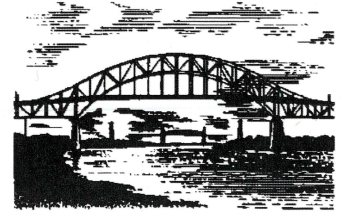


# Town of Bourne Board of Health Hybrid Meeting Minutes



<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday November 15, 2023	5:30 p.m.	Conference Room 2 (Or virtually – see below) Bourne Veteran's Memorial Community Building 239 Main Street, Buzzards Bay, MA

*Note this meeting was being televised and recorded by Bourne Community TV for replay.*

*All items within the meeting agenda were subject to deliberation and vote(s) by the Board of Health.*

**5:31 P.M. – Meeting Called to Order in Open Session.**

## **1. Attendance:**

Board Members: William "Bill" Doherty, Chairman; Barbara Princiotta, Vice Chair; Bob Collett, Clerk; Don Uitti, Member.

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

## **2. Tobacco Regulations – Deliberate on final draft of amended tobacco regulations from public hearings on 9/27/23 & 10/11/23.**

Mr. Doherty highlighted that there was a letter received from Mr. Patel. The Board discussed the time of suspension for changes. Ms. Princiotta asks for clarification on the deadline for the submission of materials for the Board and that this should have been submitted sooner. **Ms. Princiotta makes a motion to approve the regulations as presented. Mr. Uitti seconds the motion. There is no discussion. Vote as follows: Mr. Collett – abstain, Mr. Uitti - yes, Ms. Princiotta – yes, Mr. Doherty - yes. The motion passed.**

## **3. 55 Maryland Ave – Raul Lizardi-Rivera, P.E., of Cape & Islands Engineering, Inc. on behalf of Bruce Tofias – 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. Lizardi-Rivera represents himself as the representative of the project. He highlights that this is a voluntary upgrade to the original cesspool with an I/A septic system. He highlights that there is no location on the site that meets the local 150-foot setback to wetland resource areas. He explains the prior nitrogen loading is 7.5ppm, and the update would be 4.5ppm.

Mr. Uitti asked for clarification on the house number. Mr. Tofias, the homeowner, came to the podium and explained that this is a historic issue that is scheduled to be corrected. He states that under the Assessor's Department, the house is listed as #55.

Ms. Princiotta states that the bedroom count was presented as a 6-bedroom home, but that due to the Bourne bedroom count regulations, the recreation room would count as a 7<sup>th</sup> bedroom. Ms. Princiotta also does not believe that the nitrogen loading calculations are correct.

Mr. Lizardi-Rivera responds, explaining that the house has been assessed as 6 bedrooms, and that they would agree to a bedroom restriction. Ms. Princiotta stated that they would not do that. Mr. Lizardi-Rivera explained coastal dunes and coastal banks which are upland areas and contribute to water recharge, therefore his figures were correct as changing the values in the land area wouldn't even impact the 46% reduction in nitrogen loading going from a cesspool to a nitrogen removal system. Mr. Tofias explained the interior of the existing house layout and stated that they can provide clearer plans. Miss Guarino questioned if the calculations were done using 12 rooms divided by two for a six-bedroom design flow. Mr. Lizardi-Rivera responded that was not the method of calculation used.

**Mr. Collett made a motion to continue the meeting until the next meeting date on December 13<sup>th</sup>, 2023. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.**

4. 176 Scraggy Neck Rd – Don Bracken, P.E., of Bracken Engineering, Inc. on behalf of The Long Point Trust c/o Marybeth & Steven Bisson – Requesting variances from the Bourne Board of Health 150' Setback Regulations for the construction of a new dwelling and an I/A septic system.

Mr. Doherty asked if Mr. Don Bracken or anyone from Bracken Engineering was present to request a continuance. Mr. Collett explained that they received a letter to request a continuance of the hearing to December 13th today. Mr. Doherty thought accepting it within less than 48 hours of the meeting would be a violation of the open meeting law. He was of the opinion that since the applicant wasn't there, that this could be a matter of refiling or rescheduling for March or April. Ms. Princiotta said the application would have to be denied.

(\*Amendment per the Chair: "the reason for the continuance request given by the applicant, that he wanted a hearing by the whole board, is not a justification for a continuance")

**Ms. Princiotta made a motion to deny 176 Scraggy Neck Road due to the failure of the applicant to appear before them. Mr. Uitti seconded the motion. Mr. Collett asked why this would need to be moved out to March. \*Amendment per the Chair: "Mr. Doherty said he was kidding." Ms. Princiotta said for now they can just deny it. Mr. Doherty said he was personally insulted. All were in favor and the motion passed unanimously.**

5. 10 Sunny Ln – Samuel J. Iamelle, E.I.T., C.S.E., of JC Engineering, Inc., on behalf of Dennis Lee – 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. Bertollo, of JC Engineering, presented himself as a representative of the project. Mr. Bertollo described the details of the project. Ms. Princiotta questioned the usage of the utility room. It was determined to not be a bedroom. **Ms. Princiotta made a motion to approve the project as presented. Mr. Collett seconded the motion. All were in favor, and the motion to approve passed unanimously.**

6. 31 Tahanto Rd – William & Ann Murray – Requesting extension of variance approvals from October 13, 2021.

Mr. and Mrs. Murray presented their request via remote participation. Mr. Murray explained that they are requesting an extension because their house is under construction, and they were advised to wait to install the septic until after the heavy construction is done so that it is not damaged. Ms. Princiotta reviews the timeline. She discusses how she would like to see updated information since the approval was done in 2021, and there has been various updates. Miss Guarino reviews some of the information and timeline to provide clarity. Mr. Doherty agrees with Ms. Princiotta, stating that there would need to be more information provided. Mr. Murray requests more clarity on the information that the Board needs. The Board explained what they were looking for. **Mr. Collett made a motion to continue to a future meeting date. Mr. Uitti seconded the motion. There was no discussion. All were in favor, and the motion passed unanimously.**

7. 60 Arlington Rd – Peri Jacoubs – Requesting extension of variance approvals from March 31, 2022.

Ms. Princiotta and Mr. Doherty are unable to vote on this item. No quorum of voting members as a result. Ms. Princiotta stated that she will have to recuse herself. Ms. Guarino stated that she informed the applicant that there was not a quorum present anticipated. Mr. Doherty clarified that he also had to recuse himself. **Mr. Uitti made a motion to continue this item until there is a quorum present. Mr. Collett seconded. There was no discussion. Roll Call Vote as follows: Ms. Princiotta - abstain, Mr. Uitti - yes, Mr. Collett - yes, Mr. Doherty - yes. The motion to continue passed.**

8. Health Agents' reports & Board Members' discussion of upcoming agenda topics and meeting schedule.

Miss Guarino explained that the Select Board/ Sewer Commissioners will be holding a meeting on Tuesday, Nov. 21<sup>st</sup> to discuss the CWMP and Watershed Permitting. It was suggested that the Board members tune into that in preparation for the Dec. 13<sup>th</sup> Board of Health "Title 5 Workshop". Other regulation updates for housing and private wells will be forthcoming. The Board and Miss Guarino discussed various regulations and their effectiveness. Mr. Doherty suggests rewriting the regulations. Mr. Doherty proposed starting on the review during the next meeting and making a work plan. Miss Guarino also highlights the new VNA program being offered and that flyers have been distributed. She discusses how the public health vaccination clinic on Nov. 8<sup>th</sup> concluded with 55 COVID vaccine doses, 34 high dose influenza, and 10 regular influenza vaccine doses. Mr. Doherty asked about online permitting. Miss Guarino explains that annual permit and license renewals are underway. OpenGov for online permitting is going well, and a spreadsheet will be provided for the board at a future meeting date for status. Since the onset of OpenGov, there has been some challenges with respect to payments online. Miss Guarino explained that it is a hiccup, but the payment system was per the request of finance. \*Amendment per the Chair: "Ms. Guerrino

gave a very detailed description of the difficulty in managing the process of using the online processing software. Pointing out several of complications with it." Mr. Doherty questioned if the Town Administrator has looked into the issue. Miss Guarino explained the payment system and the current process, specifically in regards to online permit submissions. The Board discussed the importance of a smooth administrative process. Mr. Doherty suggested having a public service announcement to explain to the citizens that there is an issue, as to inspire proactivity in permit submissions.

## 9. Adjournment

**Mr. Collett made a motion to adjourn the meeting at 6:41 P.M. Motion seconded by Mr. Uitti. All in favor, and the motion to adjourn passed unanimously.**

*Note: other items on the posted agenda were not heard.*

Taped by: Terri Guarino, Health Agent  
Typed by: Viveca Stucke, Recording Secretary  
Edited by: Stacey Burgess, Administrative Assistant  
\*Amendments by: Bill Doherty, Chair

## Stacey Burgess

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**From:** Bill Doherty <capecodbill@outlook.com>  
**Sent:** Wednesday, January 10, 2024 3:14 PM  
**To:** Stacey Burgess  
**Cc:** Barbara Princiotta; Bob Collett; Uitti, Donald; Kaitlyn Shea; Terri Guarino; William Meier; Wills, Deon  
**Subject:** Re: BOH Meeting Minutes

### Amendments

Item 4. Please include, in parenthesis, (the reason for the continuance request given by the applicant, that he wanted a hearing by the whole board, is not a justification for a continuance)  
Insert after Collett asked why March. Mr Doherty said he was kidding.

Item 8 where it says Hiccup. Add: Ms Guerrino gave a very detailed description of the difficulty in managing the process of using the online processing software. Pointing out several of complications with it.

BILL DOHERTY  
Life is not a rehearsal!  
iPad mini

On Jan 10, 2024, at 2:14 PM, Stacey Burgess <sburgess@townofbourne.com> wrote:

Good afternoon,

I have attached a copy of the draft meeting minutes from November 15, 2023.

Best,  
Stacey

Stacey Burgess  
Town of Bourne  
Health Department  
508.759.0600 x1513

<Final Draft BOH 11.15.23 Minutes.pdf>