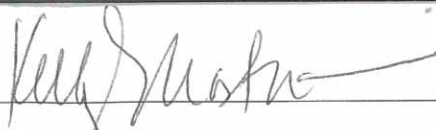
Kathleen Peterson 

Stanley Andrews 

Galon Barlow _____

Don Uitti 

Kelly Mastria –

A handwritten signature in dark ink, appearing to read "Kelly Mastria", written over a horizontal line.

cc Board of Selectmen/Town Clerk