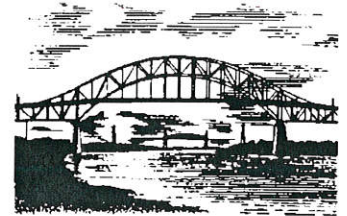


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TOWN OF BOURNE

MINUTES May 22, 2019

Members in attendance: Kathleen Peterson, Chairperson; Galon Barlow Jr.; Donald Uitti.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health Inspector; Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time Michael Rausch indicated he was recording.

1. **Department of Integrated Solid Waste Management (ISWM)—Daniel Barrett, General Manager— Landfill update and discussion with possible vote—Phase 6 construction progress, permitting status, business development status.** Mr. Daniel Barrett of ISWM reviewed the handout he supplied at the meeting. This handout was stamped and distributed to the Board of Health members. Mr. Barlow confirmed they are not breaking into an old cell. Mr. Barlow expressed there will be odor when the liner is tied in. There is no definite schedule for this as it is weather permitting. Mr. Barlow asked, for example, if a large storm is coming can they close this up. Mr. Barrett confirmed they can utilize clay to secure this area. Mr. Barret reviewed the oncoming permitting stage by developing the air space owned by ISWM (vertical expansion- existing land fill expanding upwards of 25ft). Mr. Barret expressed the visual change of this vertical expansion. Ms. Peterson reviewed that the Board of Health is the main board they should be communicating with. Mr. Barret reviewed the timeline, and that town leadership will weigh in. Ms. Peterson stated her concerns with this. Selectman and finance committee. Ms. Peterson asked who the energy advisory committee is. And they are not included. MEPA ? Mr. Barlow expressed an understanding with having to do what MEPA asks, and our Board. But not to get bogged down with other boards and committees. Looking for ISWM site assignment to around June 2020, and will be consulting with the Board of Health. Working with Covanta for an Ash Disposal contract. Executive decision? Yes. Ms. Peterson asked Mr. Barrett to set it up with Ms. Guarino.
2. **Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection and other compliance with all laws and other Town approvals:** Mr. Barlow abstained from voting but remained on the Board of Health.
 - a. **Bootstrap Farm Club Retail Store—1 Scraggy Neck Extension, Cataumet, MA—Susan Sigel Goldsmith—Retail Market, 0 seats.**
Ms. Davis reviewed the pre-operational inspection that was conducted May 22, 2019. Many of the violations were corrected prior to the Board of Health Meeting. Ms. Peterson had Ms. Susan Sigel Goldsmith review what services her establishment will be providing to the community. Ms. Goldsmith explained they offer online ordering for weekly pickup along with attending farmers markets in the local area. Ms. Peterson recommended Ms. Goldsmith check with the local Boards of Health which the farms she will be sourcing her products from in regards to their standings. Ms. Peterson outlined the expectations of the Board of Health and the need for her to work with the health Department staff. **Mr. Uitti**

made a motion to approve the new food establishment at 1 Scraggy Neck Rd Extension; Bootstrap Farm Club Store. Ms. Peterson Seconded the motion. Mr. Barlow abstained from the vote.

b. Whistle Stop Ice Cream Shop—430 Shore Rd, Bourne, MA—Don and Wanda Myers—Frozen dessert Manufacturer, 42 Seats

Wanda and Don Myers are present for this item. They are acquiring the establishment and will be expanding on the menu in regards to flavors and items offered. Ms. Peterson welcomed them to town and reviewed the expectations of The Board of Health and the need to work well with the Health Department staff. Ms. Peterson asked when they plan to open, Mr. Myers reviewed they meet with the Board of Selectmen on May 28, 2019 and hope to open in the weeks after. **Mr. Uitti made a motion to approve the new food establishment at 430 Shore Rd; Whistle Stop. Ms. Peterson second the motion. Mr. Barlow abstained from the vote.**

- 3. 25 Shore Rd—Christin C. Evangelista-Adams—Continued from May 8, 2019—Request for relief from the Bourne Board of Health Poultry regulations which allow 4 birds per quarter acre; the owners currently have 17 poultry and 18 waterfowl, property has 1.3 acres. Update to the Board of Health on the removal of the two roosters.** Mr. Barlow stepped back on the Board of Health. Ms. Evangelista reviewed that the two roosters were removed within 48 hours. Ms. Peterson asked for an update on the setbacks requested. Ms. Evangelista said when she set up the coops she was unaware she was 11ft short on one side. Ms. Peterson confirmed she is requesting an 11ft variance. Ms. Guarino confirmed the location of the variance requested, she has 89ft from the coop to the front of her own dwelling, it is required 100ft. Ms. Cote did visit the site and confirmed the location of the coop and the removal of the roosters. **Ms. Peterson made a motion to approve the 11ft variance from the coop to the homeowners dwelling. Mr. Uitti seconded the motion. All in favor.** Ms. Peterson confirmed the number of poultry at 35 total. Ms. Peterson requested this number stay consistent for the next year since this originated as a complaint. **Ms. Peterson made a motion that the same number of poultry remain for the next year provided there are no additional complaints. Ms. Peterson explained Ms. Evangelista can approach the board in one year to request this limit be lifted. Mr. Barlow seconded the motion. All in favor.**
- 4. 1 Maple Avenue—Thomas Bunker, PLS; of BSS Design, Inc. on behalf of owner Tara R. Greco, Trustee of the Dante R. Greco revocable Trust—Continued from May 8, 2019—Variance request to install a BioMicrobics, Inc. MicroFAST system and pressure distribution Soil Absorption System to service the proposed house at 1 Maple Avenue. System design for a 2 bedroom dwelling.** Mr. Thomas Bunker of BSS Design along with Benjamin Losordo; attorney of Sandwich Mass are present for this item. Mr. Bunker reviewed that this item has been continued from the last meeting but there has been no additional items provided. Ms. Guarino reviewed that there were 2 Board of Health meetings on this but the application was incomplete. Ms. Guarino explained there were memos sent to BSS Design reviewing what was needed to be addressed. She continued, saying this project is for new construction, and revised plans were submitted for May 8th 2019 which reduced the S.A.S. size but there are no revised plans for the house or septic system. Mr. Bunker reviewed that he has communicated via email and the Title 5 regulation does presume that every house should be 3 bed system but 2 bedroom septic system with deed restriction. Mr. Bunker reviewed they are proposing a 2 bedroom septic system with 300square foot leaching area, at 220 gal per day, which he feels is a properly sized septic system and reserve area. Mr. Bunker said he intends to grant deed restriction. Ms. Peterson reviewed that it is up to the Board if there will be a deed restriction, and they will have the opportunity to sign it. Ms. Peterson asked why they reduced the septic system and not the size of the house. Mr. Bunker said they have to have no more than 2 bedrooms to meet the nitrogen loading needs. Mr. Bunker would like to have a two bedroom house and a 2 bedroom septic system. Mr. Bunker reviewed they could not put in a 3 bedroom system due to setbacks. Ms. Peterson said she is in more favor, speaking for herself, of giving more of a variance if the septic was sized at 3 bedrooms for a 2 bedroom dwelling. Mr. Losordo questioned if this is due to nitrogen loading problem. Mr. Bunker explained that to meet the nitrogen loading requirements they cannot have a 3 bedroom home. Ms. Peterson reviewed they did not want the soil absorption system reduced to a 2 bedroom system, just the dwelling reduced. Mr. Barlow reviewed how this is the only opportunity to get a 3 bedroom system on that property and protect the environment. Mr. Losordo

asked if there is a potential for a 3 bedroom with the office. Ms. Peterson reviewed the need for deed restrictions and their implication. Ms. Peterson asked if the homeowner is against a three bedroom system. Mr. Bunker replied they are not. Ms. Peterson expressed Ms. Guarino requesting new plans. Mr. Barlow said that if there had been new plans submitted the Board of Health could be discussing granting variances. Mr. Bunker explained he was unclear and was concerned with setting the precedent to future buyers about 3 bedroom potential. Ms. Peterson and Mr. Barlow explained how a deed restriction will support no change in bedrooms without a hearing before the Board of Health and this allowing the opportunity for better technology to be introduced if needed at that future time. Ms. Peterson reviewed what was asked and questioned again why it was not submitted. Mr. Losordo asked about changing the floor change the floor plan to eliminate the potential of a 3 bedroom house with a 5ft opening to the office, and suggested altering the layout. Mr. Barlow reviewed that this is their chance to get the best septic system for this site, and how this was never a dwelling, it was a boathouse. Ms. Peterson asked Mr. Losordo where he was referencing to reduce the possibility of a 3rd bedroom. Mr. Losordo asked about changing the floor plan to show 2 large bedrooms. Mr. Barlow said they do not have the plans showing this or the new proposed septic so it cannot be discussed. Ms. Peterson clarified they are asking for a two bedroom system not a three bedroom system for a two bedroom house. Mr. Bunker explained he would like to see how a 3 bedroom septic system could fit. Ms. Peterson referenced an early plan showing a 3 bedroom septic system on the property. Mr. Barlow asked if the issue is not wanting to go back to the conservation commission. Mr. Bunker said he would have to change some things but is comfortable going back to conservation commission as an improvement to the site. Mr. Bunker said he had not understood the Board of Health wanted a 3 bedroom system. Mr. Barlow asked if he would have submitted revised plans if he had understood this, Mr. Bunker confirmed he would have done his best to accomplish this. Ms. Guarino said based on the conversations in this meeting it sounds like if the plans were to be revised to show the full size primary for 3 bedrooms with the full reserve fitting on the plans, the house with the cased opening could remain the same and the Board of Health could condition that to a two bedroom and that would also maintain the nitrogen loading. Mr. Bunker said he would have to move the house and go before the conservation commission. Ms. Peterson remarked she thought this was already approved. Ms. Guarino reviewed there were issues with the deck and the footings and using alternative loading rate for the infiltrator chambers. Ms. Peterson explained the option of the Board of Health to grant a waiver for the difference. Ms. Peterson confirmed the time frame with Ms. Guarino. Ms. Peterson stated that by June 6th if Mr. Bunker does not have everything to submit to the Health Department office he should withdraw. Mr. Losordo confirmed they are looking for variances. **Mr. Barlow made a motion to continue 1 Maple Avenue to June 12, 2019, provided all documents required are submitted by June 6, 2019. Mr. Uitti seconded the motion. All in favor.**

5. **4 Bassetts Island—Michael J. Borselli, P.E. of Falmouth Engineering; on behalf of owners William Senne, C/O Charles R. Myer & Partners Ltd.—Request for variance from Bourne Board of Health regulation requiring 150' minimum setback from S.A.S. to wetland and 150' minimum setback from S.A.S. reserve area to wetland resource.** Michael Borselli of Falmouth Engineering and Mr. Peter Caulkins, the builder. Mr. Borselli reviewed the details of the project. Ms. Guarino questioned the mailing receipts, they were confirmed received. Mr. Borselli reviewed how on Bassetts Island it is difficult to build septic systems and therefor he proposed building this system out of plastic due to the logistics of barging all materials onto the island. The Conservation Commission issued an order of conditions for this. Mr. Borselli reviewed the setbacks requested for this septic system. He detailed that they have calculated the nitrogen loading calculations and they are below 5 parts per million. The property is served by a well as there is no town water at this property. Ms. Peterson confirmed the count of bedrooms, new house will have 3. Ms. Guarino asked about the estimated high water, elevation at 1.5, she questioned how he determined this calculation. Mr. Borselli said he did research on nearby lots and he did do a test hole and used date to determine high water. Mr. Barlow reviewed it is better than what is existing. Ms. Guarino confirmed it is an improvement over what is existing and reduces the total number of bedrooms on the site and it is a nitrogen sensitive area. Ms. Guarino expressed concern with the house increasing in the future with a conventional system installed currently. Mr. Barlow expressed this being a seasonal home and the concerns related to this with installing an I/A system. Ms. Guarino confirmed these concerns. Ms. Guarino agreed the current proposed plan is good. Mr. Borselli reviewed the title flushing and nitrogen flushing. **Mr. Barlow made a motion to approve the variances**

requested, 150ft minimum setback from S.A.S. to wetland resource, 119' provided to wetland and 78' to coastal bank; 150' minimum setback from S.A.S. reserve area to wetland resource, 117' to wetland provided, 86' to coastal bank provided; site plan received May, 7 2019; prepared for William Senne, lot 7, 4 Bassets Island; with a 3 bedroom deed restriction prior to permit issued. Mr. Uitti seconded the motion. All in favor.

6. **80 Rocky Point Rd—Thomas J. Bunker, PLS; of BSS Design, Inc. on behalf of Steven and Joan H. Cabral—Discussion and possible vote for the modification of plans approved at Board of Health meeting May 8, 2019.** Thomas Bunker of BSS Design is present with the homeowner Steven Cabral. Mr. Bunker reviewed they had received approval two weeks ago. Mr. Bunker explained they changed the plan to show the detail of the dwelling and include the details needed on the architectural plans to amend the foundation line and include an impermeable barrier along the septic system. Ms. Guarino agreed it is a sufficient way to mitigate, and the other variances were previously approved. **Mr. Barlow made a motion to approve the amended septic plan design presenting to the Board of Health this evening showing the square corners of the foundation, 15.3ft and 14.2ft from the corners of the S.A.S. and there is an impervious barrier along the foundation. Mr. Uitti seconded the motion. All in favor.**

7. **55 Gilder Rd—Robert Dewar, Engineering Technician of Bracken Engineering Inc.; on behalf of Sweet Reality Trust—Request for variance from 150' setback regulations for the septic system upgrade.** Ms. Peterson reviewed that Sam Haynes of Conservation Commission visited the site today and shared his findings with the Board of Health. Mr. Dewar of Bracken Engineering explained the variances requested. Ms. Peterson detailed of the history of the project. Mr. Barlow stated this is best for this site. Ms. Guarino asked if it is a 650 gal pump chamber and reviewed the discrepancies. Ms. Peterson explained this is going from a 1 bedroom to a 3 bedroom system. Mr. Barlow asked if in the motion it can be requested to change the deed restriction from 1 bedroom to 3 bedroom deed restriction. Ms. Guarino reviewed the option to write a letter to overrule the motion made in September 27, 2000. Mr. Valeri asked if there is anything additional needed. Ms. Guarino reviewed the alternative system required and an approval letter can be recorded with the template. Ms. Peterson explained how it can look to be approved, and Mr. Valeri confirmed the 1 bedroom deed restriction will be removed. Mr. Barlow confirmed this new deed restriction will overrule the previous deed restriction. Ms. Peterson confirmed the house will have a deed restriction to 3 bedrooms, on a 3 bedroom septic system. **Mr. Uitti made a motion to approve the 3 bedroom septic system with a 3 bedroom deed restriction for 55 Gilder Rd, approve variance setback to abutting property, reduction in setback in existing MicroFAST unit, setback to cellar wall to S.A.S., final grade of 6ft over septic, setback 82ft non water coastal bank to S.A.S., reference 55 Gilder Rd approval by Conservation Commission, plans received May 20, 2019 dated May 15, 2019. Mr. Barlow seconded the motion and made a note this overpowers any other deed restrictions on the property. All in favor.**

A member of the audience reviewed he was here for an agenda item 4 Bassett's Island, and was notified the meeting would be starting at 7pm. Mr. Thomas Chase. **Mr. Barlow made a motion to have an informal discussion in regards to this agenda item. Mr. Uitti seconded the motion. All in favor.** Mr. Chase reviewed he is a homeowner on the island and has concerns with the proximity to the saltmarsh and nitrogen's leaching. Mr. Chase expressed concern with a larger building leaching into the ecosystem, although it is a seasonal system. Ms. Guarino stated the septic system that was provided will benefit the salt marsh over what is existing. Ms. Guarino referenced the location of the septic system and S.A.S. to the saltmarshes of concern. Ms. Guarino explained they have reduced the number of bedrooms and improved the environmental protection. Ms. Peterson expressed they had been approved by conservation commission. Ms. Peterson reviewed the components of the septic system being plastic and there will be no leaching of corroding components. Mr. Chase expressed concern with water supply, Mr. Barlow confirmed this and expressed the delicate nature of this. Mr. Barlow expressed that tonight it was suggested town water had been piped in. Mr. Chase confirmed this and asked if this will be provided at this

property. Mr. Barlow said this was not confirmed at this meeting. Mr. Chase expressed concern with a neighboring undeveloped lot. Ms. Peterson said this is only the second house approved on Bassets Island. Mr. Barlow expressed this is the best for the area. Mr. Chase again expressed his wish to preserve the salt marsh area. Ms. Peterson confirmed the letter he received did detail the meeting starting at 7pm and asked if Mr. Chase would like to rehear the meeting. Mr. Chase declined this offer.

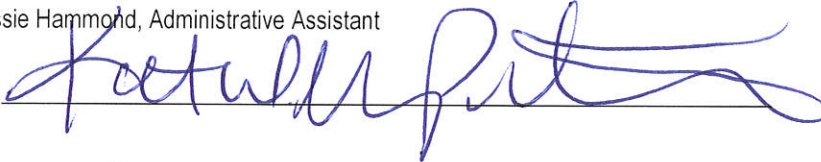
8. **Approve the Minutes— Approve the minutes from the previous meeting dated May 8, 2019. Minutes were not available for review at this time.**

9. **Set tentative date for next meeting and adjourn.** Next meeting date of June 12, 2019 at 6pm.

Items on the agenda we taken out of order. Please refer to the recorded minutes for exact order.

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor and the meeting adjourned at 7:34 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson 

Stanley Andrews _____

Galon Barlow Jr. 

Don Uitti 

Kelly Mastria 