# 2016

Affordable Housing Trust

Appeals, Board of

Assessors, Board of

Barnstable County

Bourne Financial Development Corp. (BFDC)

Bourne Water District

Buzzards Bay Water District

Bylaw Committee

**AMMENDED Notice**

Bourne Affordable Housing Trust Fund Meeting
Tuesday, March 22, 2016 at 4:30 PM
Bourne Veterans Community Center
239 Main St.
Buzzards Bay MA

RECEIVED
2016 MAR 18 AM 10:25
TOWN CLERK BOURNE

Agenda:

1. Review minutes and vote by Trust on the December 14, 2015 Joint Meeting with the Bourne Housing Partnership.

2. Summary of Financial Status.

3 Consider whether to fund extending the driveway at 143 Old Plymouth Rd.

4 Consider whether to amend the Down Payment Assistance program by reducing the amount in the formula that should be allowed as asset retention.

5. Consider how the Trust should calculate the Down Payment assistance amount for applicant purchasing 16 Settlers Way at Pilgrim Pines.

3. Consider plan proposed by Hebb Builders for lot 79 at Pilgrim Pines and the request by Hebb Builders for an increase in the subsidy due to increased building costs.

5. Update on the consultant report to assist with preserving affordable units at Canalside Apartments

6. Update on potential affordable units in Buzzards Bay developments.

7. Update by the Chairperson and the Housing Programs Administrator on the Housing Rehab Program, Subsidized Housing Inventory, CPA Applications, Maple Street, discussions with developers and Wing Rd.

8 Discussion of future agenda items

Adjourn Trust meeting

Kerry Horman, Affordable Housing Programs Administrator

**Notice**

Bourne Affordable Housing Trust Fund Meeting
Tuesday, March 22, 2016 at 4:30 PM
Bourne Veterans Community Center
239 Main St.
Buzzards Bay MA

RECEIVED
2016 MAR 17 AM 11:46
TOWN CLERK BOURNE

Agenda:

1. Review minutes and vote by Trust on the December 14, 2015 Joint Meeting with the Bourne Housing Partnership.

2. Summary of Financial Status.

3 Consider whether to fund extending the driveway at 143 Old Plymouth Rd.

3. Consider whether to amend the Down Payment Assistance program by reducing the amount in the formula that should be allowed as asset retention.

4. Consider plan proposed by Hebb Builders for lot 74 at Pilgrim Pines and the request by Hebb Builders for an increase in the subsidy due to increased building costs.

5. Update on the consultant report to assist with preserving affordable units at Canalside Apartments

6. Update on potential affordable units in Buzzards Bay developments.

7. Update by the Chairperson and the Housing Programs Administrator on the Housing Rehab Program, Subsidized Housing Inventory, CPA Applications, Maple Street, discussions with developers and Wing Rd.

8 Discussion of future agenda items

Adjourn Trust meeting

Kerry Horman, Affordable Housing Programs Administrator

Bourne Affordable Housing Trust Meeting

RECEIVED
2016 SEP -8 AM 8:59
TOWN CLERK BOURNE

Minutes

March 22, 2016

Meeting Location: Bourne Veterans Community Center, Buzzards Bay, Massachusetts 02532

Members Present: Sue Ross, Stephen Walsh, Judith Riordan, Peter Meier

Others Present: Kerry Horman, Affordable Housing Specialist and Dolores Consoletti, Administrative Support

Meeting was called to order at 4:35 p.m. by Chairperson, Susan Ross.

A motion was made by Ms. Riordan, second by Mr. Walsh, to approve the minutes of previous meeting of December 14, 2015; three members voting yes, one member voting to abstain (Mr. Meier).

A motion was made by Ms. Riordan, second by Mr. Walsh, to approve the Executive Session minutes of the December 14, 2015 with a change to the second paragraph of the removal of the word asphalt, and to unencumber the minutes; unanimous vote of the members.

Ms. Ross moved to agenda item #7 - Updated on consultant at Canalside Apartments: Mr. Horman informed the members the consultant has completed her report. There are a lot of options but they all require the owner participate in either refinancing or going to a different program. Mr. Horman called the owner to see if he would be willing to discuss this report and he indicated that he had no interest. Mr. Horman has indicated that they've gone as far as they can go without the owner participating. The units are tied up for three years. If the economy changes, he may change his mind.

Agenda item #2 – Summary of financial status: Mr. Horman provided a status of the Fund Article under the CPA and which accounts we can use and which accounts should be brought back to the CPA. Ms. Consoletti is working on reconciling the Housing Specialist Account which is off by about $8,000. The Trust Asset Account balances every month. Mr. Walsh asked to be removed from the Eastern Bank account and to have the current chairperson, Sue Ross, put on as the second signer. Mr. Horman will have new signature cards drawn up for the account reflecting the changes.

Agenda #3 – Driveway at 143 Old Plymouth Road: Ms. Ross explained that she and Mr. Horman went in front of the Planning Board to get approval for building a house on Wing Road and one of the members was very complimentary about the house and the people who purchased it. The only thing he brought up was the single driveway with two cars backing onto Old Plymouth Road being a problem. For the new house, they put a condition that it has a double wide driveway. He made a good point; we have this driveway for one car on a very

busy road. She then talked to Mr. Horman about the possibility of widening the driveway at Old Plymouth Road and to find out if the Trust would consider funding it. The owners have agreed to it. Mr. Horman asked Dacey, who built the house, and he said the easiest thing would be crushed stone which would be about $500.00; if it were repaved the additional area would probably be about $1,500.00. After some discussion, a motion was made by Mr. Meier, second by Mr. Walsh; to approve the $1,500, not to exceed $1,700, for the widening/paving of the driveway at 143 Old Plymouth Road; unanimous vote of the members.

Agenda #4 – Down Payment Assistance Program: Ms. Ross informed the members the Program has been very successful. When the program was created, it was created with the idea that the applicants had a down payment but would still have a cushion. The cushion can go up to $7,500. If the Trust doesn't get more money from the CPA, the program will be out of money by the end of the year. Ms. Ross is concerned that maybe the cushion amount should be lowered on some of these brand new houses to $2,500 and $5,000 on older houses. A bank likes to see a couple of month's mortgage payment. Most of our mortgages are around $1,200/month; $2,500 for a new house would be fine. The brand new house shouldn't need any repairs for at least five years. Lowering the cushion would prolong the program. After some discussion, a motion was made by Mr. Meier, second by Ms. Riordan, the retention allowed on the next applications be $3,750.00 plus the down payment; unanimous vote of the members.

Agenda #5 – 16 Settlers Way: Mr. Horman informed the members that the buyer of the house is a single female just out of college with a new job. The purchase price of the house if $185,000. The most she can borrow with her income is $175,000 so she needs $10,000 plus closing costs (about $15,000). When she was applying for lottery through the Housing Assistance Corp. she didn't know about the Down Payment Program. Her mother was going to give her $10,000 (which she as taking out an equity loan for). If we look at her assets which are $3,000 in her checking account and $5,000 in savings and look at her mother's gift, she has $18,000. However, if we look at just the fact she only has $8,000 and the other $10,000 is being borrowed by her mother to help her out, then her assets are really only $8,000. If that is the case, we would give her the maximum amount for the Down Payment Program about $9,275. If we assume her mother's loan is an asset, then we would give her only $5,000. The question is should we consider her mother's willingness to take the loan and asset. If she knew about the Down Payment Assistance Program ahead of time, she wouldn't have needed her mother to get the loan. Ms. Ross indicated that it wasn't her asset since the loan was her mother's not hers. After some discussion, a motion was made by Mr. Meier second by Mr. Walsh; to request the maximum 5% from the Down Payment Assistance Program; unanimous vote of the members.

Agenda #6 – Proposed plan by Hebb Builders: Ms. Ross informed the members that Mr. Hebb has changed the plan which was originally looking at lot 74 and was going to have a four bedroom septic on it. He has since changed it to put a Garrison on lot 79. Mr. Horman looked at it and recommended the door frames be changed to 36". Mr. Hebb has asked for a couple of other things on which Ms. Ross has been in touch with Mr. Guerino and Mr. Troy. Mr. Hebb wants an increase and he is considering taking the last lot and put a rental in it.

Mr. Tory doesn't want the Trust to make any decision on that. He indicated that the people that were involved in the agreement will sit down and discuss that part of it. What the Trust has to decide is whether or not we want to do this Garrison which will have three bedrooms on the second floor and a bigger living area on the first floor plus the 36" doors. It would not have a first floor bedroom. Mr. Meier stated he would like to have the wall taken out between the dining room and living room to have more of an open floor concept. After some discussion, a motion was made by Mr. Meier, second by Mr. Walsh, to accept the plans with those adjustment; unanimous vote of the members. A motion was made by Mr. Walsh, second by Ms. Riordan; on the advice of council, the Trust will table any action to comment on the request for changes in the agreement made by Brian Hebb in a letter of March 17, 2016; three members voting yes; one member abstaining (Mr. Meier).

Agenda #8 – Update on potential affordable units: Ms. Ross informed the members they had to reschedule their meeting with Mr. Pappas and have had no update from Mr. Correia.

Agenda #9 – Housing Rehab Program: Mr. Horman informed the members there was one application in. The USDA is a year behind; they are working on applications that came in last July.

Subsidized Housing Inventory – after the approval by the ZBA of the amendments to the Canal Bluffs, at the recommendation of DHCD, we submitted to have those units added. They have come back and said we can't add them on until there is an actual building permit issued.

CPA applications – no updates as of yet. We still have to go before the Finance Committee and the Selectmen.

Maple Street – Mr. Horman stated that if there was asphalt in the fill, it would be considered hazardous and we would have to remove it. Mr. Walsh asked if we were going to be able to put a foundation on land that has been filled. Mr. Horman said he would talk to the building inspector to see what he's going to require in order to put a foundation on the land.

Wing Road – The Special Permit has been issued. Closing date is scheduled for April 6.

There being no other business before the members, a motion was made by Mr. Meier, second by Ms. Riordan to adjourn at 5:48 p.m.; unanimous vote of the members.

Respectfully submitted,

Dolores Consoletti
Administrative Support

**Notice**

Bourne Affordable Housing Trust Fund Meeting
Tuesday, May 17, 2016 at 5:00 PM
Bourne Housing Authority Offices
871 Shore Rd..
Pocasset, MA

2016 MAY 12 AM 9 23
TOWN CLERK'S OFFICE
BOURNE, MASS

Agenda:

1. Review minutes and vote by Trust on the March 22, 2016 Trust Meeting minutes.

2. Summary of Financial Status.

3. Consider proposed changes to the sale price subsidy and design of the affordable home to be built by Hebb Builders on lot 79 at Pilgrim Pines and determine the sale price for which the home will be marketed for the lottery process.

4. Vote to enter executive session to consider purchasing affordable housing deed restrictions on units in a proposed mixed use development in Buzzards Bay and review minutes of previous executive session meetings.

5. Return to open session.

6. Updates by Chairperson and Housing Programs Administrator on the following subjects: 143 Old Plymouth Rd. driveway; Down Payment Program activities; recent affordable housing sales activities; housing rehab; CPA funding for FY17; Wing Rd. purchase; land acquisition, Maple St.; and, preliminary discsions with developers.

7 Discussion of future agenda items

Adjourn Trust meeting

Kerry Horman, Affordable Housing Programs Administrator

Bourne Affordable Housing Trust Meeting
Minutes
May 17, 2016

RECEIVED
2016 DEC 12 PM 2:16
TOWN CLERK BOURNE

Meeting Location: Bourne Housing Authority Offices, 871 Shore Road, Pocasset, Massachusetts 02559

Members Present: Sue Ross, Stephen Walsh, Judith Riordan, Peter Meier

Others Present: Kerry Horman, Affordable Housing Specialist and Dolores Consoletti, Administrative Support

Meeting was called to order at 5:06 p.m. by Chairperson, Susan Ross.

A motion was made by Ms. Riordan, second by Mr. Walsh, to approve the minutes of previous meeting of March 22, 2016; unanimous vote of the members.

Agenda #2 – Summary of Financials: Mr. Horman provided the members with an update of the financial status for the Trust. The Trust has $553,000 and there are no major expenditures coming up; whatever is done at Pilgrim Pines will come from DRI funds which are already committed. There is nothing else on the table. Mr. Horman proceeded to provide the members with an update on each individual account.

Agenda #3 – Changes to the Sale Price Subsidy and Design of the Affordable Home at 79 Pilgrim Pines: Ms. Ross informed the members the cost for taking out the wall as requested at the last meeting would be approximately $3,000. As an alternative, she asked Mr. Hebb if it would be possible to move the opening to the center of the wall, as discussed in the last meeting. He seemed fine with that, but she hasn't heard back from her email with a price for the change, if there was one. Mr. Walsh asked if opening up the entire wall would add value to the price of the house. Ms. Ross felt it would. She also said they could go up to$189,000 for the sale price of the home. After some discussion, a motion was made by Mr. Walsh, second by Ms. Riordan to accept the proposal of $3,000 to take out the wall; unanimous vote of the members.

Mr. Hebb also asked for an increase in the amount the Trust pays him to build the house. It is not up to the Trust to agree to it or not; he has to negotiate it with Tom Guerino. But the Town would like the Trust's recommendation. Mr. Horman felt there was a deal made with a signed contract and it was up to him to keep to his part of the contract. As a result, a motion was made by Ms. Riordan, second by Mr. Walsh, for the Housing Trust to inform Tom Guerino that it does not recommend any changes to the agreement with Hebb Builders; unanimous vote of the members.

Ms. Ross informed the members that if they wanted to put a farmer's porch on the house because it was very stark looking, it would be $12,000. After some discussion, a motion was made by Mr. Walsh, second by Ms. Riordan, to reject the proposal based upon the cost; unanimous vote of the members.

As a result of the changes in the design of the house, a motion was made by Ms. Riordan, second by Mr. Walsh, to set the sales price at $187,500; unanimous vote of the commission.

Mr. Meier joined the meeting at 5:28 p.m.

A motion was made by Mr. Meier, second by Mr. Walsh, to enter into Executive Session at 5:29 p.m. to consider purchasing affordable housing deed restrictions on units in a proposed mixed use development in Buzzards Bay and review minutes of previous Executive Session minutes and to return to open session; an individual role call resulted in Ms. Riordan voting yes, Mr. Walsh voting yes, Mr. Meier voting yes, and Ms. Ross voting yes.

At the end of Executive Session, a motion was made by Mr. Meier, second by Mr. Walsh, to move out of Executive Session and move to open session at 5:51 p.m.; an individual role call resulted in Mr. Walsh voting yes, Ms. Riordan voting yes, Mr. Meier voting yes and Ms. Ross voting yes.

Agenda #6 – Updates: Mr. Horman met with the owners of 143 Old Plymouth Road and discussed plans to widen the driveway and they liked the idea. He has been playing phone tag with Mr. Dacey. He spoke with Kathleen O'Donnell and she said we shouldn't be contracting with Dacey we should have the home owner do it and we would subsidize it like we do through the down payment program. Ms. Ross didn't agree with having them take a loan. The members did agree to have the owners get us prices to have the driveway widened and we would pay for it, since the Trust said it would widen it. The Down Payment Program doesn't have another applicant. It will have enough money to cover all the activity under the program. Housing Rehab is still in process; there is a second one in that has been submitted to USDA. Everything went through with the CPA funding. Wing Road has been purchased and is in included in the assets. Mr. Pappas is looking to get back with his project on Sandwich Road and will be presenting something to the Partnership. Mr. Horman informed the members that he thought the engineering report for Maple Street stated there was asphalt in the fill and if that is the case, it will need to be removed according to Roger. He will check and get back to the members at the next meeting.

There being no other business before the members, a motion was made by Mr. Meier, second by Ms. Riordan to adjourn at 6:03 p.m.; unanimous vote of the members.

Respectfully submitted,

Dolores Consoletti
Administrative Support

# *TOWN OF BOURNE*

## Trial Balance

### From 07/01/2016 to 06/30/2017

| Fund 82 TRUSTS AND PERFORMANCE BONDS | | | | | | |
|---|---|---|---|---|---|---|
| 003 3280 | | RESERVED FOR SPECIAL PURPOSE | Jrnl Pkt | Debits | Credits | Balance |
| 07/01/2016 GLSOY | | AFFORDABLE HOUSING TRUST - SOY CFW | 23596 | 0.00 | 553,247.63 | -553,247.63 |
| 07/20/2016 APWAR | GT03 | AFFORDABLE HOUSING TRUST - Warrant | 23355 | 100.00 | 0.00 | -553,147.63 |
| 07/31/2016 ACCRV | 3089 | AFFORDABLE HOUSING TRUST - Cntl-JULY | 23520 | 0.00 | 46.90 | -553,194.53 |
| 08/03/2016 APWAR | GT05 | AFFORDABLE HOUSING TRUST - Warrant | 23453 | 126.25 | 0.00 | -553,068.28 |
| 08/17/2016 APWAR | GT07 | AFFORDABLE HOUSING TRUST - Warrant | 23532 | 150.00 | 0.00 | -552,918.28 |
| 08/22/2016 ACCRV | 3107 | AFFORDABLE HOUSING TRUST - | 23633 | 0.00 | 33.26 | -552,951.54 |
| 08/31/2016 APWAR | GT09 | AFFORDABLE HOUSING TRUST - Warrant | 23564 | 187.50 | 0.00 | -552,764.04 |
| 08/31/2016 ACCRV | 3107 | AFFORDABLE HOUSING TRUST - | 23633 | 0.00 | 81.64 | -552,845.68 |
| 09/14/2016 APWAR | GT11 | AFFORDABLE HOUSING TRUST - Warrant | 23628 | 132.50 | 0.00 | -552,713.18 |
| 09/28/2016 APWAR | GT13 | AFFORDABLE HOUSING TRUST - Warrant | 23684 | 176.25 | 0.00 | -552,536.93 |
| 10/12/2016 APWAR | GT15 | AFFORDABLE HOUSING TRUST - Warrant | 23723 | 148.75 | 0.00 | -552,388.18 |
| 3450-AFFORDABLE HOUSING TRUST | | | | 1,021.25 | 553,409.43 | -552,388.18 |
| RESERVED FOR SPECIAL PURPOSE Total | | | | 1,021.25 | 553,409.43 | -552,388.18 |
| Subfund 003 FUND BALANCE Ending Bal | | | | 1,021.25 | 553,409.43 | -552,388.18 |
| Fund 82 TRUSTS AND PERFORMANCE BONDS | | | | 1,021.25 | 553,409.43 | -552,388.18 |
| Report Total | | | | 1,021.25 | 553,409.43 | -552,388.18 |

# *TOWN OF BOURNE*

**Fund Article Report**

**Fiscal Year 2017**

**From 07/01/2016 to 10/11/2016**

| Account | Description | CarryFwd | Orig Bud | Amended | Available | Expend | Unexpended |
|---|---|---|---|---|---|---|---|
| 28 - COMMUNITY PRESERVATION ACT - 100 - GENERAL GOVERNMENT | | | | | | | |
| 6068-33-999 | ARTICLE 33-DEV. CAPE VIEW WAY ELDERLY PRO- | 87,104.00 | | 87,104.00 | | | 87,104.00 |
| 9010 | ATM MAY 2007 | 87,104.00 | | 87,104.00 | | | 87,104.00 |
| 6068-14-999 | ARTICLE 14-DEV. CAPE VIEW WAY ELDERLY PRO- | 100,000.00 | | 100,000.00 | | | 100,000.00 |
| 9013 | ATM MAY 2008 | 100,000.00 | | 100,000.00 | | | 100,000.00 |
| 6069-99-999 | -PROGRAM TO SUBSIDIZE AFFORDABL- | 7,957.50 | | 7,957.50 | | | 7,957.50 |
| 6236-99-999 | -ASSIST LOW INC TO REHAB & PRES- | 8,065.00 | | 8,065.00 | | | 8,065.00 |
| 9029 | ATM MAY 2013 | 16,022.50 | | 16,022.50 | | | 16,022.50 |
| 6067-99-999 | -AFFORDABLE HOUSING SPECIALIST- | 12,553.80 | | 12,553.80 | | 6,784.33 | 5,769.47 |
| 6293-99-999 | -AFFORD HOUSING DOWN PAYMENT- | 25,557.00 | | 25,557.00 | | | 25,557.00 |
| 6294-99-999 | -CONTINENTAL APTS SPRINKLER- | 208,425.00 | | 208,425.00 | | 5,016.00 | 203,409.00 |
| 9036 | ATM MAY 2015 | 246,535.80 | | 246,535.80 | | 11,800.33 | 234,735.47 |
| 6067-99-999 | -AFFORDABLE HOUSING SPECIALIST- STAFF/OFFICE | | 61,380.00 | 61,380.00 | | 1,717.79 | 59,662.21 |
| 6069-99-999 | -PROGRAM TO SUBSIDIZE AFFORDABL- BUILD UNITS. | | 60,620.00 | 60,620.00 | | | 60,620.00 |
| 6293-99-999 | -AFFORD HOUSING DOWN PAYMENT- | | 35,000.00 | 35,000.00 | | | 35,000.00 |
| 9039 | ATM MAY 2016 | | 157,000.00 | 157,000.00 | | 1,717.79 | 155,282.21 |
| 183 Total COMMUNITY HOUSING | | 449,662.30 | 157,000.00 | 606,662.30 | | 13,518.12 | 593,144.18 |

10-11-2016 P03:59

# *TOWN OF BOURNE*

## 2017 Condition of Accounts

From 07/01/2016 to 06/30/2017

| COMMUNITY HOUSING-ATM MAY 2016 AFFORDABLE HOUSING<br>28930100183903960679999 | | PO# | Voucher | Invoice | Warr | Pkt # | Approp | Expended | Encumbered | Available | % Exp |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 07/01/2016 BDAPP | ATM MAY 4 ARTICLES | | | | | 23258 | 61,380.00 | 0.00 | 0.00 | 61,380.00 | 0.00% |
| 09/28/2016 APWAR | HORMAN, KERRY A. | | 1165 | 9/7-9/20 | GT13 | 8099 | 0.00 | 1,658.40 | 0.00 | 59,721.60 | 2.70% |
| 09/28/2016 APWAR | CONSOLETTI, DOLORES | | 1150 | 9/8-9/12 | GT13 | 8099 | 0.00 | 59.39 | 0.00 | 59,662.21 | 2.79% |
| 10/12/2016 APWAR | HORMAN, KERRY A. | | 1388 | 9/21-10/4 | GT15 | 8123 | 0.00 | 1,427.00 | 0.00 | 58,235.21 | 5.12% |
| 10/12/2016 APWAR | CONSOLETTI, DOLORES | | 1372 | SERVICES | GT15 | 8123 | 0.00 | 35.64 | 0.00 | 58,199.57 | 5.18% |
| | | 28930100183903960679999 | | | | | 61,380.00 | 3,180.43 | 0.00 | 58,199.57 | 5.18% |
| | | Period Total | | | | | 61,380.00 | 3,180.43 | 0.00 | | |
| | 9039 ATM MAY 2016 Ending Bal | | | | | | 61,380.00 | 3,180.43 | 0.00 | 58,199.57 | |
| | | | | | | | 61,380.00 | 3,180.43 | 0.00 | | |
| | Dept 183 COMMUNITY HOUSING Ending Bal | | | | | | 61,380.00 | 3,180.43 | 0.00 | 58,199.57 | |
| | | | | | | | 61,380.00 | 3,180.43 | 0.00 | | |
| | Fund 28 COMMUNITY PRESERVATION ACT FUN | | | | | | 61,380.00 | 3,180.43 | 0.00 | 58,199.57 | |
| | | | | | | | 61,380.00 | 3,180.43 | 0.00 | | |
| Grand Total | | | | | | | 61,380.00 | 3,180.43 | 0.00 | 58,199.57 | 5.18% |
| | | | | | | | 61,380.00 | 3,180.43 | 0.00 | | |

# *TOWN OF BOURNE*

## 2017 Condition of Accounts

From 07/01/2016 to 06/30/2017

| DIRECT EXPENSE-AFFORDABLE HOUSING TRUST MISCELLANE | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 829999009473450900099999 | | PO # | Voucher | Invoice | Warr | Pkt # | Approp | Expended | Encumbered | Available | % Exp |
| 07/20/2016APWAR | HORMAN, KERRY A. | | 85 | SERVICES | GT03 | 7985 | 0.00 | 100.00 | 0.00 | -100.00 | 100.00% |
| 08/03/2016APWAR | HORMAN, KERRY A. | | 292 | 7/18-7/26 | GT05 | 8012 | 0.00 | 126.25 | 0.00 | -226.25 | 100.00% |
| 08/17/2016APWAR | HORMAN, KERRY A. | | 524 | 7/27-8/7 | GT07 | 8030 | 0.00 | 150.00 | 0.00 | -376.25 | 100.00% |
| 08/31/2016APWAR | HORMAN, KERRY A. | | 715 | 8/8-8/23 | GT09 | 8062 | 0.00 | 187.50 | 0.00 | -563.75 | 100.00% |
| 09/14/2016APWAR | HORMAN, KERRY A. | | 899 | 8/24-9/6 | GT11 | 8080 | 0.00 | 132.50 | 0.00 | -696.25 | 100.00% |
| 09/28/2016APWAR | HORMAN, KERRY A. | | 1165 | 9/7-9/20 | GT13 | 8099 | 0.00 | 176.25 | 0.00 | -872.50 | 100.00% |
| 10/12/2016APWAR | HORMAN, KERRY A. | | 1388 | 9/21-10/4 | GT15 | 8123 | 0.00 | 148.75 | 0.00 | -1,021.25 | 100.00% |
| | | 829999009473450900099999 | | | | | 0.00 | 1,021.25 | 0.00 | -1,021.25 | 100.00% |
| | | Period Total | | | | | 0.00 | 1,021.25 | 0.00 | | |
| | 3450 AFFORDABLE HOUSING TRUST Ending Bal | | | | | | 0.00 | 1,021.25 | 0.00 | -1,021.25 | |
| | | | | | | | 0.00 | 1,021.25 | 0.00 | | |
| | Dept 947 MISCELLANEOUS Ending Bal | | | | | | 0.00 | 1,021.25 | 0.00 | -1,021.25 | |
| | | | | | | | 0.00 | 1,021.25 | 0.00 | | |
| | Fund 82 TRUSTS AND PERFORMANCE BONDS Ending | | | | | | 0.00 | 1,021.25 | 0.00 | -1,021.25 | |
| | | | | | | | 0.00 | 1,021.25 | 0.00 | | |
| Grand Total | | | | | | | 0.00 | 1,021.25 | 0.00 | -1,021.25 | *,***.**% |
| | | | | | | | 0.00 | 1,021.25 | 0.00 | | |

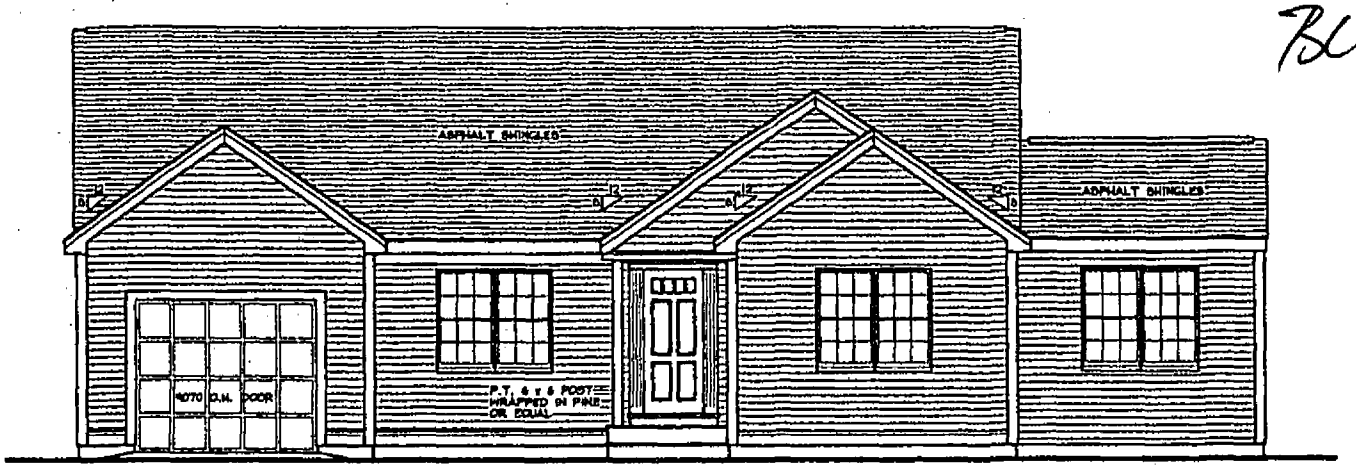
**Bourne Housing Trust Asset**
**Exp. 82-999-900-947-3450-9000-999-99**
**7/1/16 to 6/30/17**

| Invoice # | Invoice Date | Description | Invoice Amt. | Date Submitted to Accounting |
|---|---|---|---|---|
| 2 | 7/27/16 | Horman, Kerry #6929 | $126.25 | 7/28/16 |
| 3 | 8/10/16 | Horman, Kerry #6929 | $150.00 | 8/11/16 |
| | | | | |
| 7 | 8/23/16 | Horman, Kerry #6929 | $187.50 | 8/25/16 |
| 8 | 9/6/16 | Horman, Kerry #6929 | $132.50 | 9/8/16 |
| | | | | |
| 11 | 9/20/16 | Horman, Kerry #6929 | $176.25 | 9/21/16 |
| 12 | 10/5/16 | Horman, Kerry #6929 | $148.75 | 10/5/16 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | | | $921.25 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**Bourne Housing Partnership**
**7/1/16 to 6/30/17**

| Invoice # | Invoice Date | Description | Invoice Amt. | Date Submitted to Accounting |
|---|---|---|---|---|
| 1 | 7/24/16 | Consoletti, Dolores #13935 | $59.39 | 7/27/16 |
| 2 | 7/27/16 | Horman, Kerry #6929 | $1,156.79 | 7/27/16 |
| 3 | 8/10/16 | Horman, Kerry #6929 | $1,391.63 | 8/11/16 |
| 4 | 8/9/16 | Consoletti, Dolores #13935 | $59.39 | 8/11/16 |
| 5 | 8/2/16 | W.B. Mason #5082 | $36.26 | 8/11/16 |
| 6 | 8/21/16 | Consoletti, Dolores #13935 | $88.07 | 8/21/16 |
| 7 | 8/23/16 | Horman, Kerry #6929 | $1,724.13 | 8/25/16 |
| 8 | 9/6/16 | Horman, Kerry #6929 | $1,237.82 | 9/8/16 |
| 9 | 9/6/16 | Consoletti, Dolores #13935 | $59.39 | 9/8/16 |
| 10 | 9/18/16 | Consoletti, Dolores #13935 | $59.39 | 9/20/16 |
| 11 | 9/20/16 | Horman, Kerry #6929 | $1,658.40 | 9/21/16 |
| 12 | 10/5/16 | Horman, Kerry #6929 | $1,427.00 | 10/5/16 |
| 13 | 10/5/16 | Consoletti, Dolores #13935 | $35.64 | 10/5/16 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | | | $8,993.30 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

22 SETTLERS WAY
BLDG.
LOT #24

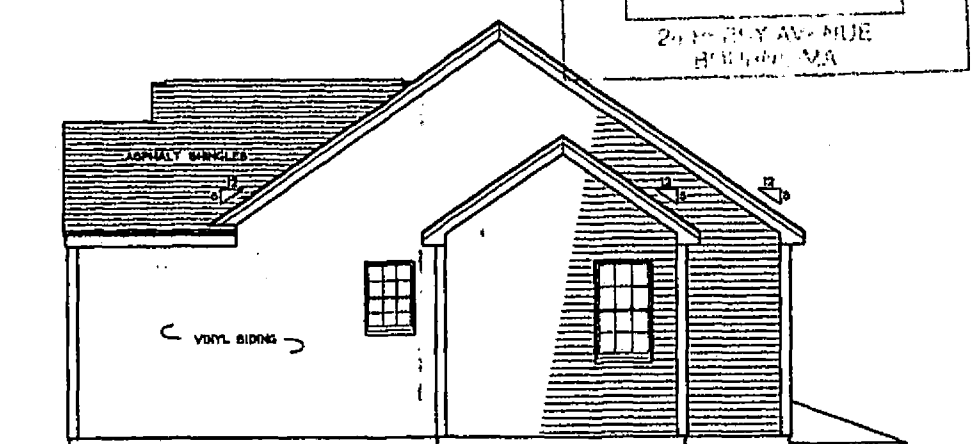



* PROVIDE GUTTERS & DOWNSPOUTS AS NEEDED

## FRONT ELEVATION

SCALE: 1/4" = 1'-0"

RECEIVED
TOWN OF BOURNE
SEP 14 2016
24 [illegible] BAY AVENUE
BOURNE, MA




## RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

TITLE: ELEVATIONS

PROJECT: HEBB BULDERS, INC
3 BEDROOM AFFORDABLE
BOURNE, MA.

BRADFORD HART CAD DESIGNS
RESIDENTIAL CAD DESIGN SERVICES
14 FLINT LOCKE DRIVE PLYMOUTH, MA. 02360
PHONE NO. # (508) 240-0712

DATE: AUG. 28, 2016
DRAWN BY: B. HART
PROJECT NO.: 1506
SCALE: 1/4" = 1'-0"
SHEET NO.: A1

## WINDOW SCHEDULE

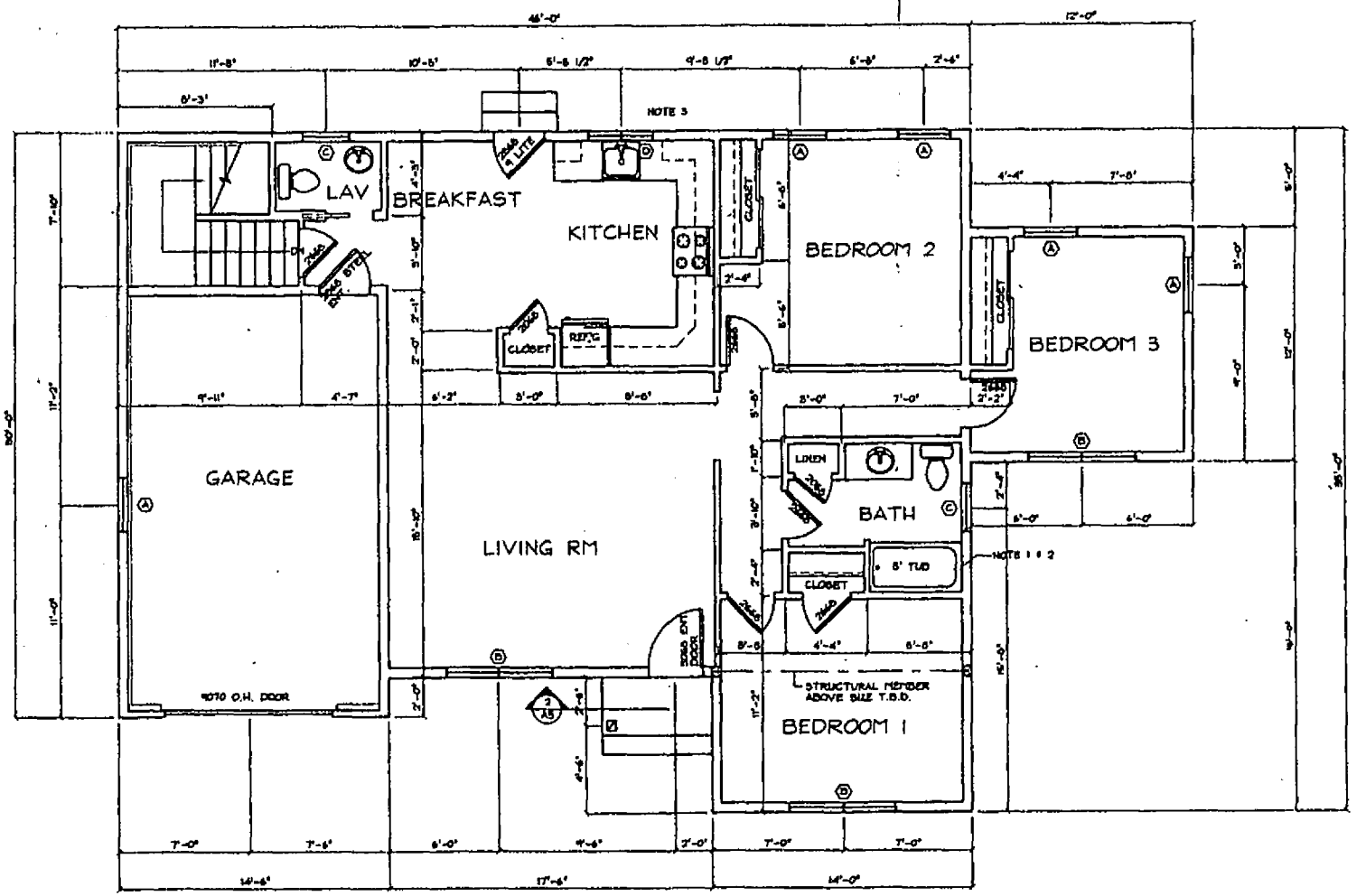
| KEY | QTY. | DESCRIPTION | ROUGH OPENING | MANUFACTURER/MODEL |
|---|---|---|---|---|
| A | 9 | DOUBLE HUNG | 34" x 48.25" | UNITED NC 5800 - 2282 HG |
| B | 3 | DOUBLE HUNG (MULLED) | 68" x 48.25" | UNITED NC 5800 - 2- 2282 HG |
| C | 2 | DOUBLE HUNG | 30" x 41.25" | UNITED NC 5800 - 2452 HG |
| D | 1 | SLIDER | 40" x 42" | UNITED NC 5800 - 41 1/2 x 41 1/2 HG |
| | | | | |

WINDOW NOTE:

G.C. TO VERIFY ALL SIZES AND QUANTITIES OF WINDOW TYPES PRIOR TO ORDERING, AND TO NOTIFY THE DESIGNER OF ANY DISCREPANCIES.

GENERAL NOTES:

1. PROVIDE A 1/2" AIR SPACE AT EXTERIOR BATHROOM WALL WITH ADDITIONAL 1/2" SHEETROCK.
2. BATHTUB R.O. WIDTH = 60 1/4"
3. CENTER R.O. WIDTH OF KITCHEN WINDOW 60 1/2" OFF KITCHEN WALL




# FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

TOTAL SQ. FT.
1ST FLR. LIVING SPACE = 1252.33

TITLE: FIRST FLOOR PLAN

PROJECT: HEBB BULDERS, INC
3 BEDROOM AFFORDABLE
BOURNE, MA.


BRADFORD HART CAD DESIGNS
RESIDENTIAL CAD DESIGN SERVICES
14 FLINT LOCKE DRIVE PLYMOUTH, MA. 02360
PHONE NO. / (508) 246-8712


DATE: AUG. 22, 2013
DRAWN BY: B. HART
PROJECT NO: 1308
SCALE: 1/4" = 1'-0"

SHEET NO. A4

Visitable

At least one first floor entrance and the entire first floor must be "visitable" for disabled/handicapped persons. There are basically four (4) ingredients to visitability: 1) zero steps into at least one of the entrances; 2) hallways with 36 inch width;3) interior doors on the first floor including the bathroom door with 32 inches of clear entrance (i.e. 36 inch doors) and, a roof over the "visitable" entry door with a slight slope of the exterior landing away from the door for drainage. Plans must also comply with the Town of Bourne Zoning Bylaw and local and state building codes, as well as all other applicable laws and regulations. Those house plans chosen by the Trust will become the property of the Trust and will be used as the Trust so chooses in future development projects.

THE EMERGENCY HOME REPAIR PROGRAM
August 19, 2016

NOTES AND PRELIMINARY OUTLINE

**The purpose** of the proposed program is to meet the emergency home repair needs of those of low to very low income households in which some repair work has to be done in order to make their own habitable but that that work is under a $3-$5000 range and needs to be done right away or the householder and family cannot utilize and there may be continued damage to the home if the property is not repeated an example may be that a storm blows off some shingles off a roof and rainwater is penetrating the house from the lost shingles the purpose of the program would not be to re-shingled the entire roof but to repair the roof with the expectation that at a later date through the US Department of Agriculture or some other sauce that the major roof repairs if necessary would take place. Another example would be that of first plumbing pipes or a oil burner or furnace that is no longer usable and went.

**The need.** KH has had the occasional call from the concert on aging relative to the need for emergency repairs. . KH has contacted a number of different agencies from HAC to Habitat to the USDA to the Community Action Council and a number of different regional organizations and has not found a real emergency repair program. A number of organizations have a small repair program which still requires a process of approvals and verifications in applications and bidding but most contacts are clear in their view that there is a need for such a program. One public servant that works in its areas said that many people no longer have a backup of either cash on hand, credit card, or family and friends or organization to help them when is an emergency. This in her opinion is a significant difference between these situations in the past.

**Design concerns**:

1) that persons with assets or access to other funding would purposely take advantage of the program
2) that unscrupulous contractors would overcharge and/or underperform
3) that a bureaucratic system of application and approval and credit and banking asset verification would stand in the way of the emergency nature of the program
4) that the program would be considered in eligible for CPA funding with out some form of affordability deed restriction required.
5) That funds would be used for fix up and improvements rather than truly emergency issues.

**Responses :**

1) there does not appear to be an easy solution to the possibility that a person could claim no assets or no income and take advantage of the program. However, there are a few eligibilities used as a verification of eligibility i.e. fuel assistance, Mass. health, food stamps, & recent tax information. This could in some ways be designed to protect the public interest by requiring a note or deed of some form to be recorded that would require the payback of the loan or grant upon sale of the property or upon evidence of fraud. The key is to find a balance between responding to the emergency and determining financial eligibility.
2) While the research continues on this issue Patty Whelan at the USDA's to believe that at least the contractors on her list would not be likely to try to take advantage of the price and quality of the work from their experience and in addition the Bourne community development program has a list of contractors in which they have used successfully. Patty did not think that there was any way that you could pre-assign a fair price to the work since each situation was likely to be different. KH has called sin to the Cape Cod home builders and remodelers Association to obtain their important.
3) The program design would have to accept some potential for risk of in eligible households getting some assistance in order to devise a program that responds truly on an emergency basis. Accepting the solutions generated for items one and two above would essentially help to overcome bureaucratic roadblocks.
4) The determination of whether CPA funds could be used needs to be left up to others and KH will be attending a conference in mid-September on the use of CPA funds.
5) Avoiding funds being utilized for nonemergency purposes could be somewhat eliminated by having a very clear definition of emergency and the town of Bourne representative approving the work that is proposed under the emergency program.

September 27, 2016

Weekly Coordination from kh

Items

1. **USDA Housing Rehab** –Specs out to 7 contractors on Adams Street House Housing Rehab Specialist, Leonardi Aray may have two proposals coming shortly

2. **Pil Pines : Units 3 & 4** - Per Jon Idman a CCC check for DRI subsidy on the way. Kh sent him the plans & P & S for unit 3. Hebb has proposed a 3 bedr ranch for unit 4 (same as unit 2) with a 4bedr septic system. Trust to review at 10/13/2016 meeting

3. **Downtown project.** .S Ross & KH to meet with Ryan on 10/12. It appears Ryan will develop the 15 unit and adjacent property together.

4.. **Monitoring, Marketing & Resales**: Nothing new for Trust.

**5. Old Plymouth Rd**– Kh expects a call back before Thursday's meeting per Vanesa Hingston. Original contractor found by owners not responding- may have to go back to Dacey.

6. **Next Step on land acquisition.** KH directed to wait to see financial impact from downtown.

**7. Accessory dwelling without SHI eligibility.** Sue to discuss with Lee Berger.

**8 . Emergency Repair program:** It was confirmed that you can't use CPA funds for emergency repairs (unless property was originally bought with CPA funds). See #10.

**9. Sandwich Rd. fire displacement:** Kh spoke with Red Cross & Bourne Housing Authority and offered to bring any request to help if needed to the Trustees.

**10.Block Grant**: Town may have $30,000 left for emergency repairs inside target area but not outside.

11. **Admin. Assistant.** James Chapman on board

12. **KH Out of Office Plans** Out starting Nov 2 2016 back in office AM Nov 7 2016 and out starting Feb 8, 2017 and back in office Feb 21 2017.

13. **Funding sources. KH will have James research foundation monies through the Bourne library.**

FUTURE AGENDA ITEMS.-

**Notice**

Bourne Affordable Housing Trust Fund Meeting
Thursday, October 13, 2016 at 5:00 PM
Veterans Memorial Community Center
239 Main St
Buzzards Bay , MA

RECEIVED
2016 OCT -7 AM 11:55
TOWN CLERK BOURNE

Agenda:

1. Review minutes and vote by Trust on the May 17, 2016 Trust Meeting minutes.

2. Summary of Financial Status.

3. Consider the design of the affordable home to be built by Hebb Builders on lot 74 at Pilgrim Pines and determine the sale price for which the home will be marketed for the lottery process.

4. Vote to enter executive session to consider purchasing affordable housing deed restrictions on units in a proposed developments in Buzzards Bay and review minutes of previous executive session meetings.

5. Return to open session.

6. Consider whether to draft an emergency repair program for future consideration utilizing Trust Assets.

7. Updates by Chairperson and Housing Programs Administrator on the following subjects: 143 Old Plymouth Rd. driveway; Down Payment Program activities; recent affordable housing sales activities; housing rehab; CPA funding for FY17; Wing Rd. purchase; land acquisition; and, status of projects previously discussed

8 Discussion of future agenda items

Adjourn Trust meeting

Kerry Horman, Affordable Housing Programs Administrator

RECEIVED
2016 DEC 12 PM 2:13
TOWN CLERK BOURNE

Bourne Affordable Housing Trust Meeting

Minutes

October 13, 2016

Meeting Location: Veterans Bourne Community Center
329 Main Street, Buzzards Bay, MA 02532

Members Present: Sue Ross, Stephen Walsh, Judith Riordan

Members Absent: Peter Meier (Absence Excused)

Others Present: Kerry Horman, Affordable Housing Specialist and James Chapman, Administrative Support

Meeting called to order at 5:00p.m.by Chairperson, Susan Ross.

Ms. Ross introduced James Chapman, new Administrative Assistant.

Agenda #1 Review and vote on previous minutes. A motion was made by MS. Riordan, second by Mr. Walsh to approve the minutes of previous meeting of May 17, 2016, unanimous vote of the members.

Agenda # 2 Summary of Financials: Mr. Horman provided members with an update of the financial status for the Trust. Mr. Horman provided members with handouts (Trial Balance; Fund Article Report; Condition of Accounts) and an update and explanation of each individual account. Trust has $552.388.18. Mr. Horman requisitioned through Mr. Guerino the subsidy for the Pilgrim Pines project. It is $35,500 for the house going on right now to make up the difference from the $223,000. It is in process from the Cape Cod Commission. Mr. Horman said the closing is scheduled for the end November. Mr. Horman reviewed the other accounts for the Trustees.

Agenda #3 Consider Design: Ms. Ross said that Mr. Hebb is starting the 4th and last house for us and it is in your packet and we approved the same design once before. It's a 4 septic 3 bedroom house. This is the 1 lot that is 4 septic. Mr. Homan said Coreen informed him that the permit Hebb submitted is for a 4 bedroom septic system. Ms. Ross asked if that lot allows for a walkout? Mr. Horman said, it is a pretty flat lot and he didn't think it does. Mr. Walsh said, the top of the hill is pretty flat. He also mentioned that he didn't think you could do a walkout on that. Mr. Horman said, we put in a visitable clause as part of the approval to make sure the doors and the entry door from the garage meet the needs of visitors with wheelchairs. Ms. Ross said we have gone through this before and he knows it. When we make a motion to approve the plan we have to say approved with adjustment on all doorways and hallways. Mr. Horman said we need to make sure it's a 4 bedroom septic. Ms. Ross said, that it is, it is the plan he submitted and we are approving the plan as submitted. Mr. Horman said we don't have anything on the subject. Ms. Ross said the Town Hall does and we are approving the plan submitted to the Town Hall. We can put in the 4 bedroom septic with hallways and doors adjusted including the

garage. Mr. Walsh made a motion to approve the plan as submitted to the Town Hall for a 3 bedroom 4 septic ranch with hallways and doors to be adjusted to be handicap visitable, including the door from the garage. Ms. Riordan second. There was a unanimous vote of the members. Ms. Ross said we need to discuss the sale price of the house. The one we are closing on in November is $187,500, because we had to take down the wall which added money. Mr. Walsh questioned the price increase. Mr. Horman said, it was $3000.00 for the design change, but we made up the money by the increase in sale price, so it only cost us $500.00. That particular one was a 2 story colonial. Ms. Ross said we should go back to $185,000 because it is a smaller house (3 bedroom) not a colonial and we are not adding anything. It is not worth as much as the colonial. Mr. Walsh will refer to Ms. Ross's expertise and there was unanimous agreement. Ms. Riordan motioned to price the new house at Settlers Way at $185,000.00. Mr. Walsh second. There was a unanimous vote of the members. Mr. Horman said that this should end our involvement since this is the 4th and last affordable to be built.

Agenda #6 Emergency Repair: Mr. Horman gave out write-ups on the Emergency Repair Program. Mr. Horman said he know Ms. Ross wants to wait on the program until we get the expenses and price on the downtown project. Essentially, what's happened is that there are no programs currently available for people in trouble with problems like roof leaks and plumbing disasters, etc., that need to be done right away and people have no money. There is a little money left to be used in the target area he thought there was about $30,000 left. We are working on a proposal that went to the USDA last September so they are a year behind and they have no emergency money. He received a couple of calls from the Council on Aging on emergency money and nobody out there is doing it other than a few things for energy conservation. The only exception is for septic repair. He looked around to set up something with CPA funds. There is CPA legislation that says that you can't use the CPA funds for that purpose. Mr. Horman said, he agreed on it legally, but not with the policy. Mr. Homan confirmed this at a conference. Mr. Horman also looked at another source of Block Grant money. Sharon Gay talked to DHCD and asked if money could be used for emergency purposes? They said no. Ms. Ross asked if it was the Block Grant that the town already has and how much is left? Mr. Homan said about $30,000. The State said no, the Town has already spent 20% outside the target area and can only spend inside the target area for emergency purposes, but not outside target area. Ms. Ross asked if the Council on Aging has been notified? Mr. Horman said yes. Ms. Ross said that the target area is Buzzards Bay. Mr. Horman said an emergency program has some challenges such as the fact that you don't have a lot of time to verify incomes. So, you have to make judgments on how to go about making quick decisions. If we are wrong and find out later, we have to find a way to recoup the money and also, how you would have contactors ready to go immediately without the bid process. One idea is to have some type of hourly rate agreement. It is not easy which is why people don't do it. At some point, we might want to review and consider such a program. Ms. Ross said, it is an interesting program and that Mr. Horman has done some great research. We have to find out more and find out how much money is needed for projects we have indicated we want to do and see how much money will be left. Ms. Ross said, eventually the Town is going to have to give the remaining block grant money back if it isn't used in the target area. Ms. Ross said, why couldn't they just give it to Housing Trust and use it for the target area?

Mr. Horman will call and see if we can do that and transfer the funds to the target area. Also, he said, Leonardi Aray is doing specifications for the Trust Program, so we can have him to do that and amend the contract we have for both. Ms. Ross said that would be great if we could to that. Everyone was in unanimous agreement.

Agenda #7 Upates: Ms. Ross wanted to do Updates. Mr. Horman said we have 2 applications in for housing rehab. One is active but we are having trouble finding bids and people to bid. Leonardi sent to all the people on the USDA list and all the people on the Towns Community Development Block list. Mr. Horman has a neighbor that might put in a bid and Leonardi knows a person that may put one in. The woman who owns the house called Mr. Horman the other day and said I'm not getting any bids. Ms. Ross asked if there is any criteria for people? Mr. Horman said you have to be licensed and have insurance and that type thing. He also said, he talked with the family and that they should know some contractors, but they didn't know any that would bid. Ms. Ross said, people are not bothering with the license due to the amount of study and every 2 years have to take classes. People are just letting it go. Mr. Walsh said Lead Paint removal is killing the rehab program. For every 3 square feet of siding you have to put in a window and you have keep notices and keep all kinds of medical records.

Mr. Horman updated the Trustees on ongoing projects using the form he uses when he coordinates with Ms. Ross every week. He covered Pilgrim Pines earlier. He said there is nothing on sales or being marketed except Pilgrim Pines. Old Plymouth Road is the case where we agreed to pay for a widening of the driveway. The owners got a price of $1400.00, but the guy hasn't responded. He said he's going to have to call Dacey or Valley Group. Ms. Ross said Kathleen O'Donnell does not want to have Dacey involved in it since their contract is completed. Mr. Horman said, the next step in land acquisition is not doing anything until we know what the financial demands are for downtown. Accessory dwellings without SHI eligibility was discussed. He said Barnstable and Masphee do it. Ms. Ross said it is more of a Partnership thing and Mr. Horman agreed. The idea is, should we promote the idea as people involved with housing, of allowing people that have accessory dwellings that are not for in-laws, and are not derestricted for affordability. Bottom line is within current zoning limits, there is ability for people to do it and there is a phrase that it can be approved as long as there is a significant public benefit or write down on rent. Ms. Ross and Mr. Horman both spoke with Mr. Berger about what accessory dwelling ordinance really means. Ms. Ross said, the ordinance was used once and Mr. Berger said the Town already has an ordinance provision but no one remembers. They think in order to have an accessory dwelling you have to have an in-law and you have to show it is an in-law. Ms. Riordan said there have been others that didn't have an in-law, however, someone said that it wasn't advertised for rent and it was for someone that had a significant disability or need. Ms. Ross said one was for affordable housing and she put the rent down. It was on Old Bridge Road. Ms. Ross felt that Mr. Berger is saying we already have an ordinance and he wanted units to count on the State list. However, she didn't think those units will ever count and we need to talk about what to do with the current ordinance. She felt we needed to let people know it exists because people don't know. Mr. Horman said, that the simple benefit is that the homeowner gets help by getting additional rent and provides a less expensive

opportunity for the tenant. He said he knew retired building inspectors from Barnstable and Falmouth who are friends of his and they both live in Mashpee and have accessory apartments in their homes and are in favor of it. Whether Roger would be in favor of it or not he didn't know. Ms. Riordan mentioned that we might want to look at the zoning and the bylaws that pertain to it. If she remembered correctly, it was very specific on certain things and we may have to make adjustments. She thought it is always better to be clear and in black and white.

Mr.Horman, had been in contact with the Bourne Housing Authority and also contacted by the Red Cross relative to Sandwich Road fire. It appears that the Section 8 units in the structure were from Housing Assistance Corp not Bourne. He offered our help if it was needed. Mr. Horman said he will be out of town the early part of November and in February. Mr. Horman went to Cape Cod Community College for funding sources and grant writing. The presenter agreed that things are getting tighter and administrative work for grants is going crazy. The lady that gave the presentation to the State said she is doing 60% of her time on reporting and 40% managing the project. The recommendation was to look into foundations. He said that he and Mr. Chapman will look at this in the future. The Bourne Library has a publication for information on foundations. Mr. Walsh said he would be not available for attendance the middle of November.

Ms. Ross, do we have motion to enter Executive Session to consider purchasing affordable housing deed restrictions on units in a proposed development in Buzzards Bay and review the minutes of previous Executive Session and return Open Session? A motion was made by Ms. Riordan to enter Executive Session at 5:31p.m., second by Mr. Walsh. Roll Call: Ms. Ross voting yes, Mr. Walsh voting yes and Ms. Riordan voting yes.

At the end of Executive Session, a motion was made by Mr. Walsh and seconded by Ms. Riordan, to move out of Executive Session and move to Open Session at 5:50p.m. An individual roll call resulted in Mr. Walsh voting yes, Ms. Ross voting yes, Ms. Riordan voting yes.

Agenda 8 Discussion –Mr. Walsh, asked what is happening with lot on Wing Road? Mr. Horman said that it is closed, the Trust owns it and deeds have been recorded. We've been sitting on it until we get more than one lot to build on. Ms. Ross said, we wanted to wait until there was more than 1, but that was before the downtown project came up. Ms. Riordan left at 5:52p.m., after the above discussion. Ms. Ross said that maybe we should for the next meeting talk about and get working on Wing Road. It was so much work on Old Plymouth Road that we said let's wait until we get another. But if we are going to take all our money and focus on getting a lot of units in the downtown, we mind as well build Wing Road because people need houses. Mr. Horman said, the downtown project is like trying to grab an eel. It keeps getting bigger, than he has to wait. It is such a complicated thing to deal with. If we knew what we had to budget to go and find one more lot it would be great. Ms. Ross said, to spend the time to find a lot is a waste of time right now, with so many other things to do. Mr. Horman will talk to Coreen to see if anything else is coming up with town owned property. Mr. Walsh said, it is a shame it's just sitting there and people are looking for housing. Mr. Horman said, we already own the lot and have

a special permit to allow us to build a house on there, so we can go ahead and get specifications together and ask for developers and go ahead with this. Mr. Walsh said it is an advantage to build 1 at a time because the builder has less financial burdens. The builder might go in and give us a better price where he only has to finance 1 unit. Mr. Horman said, one thing he would like to do before we get started is to go through what we require from builders about financial reporting ahead of time. He said he thinks a lot of it is over the top and it turns away a lot small builders who could do it easily. It is turning people away. Mr. Walsh said, he always thought that if we had the money we should be the bank. If we were the bank we could as an example, when the foundation and/or framework is complete, we would give the builder a draw down so that really helps small builders. Mr. Horman said, we don't have that kind of capital. We are talking about $200,000. We may be able to do half of it. We could tell the builder, look put in the foundation, if it costs you $15,000.00, we will give you $5,000.00. He wondered if the Trust had the capital to roll that kind of payment, and said that once you do that you are at risk. Ms. Ross said, we still have money left at the Cape Cod Commission. Mr. Horman said, this is correct we had $220,000.00 to begin with. Ms. Ross said, Tom (Guerino) had taken $20,000.00. Tom said he is going to but she didn't think he has. She said she had asked him and he will take it, but he isn't going to take more than that. Mr. Horman said, so that leaves us $200,000.00. After obligations at Pilgrim Pines of about $148,000, that would leave us about $50,000.00 he said. Mr. Walsh said, for Valley Group we pay a premium for them doing the banking. Small builders don't have to finance the project through to the point of selling it. Maybe we could get them more interested if we were the bank along the way so they don't have to do so much financing. Ms. Ross said this is a good idea and we will look into it. Additionally, there are some good small builders that do a nice job. Even for 1 house you need to get a big time builder do to this.

There being no other business before the members, a motion was made by Ms. Ross, second by Mr. Walsh to adjourn at 5:56p.m. There was a unanimous vote of the members.

Respectfully submitted,

James Chapman
Administrative Assistant

Notice

Bourne Affordable Housing Trust Fund Meeting
Thursday, December 8, 2016 at 4:30 PM
Bourne Housing Authority Offices
871 Shore Rd.
Pocasset MA 02559
4:30 PM
Joint Meeting of Bourne Housing Partnership and Bourne Housing Trust
**Agenda**

**1** Programs Administrators report on current activities.

**2.** Consideration of programs to be submitted for FY 2018 CPA Funding

**3.** Vote to adjourn Joint session

5:00 Housing Trust Meeting

**1)** Consider minutes of last meeting

**2)** Financial Summary

**3)** Vote to enter Executive session to discuss the purchase deed restrictions and related matters in Buzzards Bay and to return to open session

**4)** Return to open session

**5.** Update on Old Plymouth Rd driveway, Wing Rd., Pilgrim Pines new homes, and Emergency Repair program.

**6.** Consider renewing contract with Warwick Associates for engineering services.

**7.** Future Agenda Items and Adjourn

RECEIVED
2016 DEC 12 PM 12:38
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 3 Fax: (508) 759-0611

16 JAN 4 AM 9 21
TOWN CLERK'S OFFICE
BOURNE, MASS

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**January 6, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 37 Buttermilk Way** Variance **#2015-V28**, Request for a Variance from the following section of the Bourne Zoning Bylaw: *Section 2453 Maximum Gross Floor Area* pertaining to Gross Floor Area (GFA) requirements of Nonconforming Lots and also from *Section 2457 Departure* which allows relief of an additional 10% increase in GFA via Special Permit from the Zoning Board of Appeals through "good cause."

**7:10 p.m. 144 Jefferson Road** Special Permit **#2015-SP29**, Requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to build a 10' x 12' addition to the pre-existing nonconforming dwelling.

**Old Business**

**New Business**

**Public Comment**

2015 DEC 22 AM 9 42
TOWN CLERK'S OFFICE
BOURNE, MASS

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2015-V28

**APPLICANT:** Peter & Allison Grasso

**LOCATION:** 37 Buttermilk Way, Bourne, MA
MAP: 23.1 PARCEL: 128

**PROPOSAL:** Request for a Variance from the following section of the Bourne Zoning Bylaw: *Section 2453 Maximum Gross Floor Area* pertaining to Gross Floor Area (GFA) requirements of Nonconforming Lots and also from *Section 2457 Departure* which allows relief of an additional 10% increase in GFA via Special Permit from the Zoning Board of Appeals through "good cause."

**DATE & TIME:** Wednesday, January 6, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Enterprise publishing dates:
December 18, 2015
December 25, 2015

2015 DEC 22 AM 9 42

TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2015-SP29 – Extension or Alteration of a Pre-Existing Non-Conforming structure or use.

**APPLICANT:** Joseph Desorcy

**LOCATION:** 144 Jefferson Road, Gray Gables, MA
MAP: 26.1 PARCEL: 13

**PROPOSAL:** Requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to build a 10' x 12' addition to the pre-existing nonconforming dwelling.

**DATE & TIME:** Wednesday, January 6, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Enterprise publishing dates:
December 18, 2015
December 25, 2015

2016 FEB 19 AM 10 29
TOWN CLERK'S OFFICE
BOURNE, MASS

# *Town of Bourne Zoning Board of Appeals*
# *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

January 6, 2016

**I. Call to order**

John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on January 6, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Harold Kalick, Timothy Sawyer, Amy Kullar and Kat Brennan

**Members Excused:** Lee Berger and Wade Keene

**Also Present:** Roger Laporte, Carol Mitchell, Peter Grasso, Allison Grasso, Donald Lynde, Paul Huehmer, Eda Cardoza, Barbara Frappier, Joe Desorcy and Mrs. Desorcy

**Documents** – Agenda and packets pertaining to hearings for Variance **# 2015-V28,** Special Permit **# 2015-SP29**.

**III. Agenda Items**

1. **Approval of Minutes -**

   Mr. O'Brien entertained a motion to approve the minutes of the December 16, 2015, meeting. **Ms. Kullar moved to accept the minutes of the December 16, 2015, meeting. Ms. Brennan seconded**. With no discussion, the minutes were approved 4-0-1 with Mr. Kalick abstaining.

   Mr. O'Brien announced the first hearing.

2. **37 Buttermilk Way - Variance #2015-V28,** Request for a Variance from the following section of the Bourne Zoning By-law: Section 2453*Maximum Gross Floor Area* pertaining to Gross Floor Area (GFA) requirements of Non-conforming Lots and also from Section 2457 Departure which allows relief of an additional 10% increase in GFA via Special Permit from the Zoning Board of Appeals through "good cause".

   Peter Grasso a resident for ten years of 30 Buttermilk Way, is requesting a Variance to add garage doors to the lower level of his new home located at 37 Buttermilk Way. He stated that when the house was built, it met all of the

permitting requirements. Because the home is located in a flood zone, it had to be built 9' in the air, leaving the lower level open, exposed to the elements as well as animal activity. Adding garage doors would prevent this and would also be aesthetically pleasing.

Mr. Grasso then showed the committee photos of other houses in the neighborhood with similar garage doors that the ZBA approved at previous hearings.

Mr. Laporte informed the committee that the homeowner of 7 Wright Ln had requested and received a similar Variance several months ago. He went on to explain that per the Small Lot By-law, the area below the house is uninhabitable and has to be left open; therefore, the square footage does not count toward the GFA. Installing garage doors would not change that.

Mr. O'Brien questioned the submitted paperwork. He inquired as to whether adding the garage doors would add to the gross flooring. If so, that would add 1,674 feet of GFA. The By-law only allows 10%. Mr. Laporte stated the area is already there. Whether or not the doors and siding are added to make it aesthetically pleasing won't make a difference; it's still there. When the Small Lot By-law was adopted, noone took into consideration the flood zone; where people would have to elevate their houses. Adding the doors will not change the square footage of the home.

Ms. Brennan inquired as to why the home has to be elevated. Mr. Laporte explained that the Army Corps of Engineers has determined the elevation at which a flood is going to come. A home cannot be built below the elevation because of FEMA regulations. He added that in a velocity zone, there are different requirements that would allow a rush of water to come in and move out; i.e., breakaway walls. He further explained that Mr. Grasso currently has the ability to build a separate garage, under 480 sq. feet if he wanted to and would still be within the by-law requirements. Ms. Brennan stated that if he parks his car under the house, as water rises, items from the vehicles would enter the water. Mr. Laporte stated the same thing would happen if he parked his car in the driveway or a car port. He feels the Small Lot By-law should be amended for people who live in flood zones.

A brief discussion transpired pertaining to the photos Mr. Grasso submitted and the number of doors on the Wright Lane property.

Mr. Grasso stated that while walking near the property last week, the police had to be called because he saw someone running from under the house. Mr. Laporte added that security is also a big factor in adding the garage doors.

Mr. Kalick inquired as to the type of flooring that's currently there, how the doors would be secured and what the age of the house is. Mr. Grasso stated the house is brand new. He then went on to explain how the doors would be secured.

Mr. Kalick inquired as to whether or not a building permit would have been issued if the current plans were presented at the inception. Mr. Laporte stated no, the permit would not have been issued. Mr. Kalick feels that there are too many ways of circumventing the zoning laws in the town and is frustrated by this. Mr. Laporte stated in this case, he doesn't feel the homeowner is doing that. A brief discussion ensued.

Mr. O'Brien doesn't know if the board has the authority to approve this request. Mr. Laporte stated that in some instances there are flaws in the by-laws and until they're amended, appealing to the board is the only way an applicant can find relief.

Ms. Brennan feels that approving the request will set a precedent for the rest of the neighborhood. Mr. Laporte is hoping the Small Lot By-law will be corrected to prevent this. A brief discussion ensued.

Mr. O'Brien asked if any board members had further questions. They did not. He then asked for public comment.

Donald Lynde of 37 Academy Dr. addressed the committee. He stated 8 years ago he was told by the building inspector he could not add or change the living space of his home. He questioned why the Buttermilk Way residence was allowed to have more living space. Mr. Laporte explained that at one point, the majority of Taylor's Point was in a velocity zone. The flood zone maps changed last year and the Army Corps took all but 4 homes out of the velocity zone. Mr. O'Brien explained that according to the existing by-laws, there's a percentage of the lot that can be covered. A brief discussion transpired pertaining to lot sizes and percentages. Mr. Lynde then inquired about rebuilding a non-conforming use building if it's been knocked down. Mr. Laporte explained that the Town of Bourne by-law allows up to two years to rebuild. Mr. Lynde was happy to hear he has the ability to expand his home.

Paul Huehmer of 39 Buttermilk Way addressed the committee. He stated that allowing the doors to be installed would add value to the homes in the neighborhood.

Eda Cardoza of 16 Wright Ln addressed the committee. She inquired as to whether she'd be allowed to add on to her property and whether or not she'd have to have breakaway walls. Mr. Laporte stated that as of right now, because her home is no longer in a velocity zone, she can add on and she would not have to have breakaway walls.

Mr. O'Brien entertained a motion to close the hearing on Variance #2015-**V28. Mr. Sawyer moved to close the hearing. Ms. Brennan seconded.** The motioned carried. 5-0.

Mr. O'Brien entertained a motion on the request for a Variance under #2015-**V28. Mr. Sawyer moved to grant the Variance to Peter Grasso and Allison Grasso of 30 Buttermilk Way for a Variance to exceed the allowable floor space for their property to enclose and put siding according to the plans that have been submitted limited to a garage and storage only, no habitable space and no functional plumbing. Ms. Kullar seconded.** With no discussion, the motion passed unanimously 5-0.

Mr. Grasso thanked the committee.

Mr. O' Brien announced the next hearing.

3. **144 Jefferson Rd** Special Permit # **2015-SP29,** Requesting a Special Permit under section 1331, 2320 and 2450 of the Bourne Zoning By-laws and M.G.L., Ch 40A, Sec 9 to build a 10'x12' addition to the pre-existing non-conforming dwelling.

Barbara Frappier of Warwick & Associates addressed the committee on behalf of the property owner, Joe Desorcy. She explained the homeowner would like to build a 10'x12' addition on the existing dwelling, which due to its setbacks from the property line, is a pre-existing, non-conforming structure. The work as proposed would not make it any more non-conforming and is compliant with the square footage GFA by-law. She submitted letters from abutters stating they do not object to the addition. Ms. Frappier mentioned the addition will be used as utilitarian space only.

Mr. O'Brien asked the board members for questions.

Mr. Sawyer inquired as to the type of room it will be. Ms. Frappier stated it will be a laundry/storage room.

Mr. O'Brien asked for public comment. There wasn't any.

With no other discussion, Mr. O'Brien entertained a motion to close the hearing on Special Permit # **2015-SP29**. **Ms. Kullar moved to close the hearing. Ms. Brennan seconded.** With no discussion, the motion carried. 5-0.

Mr. O'Brien entertained a motion on Special Permit request # **2015-SP29, Ms. Kullar moved to grant the Special Permit pertaining to sections 1331, 2320 and 2450 to the Desorcys to build a 10'x12' addition to the pre-existing non-conforming dwelling. Ms. Brennan seconded.** With no further discussion, the motion passed. 5-0.

Ms. Frappier thanked the committee.

4. **Old Business** – None

5. **New Business** – Mr. Sawyer stated he's pleased that Mr. Lydon attached a cover sheet to all of the packets now. Mr. O'Brien agreed and stated Mr. Lydon is doing a great job.

   Ms. Brennan asked to be exempt from writing decisions for a short time as she is having computer problems. After a brief discussion, the board agreed to allow Ms. Brennan time to resolve her computer problems and abstain from decision writing.

   Mr. O'Brien stated there are two hearings for the January 20, 2016, meeting; **SP30** and **V31**

## IV. Adjournment

Mr. O'Brien entertained a motion to adjourn the meeting. **Mr. Sawyer motioned to adjourn the meeting. Ms. Kullar seconded**. With no discussion, the motion carried 5-0. The meeting adjourned at 7:43 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2015-V31

**APPLICANT:** Regan C. Jason

**LOCATION:** 0 Commonwealth Avenue, Bourne, MA
MAP: 12.3 PARCEL: 60.1

**PROPOSAL:** Requesting a Variance to declare a nonconforming lot under contiguous ownership as buildable.

**DATE & TIME:** Wednesday, January 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
January 6, 2016
January 13, 2016

2016 JAN 5 PM 2 47
TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2015-SP30 – Extension or Alteration of a Pre-Existing Non-Conforming structure or use.

**APPLICANT:** Donald W. Jones, Jr.

**LOCATION:** 45 Baxendale Road, Cataumet, MA
MAP: 54.0 PARCEL: 3

**PROPOSAL:** Requesting Special Permit per section 1330, 2320 and 2450 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to rebuild an existing shed and extend the pre-existing nonconformity that does not meet the side setback requirements of 15 feet.

**DATE & TIME:** Wednesday, January 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
January 6, 2016
January 13, 2016

2016 JAN 5 AM 9 16
TOWN CLERK'S OFFICE
BOURNE, MASS

2016 FEB 19 AM 10 29
TOWN CLERK'S OFFICE
BOURNE, MASS

# *Town of Bourne Zoning Board of Appeals*
# *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

January 20, 2016

**I. Call to order**

John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on January 20, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Harold Kalick, Timothy Sawyer, Amy Kullar, Kat Brennan and Wade Keene.

**Members Excused:** Lee Berger

**Also Present:** Roger Laporte, Carol Mitchell, Architect, David Maclean, Clayton Jones, Selectman, Don Ellis, Terri Songer, Roger Zollo, Bob Ferrari and Regan Jason.

**Documents** – Agenda and packets pertaining to hearings for Special Permit **# 2015-SP30,** Variance **# 2015-V31,** and Ammendment of Comprehensive Permit **#22-12.**

A brief discussion transpired pertaining to the next meeting date. Mr. Laporte stated there will not be a meeting on February 3, 2016.

**III. Agenda Items**

1. **Approval of Minutes -**

   Due to a technical error on the part of the Recording Secretary, the committee members did not receive the minutes of the 1/6/16 meeting. The approval of those minutes was deferred.

   Mr. O'Brien announced the first hearing.

2. **45 Baxendale Raod** – Special Pemit **#2015-SP30,** Requesting a Special Permit per section 1330, 2320 and 2450 of the Bourne Zoning By-laws and M.G.L. Ch 40A, Sec 9 to rebuild an existing shed and extend the pre-existing non-conformity that does not meet the side setback requirements of 15 feet.

   Sitting on this hearing are John O'Brien, Wade Keene, Timothy Sawyer, Harold Kalick and Amy Kullar. Also present is Kat Brennan.

David Maclean, the architect, spoke on behalf of the Joneses. An existing shed was removed approximately two months ago. It had been on the property for forty years. The homeowners would like to replace it with a storage shed and changing area. The former shed was not a prefect rectangle; and, it was approximately 183 sq. ft. The proposed new shed will be a perfect rectangle; and, will be approximately 200 sq. ft. The new proposal decreases the non-conformity. The former shed encroached the right of way. The proposed new shed will be moved back onto the property. It is lower in height and will be rotated to have less of an impact.

Ms. Brennan asked if there's an outdoor shower. Mr. Maclean stated there is, just as there was before. The shower will drain into the septic system. A brief discussion transpired pertaining to the placement of the shower and the location of where the new shed would be placed.

A question was posed regarding the ownership of the road. Mr. Maclean stated the road is private and is maintained by residents on the island. He stated the abutters do not oppose this project.

Mr. Sawyer is concerned about maintaing the structure without having to go on someone else's property. Mr. Maclean stated it's prefabricated and will require little to no maintenance.

Ms. Brennan inquired about the cement platform and Ms. Kullar inquired as to why it's being placed so close to the boundary. Mr. Maclean stated the cement platform is a generator platform. He added that the placement of the shed is because of the topography and the vegetation. He reiterated that the new structure will decrease the non-conformity, adding the road is private and the neighbors do not object to the project. A brief discussion ensued.

Mr. O'Brien stated that granting the Special Permit would require a Finding. The Finding is that the the propsed new structure will not be more detrimental to the neighborhood.

Mr. O'Brien asked for public comment. There wasn't any.

Mr. O'Brien entertained a motion to close the hearing. **Mr. Kalick motioned to close the hearing. Ms. Kullar seconded**. The motion carried 6-0.

Mr. O'Brien entertained a motion for a Finding and Special Permit. Mr. **O'Brien moved to grant a Special Permit under item #2015-SP30 with a Finding that this non-conforming use structure will not be more substantially detrimental to the neighborhood and that a Special Permit**

**be issed as requested under section 1330 with the understanding that the proposed shed will not meet the 15' setback as required by the zoning by- laws and the setback will be as stated in the attached plans dated 12/14/15. Mr. Kalick seconded.** With no further discussion, the motion passed 3-2 with Mr. Sawyer and Mr. Wade voting no, Mr. O'Brien, Mr. Kalick and Ms. Kullar voting yes.

Mr. O' Brien announced the next hearing.

3. **0 Commonwealth Avenue** - Variance # **2015-V31,** Requesting a Variance to declare a non-conforming lot under contiguous ownership as buildable.

   The hearing was deferred as the presenter was running a few minutes late.

   Mr. O'Brien announced the next hearing.

4. **Coady School Residences** – Amendement of Comprehensive Permit **#22-12,** Requesting to amend the Comprehensive Pemit for a 2-year extension.

   Sitting on this hearing are John O'Brien, Wade Keene, Timothy Sawyer, Harold Kalick and Kat Brennan. Also present is Amy Kullar.

   Mr. Laporte addressed the committee as Tom Guerino was unable to attend the hearing. Mr. Laporte explained a Comprehensive Permit under 40B was issued for this project.The Town owns this property and is under agreement to sell it to The Coady School Residences Limited Partnership.They are requesting the extension because they are waiting for funds.

   A brief discussion transpired pertaining to the funding and the location of the development.

   Mr. O'Brien asked if any committee members had questions. None were posed.

   Mr. O'Brien asked for public comment. Selectman, Don Ellis, addressed the committee. He stated the BOS fully support this project and he respectfully requests the extension be granted.

   Mr. O'Brien entertained a motion to close the hearing. **Mr. Keene motioned to close the hearing. Ms. Brennan seconded.** The motion carried 6-0.

   Mr. O'Brien entertained a motion on the request for the Coady School Residences for an extension of 2-years on permit # **22-12. Mr. Kalick motioned that under Comprehensive Permit # 22-12 requesting a 2-year**

**extension be granted. Mr. Sawyer seconded.** With no further discussion, the motion passed 5-0.

5. **0 Commonwealth Avenue -** Variance # **2015-V31,** Requesting a Variance to declare a non-conforming lot under contiguous ownership as buildable.

Sitting on this hearing are John O'Brien, Wade Keene, Timothy Sawyer, Harold Kalick and Amy Kullar. Also present is Kat Brennan.

Mr. Laporte requested a 5 minute recess.

The meeting reconvened after a five minute recess.

Mr. O'Brien restated the Variance request. Mr. Laporte called a point of order. He believes that this lot does not need a Variance. He asked the former chairman of the Planning Board, Don Ellis, to address the committee.

Mr. Ellis stated he was there not only as an abutter (representing the Sagamore Cemetery Association); but, as the former chair of the Planning Board. He offered a brief explanation of the original plan that was submitted back in the late 70's / early 80's. At the time, zoning allowed this property to be split into two lots. The Zoning Board unanimously approved the division but stipulated it must remain residential. The property is a two lot sub-division that will support two houses to be built. The Sagamore Cemetery Association supports the development of two residential lots once the road is built to allow for proper frontage.

Mr. Laporte stated without the road, there is no frontage and a Variance would be needed. With the road, these lots are not contiguous lots by both state and case law. The law states that for the lots to be abutting, they have to touch each other, even if they touch by just the corners. In his opinion, the land owner does not need a Variance. He feels the applicant can withdraw his request and may obtain a Building Permit on its own merit.

Mr. O'Brien stated the committee has always allowed a person to withdraw their request without prejudice, adding that if the person withdraws, the committee will no longer discuss the issue.

Mr. Laporte asked Mr. Jason if he would like to withdraw his request. Mr. Jason stated he would like to withdraw.

Ms. Songer, an abutter, stated she has questions. Mr. O'Brien allowed the abutters present to ask Mr. Laporte questions.

Ms. Songer inquired as to why the discussion pertaining to the request to withdraw didn't occur prior to the hearing. Mr. Laporte explained that had Mr. Jason applied for a Building Permit, it would have been granted. He was under the impression that a Variance was needed, which it isn't. A brief discussion transpired pertaining to the location of the property, current zoning laws and how they do not affect the lot owner's ability to build on these lots.

Ms. Songer stated there is not an existing road there to separate the lots. Mr. Laporte explained it's a paper road, a road approved on a plan, which can be built at any time. A brief discussion ensued.

Roger Zollo, of 49 Commonwealth Ave, stated he is not opposed to two new houses being built. He discussed the Town's maintenance of the road.

A question was posed pertaining to spot zoning. Mr. Laporte assured the group that the lots would remain residentially zoned.

Bob Ferrari, of 23 Westdale Park, stated he is not opposed to two new homes being built.

Mr. O'Brien entertained a motion to allow Mr. Jason to withdraw his request for a Variance under # **2015-V31** without prejudice. **Mr. Sawyer moved to allow the applicant for 0 Commonwealth Ave, Variance # 2015-V31, to withdraw his application without prejudice. Mr. Keene seconded**. The motion carried 5-0.

6. **Old Business** – None
7. **New Business** - None

## IV. Adjournment

Mr. O'Brien entertained a motion to adjourn the meeting. **Ms. Kullar motioned to adjourn the meeting. Mr. Keene seconded**. The motion carried 6-0. The meeting adjourned at 7:42 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611

RECEIVED
FEB 1 2016
TOWN CLERK
BOURNE
AM 1 2 3 4 5 6 7 8 9 10 11 12
PM 1 2 3 4 5 6 7 8 9 10 11 12

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**February 3, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 71 Wamsutta Avenue** Special Permit **2015-SP25**, requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to maintain nonconforming setbacks when razing and reconstructing the existing house in the same location while a second story and roofline would extend the nonconformity. (Requested to be continued to March 16, 2016)

**Old Business**

**New Business**

**Public Comment**

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**February 17, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 5 Snow Circle** Special Permit **2016-V1**, Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Sideline Setback.* 12'x16' shed to be constructed within the setback of the rear lot line.

**7:10 p.m. 410 Barlows Landing Road** Special Permit **2016-SP2,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 for conversion of space within existing building footprint for an accessory dwelling.

**Old Business**

**New Business**

**Public Comment**

2016 FEB 12 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

RECEIVED
FEB 1 2016
TOWN CLERK
BOURNE
AM 1 2 3 4 5 6 7 8 9 10 11 12 PM
PM 1 2 3 4 5 6 7 8 9 10 11 12 AM

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V1

**APPLICANT:** Michael Bessette

**LOCATION:** 5 Snow Circle, Bourne, MA
MAP: 20.1 PARCEL: 12

**PROPOSAL:** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Sideline Setback.* 12'x16' shed to be constructed within the setback of the rear lot line.

**DATE & TIME:** Wednesday, February 17, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

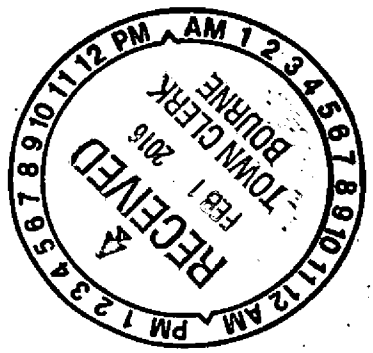
Bourne Courier publishing dates:
February 3, 2016
February 10, 2016

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*




**APPEAL:** Special Permit 2016-SP2– Accessory Dwelling

**APPLICANT:** David and Rochelle Rottenberg

**LOCATION:** 410 Barlows Landing, Pocasset, MA
MAP: 43.1 PARCEL: 43

**PROPOSAL:** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 for conversion of space within existing building footprint for an accessory dwelling.

**DATE & TIME:** Wednesday, February 17, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
February 3, 2016
February 10, 2016

# *Town of Bourne Zoning Board of Appeals*

## *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

February 17, 2016

2016 MAR 7 AM 10 10
TOWN CLERK'S OFFICE
BOURNE, MASS

**I. Call to order**

John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on February 17, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Harold Kalick, Timothy Sawyer, Amy Kullar, Kat Brennan and Wade Keene.

**Members Excused:** Lee Berger

**Also Present:** Roger Laporte, Carol Mitchell and homeowner, Michael Bessette, of 5 Snow Circle.

**Documents** – Agenda and documents pertaining to the hearings for a Variance **# 2016-V1,** and a Special Permit **# 2016-SP2.**

**III. Agenda Items**

1. **Approval of Minutes -**

   Mr. O'Brien entertained a motion to approve the minutes of the January 20, 2016 meeting. **Ms. Kullar moved to approve the minutes of the January 20, 2016 meeting. Mr. Keene seconded.** With no discussion, the motion carried. 6-0.

   Mr. Sawyer will draft the decisions for this meeting. Mr. Keene will draft the decisions of the March 2, 2016 meeting.

2. **5 Snow Circle** – Variance **# 2016-V1,** Request for a Variance from the following section of the Bourne Zoning By-law: Section 2500. Intensity of Use Schedule regarding the minimum requirements for Sideline Setback. 12'x16' shed to be constructed within the setback of the rear lot line.

   Sitting on this hearing are John O'Brien, Timothy Sawyer, Harold Kalick, Kat Brennan and Amy Kullar. Also present is Wade Keene.

Mr. Bessette addressed the committee and offered a description of his property. He presented photographs and referred to a plan to describe where he would like to install the shed.

A discussion pertaining to a neighbor's shed, Mr. Bessette's 3 car garage, the location of the proposed shed and the allowed Gross Floor Area transpired.

Mr. Kalick and Mr. O'Brien suggested that Mr. Bessette either build a smaller shed or change the proposed location. A discussion ensued.

Mr. Laporte calculated the homeowner's G.F.A. and informed the committee that Mr. Bessette is well within the G.F.A.; a Variance is not required for this project. Mr. Bessette stated he would like to withdraw his request for a Variance, without prejudice.

After a brief discussion, Mr. O'Brien entertained a motion to close the hearing. **Mr. Kalick motioned to close the hearing. Ms. Kullar seconded.** With no discussion, the motion carried. 5-0.

Mr. O'Brien entertained a motion to allow Mr. Bessette to withdraw his request for a Variance under # **2016-V1,** without prejudice. After a brief discussion, **Mr. Kalick moved to allow the applicant of 5 Snow Circle, Variance # 2016-V1, to withdraw his request for a Variance, without prejudice. Mr. Sawyer seconded**. The motion carried 5-0.

3. **410 Barlows Landing Road** – Special Permit # **2016-SP2,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9 for conversion of space within existing building footprint for an accessory dwelling.

   There was no one present to address the committee with regard to this Special Permit request. Mr. Laporte advised the committee that the recording secretary attempted to contact the applicant to see if someone would be attending; however, the phone number listed on the request was to the architect firm which was closed because it was after hours.

   The committee referred to the submitted plans. A brief discussion ensued. Since no one was present to discuss the details of the project, **Mr. O'Brien made a motion to continue Special Permit # 2016-SP2 to the March 2, 2016 meeting. Mr. Kalick seconded.** With no further discussion, the motion carried. 5-0.

4. **Old Business** – After a brief discussion, it was discovered the minutes of the January 6, 2016 meeting also needed approval.

Mr. O'Brien entertained a motion to approve the minutes of the January 6, 2016 meeting. **Mr. Keene motioned to approve the minutes of the January 6, 2016 meeting. Mr. Sawyer seconded.** After a brief discussion, the minutes were approved. 6-0.

5. **New Business** - None

## IV. Adjournment

Mr. O'Brien entertained a motion to adjourn the meeting. **Mr. Kalick motioned to adjourn the meeting. Mr. Keene seconded**. The motion carried 6-0. The meeting adjourned at 7:42 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611

2016 FEB 29 PM 3 12
TOWN CLERK'S OFFICE
BOURNE, MASS

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**March 2, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 7G Hideaway Road** Special Permit **2016-SP3**, Requesting Special Permit per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to install a wooden patios of 12'x12' and 12'x14'.

**7:10 p.m. 282 Main Street** Special Permit **2016-V4**, Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2885.c. Monument or Freestanding Signs.* Remove existing freestanding sign and replace with a new nonconforming sign to exceed height and design requirements.

**7:15 p.m. 11 Phillips Road** Special Permit **2016-SP5**, Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the addition of a proposed two car garage onto a non-conforming structure is no more detrimental than the existing structure.

**7:20 p.m. 410 Barlows Landing Road** Special Permit **2016-SP2,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 for conversion of space within existing building footprint for an accessory dwelling.

**Old Business**

**New Business**

**Public Comment**

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP3– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** James J. Halloran

**LOCATION:** 7G Hideaway Road, Hideaway Village, MA
MAP: 14 PARCEL: 48.30

**PROPOSAL:** Requesting Special Permit per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to install a wooden patios of 12'x12' and 12'x14'.

**DATE & TIME:** Wednesday, March 2, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
February 17, 2016
February 24, 2016


2016 FEB 12 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V4

**APPLICANT:** Nouria Energy, Inc. c/o Ayoub Engineering, Inc.

**LOCATION:** 282 Main Street, Buzzards Bay, MA
MAP: 20.3 PARCEL: 118

**PROPOSAL:** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2885.c. Monument or Freestanding Signs.* Remove existing freestanding sign and replace with a new nonconforming sign to exceed height and design requirements.

**DATE & TIME:** Wednesday, March 2, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
February 17, 2016
February 24, 2016

2016 FEB 12 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP5– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Phillips Rd Sagamore Beach Realty Trust c/o Bracken Engineering, Inc.

**LOCATION:** 11 Phillips Road, Sagamore Beach, MA
MAP: 4.4 PARCEL: 45

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the addition of a proposed two car garage onto a non-conforming structure is no more detrimental than the existing structure.

**DATE & TIME:** Wednesday, March 2, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
February 17, 2016
February 24, 2016

2016 FEB 12 PM 2:41
TOWN CLERK'S OFFICE
BOURNE, MASS

# Town of Bourne Zoning Board of Appeals

RECEIVED
2016 MAR 18 AM 8:40
TOWN CLERK BOURNE

## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 2, 2016

**I. Call to order**

John O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on March 2, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present**: John O'Brien, Harold Kalick, Timothy Sawyer, Amy Kullar, Kat Brennan and Wade Keene.

**Members Excused:** Lee Berger

**Also Present:** Roger Laporte, Carol Mitchell, Jim Halloran, Steve Pedro, Gary Bourne, Maureen Atkins, Zach Basinski and Ryan Austin.

**Documents** – Agenda and documents pertaining to the hearings for Special Permit **2016-SP3,** Special Permit **2016-V4,** Special Permit **2016-SP5** and Special Permit **2016-SP2.**

**III. Agenda Items**

1. **Approval of Minutes -**

   Mr. O'Brien entertained a motion to accept the minutes as submitted of the February 17, 2016 meeting. **Mr. Keene moved to accept the minutes as submitted of the February 17, 2016 meeting. Mr. Kalick seconded**. With no discussion, the motion carried. 6-0.

   Mr. Keene will draft the decisions for this meeting.

2. **7G Hideaway Road** – Special Permit, **2016-SP3,** Requesting a Special Permit per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9 to install wooden patios of 12'x 12' and 12'x 14'.

   Sitting on this hearing are John O'Brien, Timothy Sawyer, Harold Kalick, Kat Brennan and Wade Keene. Also present is Amy Kullar.

   Jim Halloran, who recently purchased this property, addressed the committee. He indicated there is nowhere to sit outside on his property. He would like to

install two-tiered pressure treated decks. He stated they would not be attached to the dwelling, they don't encroach on anyone's property and there are 8' high shrubs around the perimeter.

Mr. O'Brien stated when dealing with requests from Hideaway Village, the applicant usually submits a letter of approval from their board. Mr. Halloran stated he spoke with George in Maintenance at Hideaway Village who gave him permission to build the decks. Mr. Halloran began framing but has since stopped because he was unaware that a Special Permit was required.

Mr. Laporte explained that there's a two- step process that Mr. Halloran would have to follow. The first, is to obtain written approval from Hideaway Village. Mr. Halloran indicated he included the approval letter with the plans he submitted to the board. A brief discussion pertaining to the approval letter transpired.

Mr. O'Brien asked if the board members had any questions. They did not.

Mr. O'Brien asked if anyone in the audience would like to be heard on the issue. The owner of 7F Hideaway Rd addressed the committee. He described Mr. Halloran's property and indicated he does not oppose the project.

With no further comment, Mr. O'Brien entertained a motion to close the hearing for **2016-SP3. Mr. Kalick motioned to close the hearing for 2016-SP3. Ms. Brennan seconded**. With no discussion, the motion carried. 5-0.

Mr. O'Brien entertained a motion on **2016-SP3. Mr. Keene made a motion to grant Special Permit, 2016-SP3 to install a wooden patio 12'x 12' and a 12' x 14' at 7G Hideaway Road. Mr. Sawyer seconded**. With no discussion, the motion carried 5-0.

3. **282 Main St** – Special Permit, **2016-V4**, Request for Variances from the following sections of the Bourne Zoning By-law; Section 2885c. Monument or Freestanding Signs. Remove existing freestanding sign and replace with a new non-conforming sign to exceed height and design requirements.

Sitting on this hearing are John O'Brien, Timothy Sawyer, Harold Kalick, Amy Kullar and Wade Keene. Also present is Kat Brennan.

Steve Pedro from Ayoub Engineering spoke on behalf of Nouria Energy, the gasoline supplier, and Gary Bourne, the property owner and operator.

Mr. Pedro explained that previously, the site was a Sunoco station. The station is now a Shell and new signage is needed to reflect the name change.

At Special Town Meeting, the Town approved amending the By-law with regard to sign height restrictions from 6' to 8'. The amendment also allows the Design Review Committee, on a case by case basis, the authority to approve as high as 12'. Mr. Pedro's proposed sign is 25'. He stated there are three other businesses within the station and the new sign is needed to properly advertise these businesses. He stated the DRC would not approve this sign because it does not comply with the amended By-law. He and the owner are seeking a Variance to replace the freestanding sign and to modify the canopy; allowing for logos and internal lighting. He added that an existing roof sign, the existing freestanding Sunoco sign and two price signs will be removed; thus, reducing the total square footage of signage.

The proposed sign is 25' high 6 - 6" wide, double poled that includes an internally lit Shell logo, LED price panel, and illuminted Subway, Honey Dew and FoodMart panels. They also would like to install two internally illuminated Shell logos on the canopy which includes an internally illuminated red band along the bottom.

Mr. Keene asked Mr. Pedro if he was aware of the Town By-law on the do's and don't's on signage. He replied that he's seen the By-law.

Mr. Laporte clarified that in addition to the height, they are also seeking a Variance to have the signs internally illuminated.

Mr. Keene explained that the Town has a certain look that they want signs to look like; the proposed sign is not in compliance.

Mr. Laporte advised the committee to be specific with their decision because current guidelines specifically state no internal illumination. Mr. Pedro explained how the lights will be illuminated. He stressed the fact that across the street, Job Lot's sign has internal illumination as does the Dunkin' Donuts sign right next door; adding, that because of its location on the rotary, a larger sign will allow the driver to safely identify the branding and services offered. Mr. Kalick suggested ways to revise the sign to conform to the By-law. A discussion ensued.

A brief discussion transpired pertaining to signage that may be grandfathered and other businesses in different parts of town that have illuminated signs.

Mr. Bourne explained that his station is the last parcel within the Downtown District. He understands the reasoning behind the sign restrictions that have been set for the downtown area; however, his business is far enough removed from the Downtown District and feels his sign should be exempt. The

committee referred to pictures of permissible signs displayed in the Zoning By-law book and discussed possible alternatives; including, lowering the sign. The applicant discussed safety concerns with lowering the sign. A discussion ensued.

Mr. Pedro proposed adjusting the sign to 16'. This would change the original request of 128 sq. ft. down to 62 sq. ft. of sign. Mr. Kalick expressed concerned that the request is still substantially over the allowable 12' and proposed shortening the pole height. Mr. Keene stated for safety reasons; particularly with snow banks, a 6' clearance under the sign should be considered. Mr. Bourne stated that the rotary represents the one commercial part or highway area of Buzzards Bay.

Further discussion pertaining to internal illumination transpired.

Ms. Brennan expressed concern in setting a precedent if this sign is approved. Mr.O'Brien stated the board makes determinations on a case by case basis and looks at each individual circumstance.

Mr. O'Brien asked if anyone in the audience would like to be heard on the issue. Maureen Atkins, a resident, stated the rotary is treacherous and feels that signage should be clearly visible. She added that this part of town isn't quaint Main St.; there's so many cars coming, going and yielding. Proper signage will enable the driver to make a safe, quick decision.

Mr. O'Brien asked if the board members had any further questions. They did not.

Mr. O'Brien entertained a motion to close the hearing. A brief discussion pertaining to Mr. Pedro submitting a revised plan to the committee transpired. He stated he would do that the following day. **Ms. Kullar made a motion to close the hearing for 2016-V4. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0.

Mr.O'Brien entertained a motion on Special Permit, **2016-V4. Mr. Kalick made a motion to grant a Variance from the following sections of the Bourne Zoning By-law; Section 2885c. Monument or Freestanding Signs. Remove all existing freestanding signs located at 282 Main St. with the exception of the existing, non-illuminated drive-thru sign and replace with one internally lit monument sign as per plan specifications submitted on 3/3/2016, of a monument sign no more than 16' tall x 4 - 10 ¾ " wide and two insignia signs internally lit, no more than 2 - 9 ½ " square, mounted on the existing canopy. Mr. Sawyer seconded.** With no further discussion, the motion carried. 5-0.

4. **11 Phillips Road** – Special Permit, **2016-SP5,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9 that the addition of a proposed two car garage onto a non-conforming structure is no more detrimental than the existing structure.

Sitting on this hearing are John O'Brien, Timothy Sawyer, Harold Kalick, Kat Brennan and Wade Keene. Also present is Amy Kullar.

Zack Basinski of Bracken Engineering represented the property owner, Mr. Sweetman. Mr. Basinski gave a brief history of the property and when it was built. He displayed photos of the existing site and explained that the property owner is seeking to add a garage onto an existing structure. The existing studio is 5 ½ feet from the sideline setbacks. Setback requirements for this property are 12' side yard setbacks and 20' front yard setbacks. The proposed structure is 673 sq. ft. and will maintain the existing side yard setback but would meet the 20' front yard setback. No additional drainage is required.

Mr. Basinski believes the Supportive Finding could be granted. He discussed how the project will not have an impact on pedestrian or vehicle access to the neighborhood, it will not impact the utilities or pole services to the area, there's no impact on the natural environment, or to the neighbors and meets the GFA requirements.

A discussion transpired pertaining to the access of the proposed garage, the existing structures on the property and the placement of the proposed structure.

Mr. Sawyer inquired as to why the proposed garage can't be placed to meet side yard setbacks. Mr. Basinski stated there's an existing tree that the homeowner would like maintain. A brief discussion ensued.

Ms. Kullar feels the proposed garage is not a true modification of the pre-existing structure when it's not on the same foundation or footprint. The board suggested finding another location on the property to build the garage that meets the required setback.

Mr. O'Brien asked if anyone in the audience would like to be heard on the issue. There wasn't anyone.

The board briefly discussed the side line setback.

Mr. O'Brien asked the board for additional questions or comments. Mr. Sawyer stated he'd like the project to meet the 12' setback. Ms. Brennan concurred. A discussion ensued.

Mr. O'Brien entertained a motion to close the hearing. **Mr. Keene moved to close the hearing of 2016-SP5. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0.

Mr. O'Brien entertained a motion relative to the Supportive Finding Request under **2016-SP5. Mr. Kalick motioned under 2016-SP5, to deny the request for a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, in regard to 11 Phillips Road, Sagamore Beach, for the addition of a two car garage as per plans and specifications submitted by Bracken Engineering dated 1/25/16. Mr. Sawyer seconded.** With no discussion, the motion carried. 4-1 with Mr. O'Brien voting no.

5. **410 Barlows Landing Road** – Special Permit **2016-SP2**, Requesting a Special Permit per section 4120-4123 of the Bourne Zoning By-Law, under M.G.L., Ch. 40A, Sec 9 for conversion of a space within existing building footprint for an accessory dwelling.

   Sitting on this hearing are John O'Brien, Timothy Sawyer, Harold Kalick, Amy Kullar and Wade Keene. Also present is Kat Brennan.

   Ryan Austin of Jill Neubauer Architects spoke on behalf of the property owners and residents, David and Rochelle Rottenberg. He explained that the proposal is to convert existing interior space to accessory dwelling by adding a kitchen. The project would not change the building footprint; it would only add electrical, plumbing, cabinetry and standard kitchen appliances. A voluntary Title V inspection was performed. The owner replaced the holding tank and received a passing Title V Certificate.

   Mr. Austin explained this is currently a seasonal residence; however, the Rottenbergs intend to retire here for 4-6 months out of the year. The main house will be used by their daughter and her family, the Rottenbergs will reside in the detached accessory building. He explained that without a kitchen, they would have to traverse their yard to the main house, which will be difficult. Adding that a letter has been submitted with the application indicating the Rottenburgs will never rent the property. The committee reviewed the submitted plans. A discussion ensued.

   Mr. O'Brien asked the board members for further questions. There weren't any.

Mr. O'Brien asked if anyone in the audience would like to be heard on the issue. There wasn't anyone.

Mr. O'Brien entertained a motion to close the hearing. **Ms. Kullar moved to close the hearing of 2016-SP2. Mr. Keene seconded.** With no discussion, the motion carried. 5-0.

Mr. O'Brien entertained a motion to grant a Special Permit for an accessory dwelling. **Ms. Kullar moved to grant a Special Permit for an accessory dwelling under section 4120 of the Bourne Zoning By-law, per the submitted revised plans dated 1/19/16, the accessory dwelling shall only be occupied by David and Rochelle Rottenberg located at 410 Barlows Landing Road. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0.

6. **Old Business** - None

7. **New Business** – None

## IV. Adjournment

Mr. O'Brien entertained a motion to adjourn the meeting. **Mr. Sawyer motioned to adjourn the meeting. Mr. Kalick seconded.** The motion carried 6-0. The meeting adjourned at 8:50 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611


2016 MAR 10 PM 2 32
TOWN CLERK'S OFFICE
BOURNE, MASS

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**March 16, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 945 Shore Road** Special Permit **2016-SP6**, requesting supportive finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of a 2nd-story and alteration on the footprint of a non-conforming structure is no more detrimental than the existing structure.

**7:10 p.m. 71 Wamsutta Avenue** Special Permit **2015-SP25**, requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaws and M.G.L., Ch 40A, Sec 9 to maintain nonconforming setbacks when razing and reconstructing the existing house in the same location while a second story and roofline would extend the nonconformity. (Continued from Feb. 2, 2016)

**Old Business**

**New Business**

**Public Comment**

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP5– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Steven Jenney c/o Oceanside Inc.

**LOCATION:** 945 Shore Rd, Pocasset, MA
MAP: 43.4 PARCEL: 14

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of a 2nd-story and alteration on the footprint of a non-conforming structure is no more detrimental than the existing structure.

**DATE & TIME:** Wednesday, March 16, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
March 2, 2016
March 9, 2016

2016 MAR 2 PM 3 18
TOWN CLERK'S OFFICE
BOURNE, MASS

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

2016 MAR 2 PM 3 32
TOWN CLERK'S OFFICE
BOURNE, MASS

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP6– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Steven Jenney c/o Oceanside Inc.

**LOCATION:** 945 Shore Rd, Pocasset, MA
MAP: 43.4 PARCEL: 14

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of a 2nd-story and alteration on the footprint of a non-conforming structure is no more detrimental than the existing structure.

**DATE & TIME:** Wednesday, March 16, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
March 2, 2016
March 9, 2016

# *Town of Bourne Zoning Board of Appeals*

## *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

March 16, 2016

RECEIVED
2016 APR 25 AM 9:46
TOWN CLERK BOURNE

**I. Call to order**

Mr. Keene, meeting facilitator, called to order the meeting of the Zoning Board of Appeals at 7:01 PM on March 16, 2016. Mr. Keene explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

Mr. Keene also explained that several ZBA members were excused; therefore, only four members would be deciding that evening. He stated all decisions would have to be unanimous; advising the applicants that they would be allowed to postpone to a later date when a five member board would be available if they wanted to. No one requested to postpone.

**II. Members Present:** Wade Keene, Harold Kalick, Amy Kullar and Kat Brennan.

**Members Excused:** Lee Berger, John O'Brien and Timothy Sawyer.

**Also Present:** Roger Laporte, Carol Mitchell, Jim Mulvey, Steven Jenney, Ryan Kinski, Michael Borselli and Cheryl Perrault.

**Documents:** Agenda, documents pertaining to Special Permit, **2016-SP6** and Special Permit, **2015-SP25**.

Mr. Kalick will draft tonight's decisions.

**III. Agenda Items**

1. **Approval Of Minutes**

   Mr. Keene entertained a motion to approve the minutes of the March 2, 2016 meeting. Mr. Kalick noted one misspelling. **Ms. Kullar made a motion to approve the minutes of the March 2, 2016 meeting as amended. Ms. Brennan seconded.** With no further discussion, the motion carried. 4-0.

   Sitting on this hearing are Wade Keene, Harold Kalick, Kat Brennan and Amy Kullar.

2. **945 Shore Road** – Special Permit **2016-SP6**, requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A,

Sec 9 that the expanding of a 2nd story and alteration on the footprint of a non-conforming structure is no more detrimental than the existing structure.

Steven Jenney from Oceanside Restoration addressed the board. He is representing the owner, Ryan Kinski. Mr. Jenney explained that there was a house fire in November; when repairs were attempted to be made, it was discovered that because it's an old structure, the wall framing, roof framing and floor framing did not meet code. They went to Historic last week, who approved removing the structure. He provided a copy of the approval.

The owner would like to rebuild on virtually the same footprint, which is non-conforming; but, would like to add a second level. The committee reviewed the submitted plan. A brief discussion pertaining to the addition of the second floor, the size of the lot and the Gross Floor Area transpired.

Mr. Keene asked if anyone in the audience would like to be heard on the matter. There were two abutters in the audience; but, neither commented on the project.

Mr. Jenney stated that the proposed second floor would not be completed immediately. Due to financial restraints, the completion of the upper level would have to wait until a later date.

A brief discussion transpired with regard to the location of the property's septic system and the measurements of the proposed porch. Mr. Jenney stated the size of the porch had been reduced from 8 feet to 6 feet; a revised plan was included reflecting that change.

Mr. Keene asked for further comment from the board. There wasn't any.

Mr. Keene entertained a motion to close the hearing. **Mr. Kalick motioned to close the hearing. Ms. Kullar seconded.** With no discussion, the motion carried 4-0.

Mr. Keene entertained a motion on Special Permit - **2016-SP6. Mr. Kalick made a motion under Special Permit 2016-SP6, for a Supportive Finding, granting permission to extend the pre-existing, non-conforming structure located at 945 Shore Road, Bourne, MA, per plans dated 01/29/2016 for owner, Ryan Kasinski, to build the structure per the updated plan specifications with the attached calculations drafted by Steven Jenney of Oceanside Restoration, subject to the approval by the Board of Health for a three-bedroom septic system. Ms. Brennan seconded.** With no further discussion, the motion carried 4-0.

Sitting on this hearing are Wade Keene, Harold Kalick, Kat Brennan and Amy Kullar.

3. **71 Wamsutta Avenue** – Special Permit **2015-SP25**, requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning By-law and M.G.L., Ch. 40A, Sec 9 to maintain non-conforming setbacks when raising and reconstructing the existing house in the same location while a second story and roofline would extend the non-conformity. (Continued from Feb. 2, 2016).

Michael Borselli of Falmouth Engineering and Architect, Cheryl Perrault, were present on behalf of the property owner, Thomas Lyons.

Mr. Borselli stated this is a continued hearing, the plan was originally presented a couple of months ago. He stated that the house is an existing one bedroom home with one floor living. It has a living room area / kitchen combination, bath and one bedroom. The property owner also owns the land directly adjacent to the north and to the south. Mr. Borselli stated there are several homes on the property that the family shares in the summertime. He explained that because of the amount of renovations needed in this home, it made better sense to rebuild it rather than renovate it.

Mr. Borselli referred to the submitted plan and explained that the proposed second floor will be wider than the first floor; also, the roofline will over hang. He discussed the previous hearing in which the board requested that the owner modify the property line. He stated he went to the Planning Board and modified the property line. Mr. Laporte explained the modification of the property line to the board. A discussion ensued.

Ms. Brennan expressed concern over the size/shape of the proposed project vs. the size of the lot.

Mr. Keene asked if anyone in the audience would like to be heard on the matter. There was not.

The committee discussed the surrounding land; which is in a family trust.

Mr. Kalick questioned whether Conservation and the Planning Board had approved this. Mr. Borselli indicated they had.

Mr. Borselli asked for clarification on how many board members would need to approve the request. Mr. Laporte indicated that only three would need to approve the project.

**Ms. Kullar moved to close the hearing. Ms. Brennan seconded.** With no discussion, the motion carried, 4-0.

Mr. Keene entertained a motion on Special Permit - **2015-SP25. Ms. Kullar moved that the Zoning Board of Appeals issue a Supportive Finding that the proposal to modify a pre-existing, non-conforming structure is not detrimental to the neighborhood, pursuant to the site plans dated October 30, 2015, with a final revision date of March 9, 2016, an architectural plan by Cheryl Perrault dated March 16, 2016 shall be attached, along with the construction drawings and the approvals from Conservation and the Planning Board. Ms. Brennan seconded.** With no further discussion, the motion carried. 4-0.

4. **Old Business** - None

5. **New Business** – There will not be a meeting on March 30, 2016; however, there are hearings scheduled in April. The committee will receive the packages in advance.

   Mr. Kalick discussed a concern he has pertaining to members being prepared in advance for hearings. He questioned how a board member is able to make an informed decision when they haven't seen a proposed project. He feels it difficult to make a fair decision for the applicant when others on the panel may not have seen the project prior to the hearing. A discussion ensued.

6. **Public Comment** -

   Mr. Mulvey addressed the committee. He is displeased when the board awards a Variance or Special Permit. He feels what this does; is, it overrules what the Town has written to control its growth and character. Mr. Laporte countered; stating in the By-law, which was approved by the voters at Town Meeting, is a provision for a Finding to allow the Board of Appeals to make buildings that are non-conforming, more non-conforming; as long as there's a Finding. Mr. Mulvey isn't challenging the legality of it; but, feels members sometimes vote on their heart and not the best interest of the Town. Mr. Kalick stated he takes his role as a member very seriously and feels all of the members do as well; adding that, the purpose of the board is to sometimes give relief from the strict By-law; which at times may require leniency, depending on the request. A brief discussion ensued.

**IV. Adjournment –**

**Mr. Kalick moved to adjourn the meeting. Ms. Brennan seconded.** With no further discussion, the motion carried 4-0. The meeting adjourned at 7:46 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

***Board of Appeals***

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611


RECEIVED
2016 APR 15 AM 10: 18
TOWN CLERK BOURNE

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**April 20, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 576 Shore Road** Special Permit **2016-SP7,** Requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to extend the non-conformity by constructing a garage addition to change the setback from 15 feet to 12 feet.

**7:10 p.m. 79 County Road** Special Permit **2016-SP8**, Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that constructing a solar car port on a pre-existing nonconforming commercial use in an R-40 zone is no more detrimental than the existing structure.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 APR -6 AM 8:57
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP7– Special Permit to extend or alter a pre-existing non-conforming structure or use

**APPLICANT:** Lawrence A. Perrault

**LOCATION:** 576 Shore Rd, Monument Beach, MA
MAP: 34.0 PARCEL: 75

**PROPOSAL:** Requesting Special Permit per section 1331, 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to extend the non-conformity by constructing a garage addition to change the setback from 15 feet to 12 feet.

**DATE & TIME:** Wednesday, April 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
April 6, 2016
April 13, 2016

RECEIVED
2016 APR -6 AM 8:56
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP8– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Joseph Agrillo, Jr.

**LOCATION:** 79 County Rd, Bourne, MA
MAP: 27.0 PARCEL: 66

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that constructing a solar car port on a pre-existing nonconforming commercial use in an R-40 zone is no more detrimental than the existing structure.

**DATE & TIME:** Wednesday, April 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
April 6, 2016
April 13, 2016

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP9- Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Raymond Murphy

**LOCATION:** 22H Bakers Lane, Hideaway Village, MA
MAP: 14 PARCEL: 48.69

**PROPOSAL:** Requesting Special Permit per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct a 16'x14.5' wooden deck.

**DATE & TIME:** Wednesday, May 18, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
May 4, 2016
May 11, 2016

RECEIVED
2016 MAY -3 AM 10:57
TOWN CLERK BOURNE

RECEIVED
2016 MAY 27 PM 2:48
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**June 1, 2016**
**7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 22H Bakers Lane** Special Permit **2016-SP9,** Requesting Special Permit per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct a 16'x14.5' wooden deck.

**7:10 p.m. 29 Captians Row** Special Permit **2016-SP10**, Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house within 10% beyond the allowable Gross Floor Area is no more detrimental than the current pre-existing, nonconforming structure.

**7:15 p.m. 173 Standish Road** Variance **2016-V11**, Request for Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct an 8 foot covered front porch to be located 4 feet into the 20 foot front yard setback.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 MAY 17 AM 10: 16
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP10– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Thomas Tracey c/o Bracken Engineering, Inc.

**LOCATION:** 29 Captains Row, Mashnee Island, Bourne, MA
MAP: 29.4 PARCEL: 22

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house within 10% beyond the allowable Gross Floor Area is no more detrimental than the current pre-existing, nonconforming structure.

**DATE & TIME:** Wednesday, June 1, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
May 18, 2016
May 25, 2016

RECEIVED
2016 MAY 17 AM 10: 16
TOWN CLERK BOURNE

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V11

**APPLICANT:** Edward J. Moyer, Jr.

**LOCATION:** 173 Standish Road, Sagamore Beach, MA
MAP: 4.3 PARCEL: 93

**PROPOSAL:** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct an 8 foot covered front porch to be located 4 feet into the 20 foot front yard setback.

**DATE & TIME:** Wednesday, June 1, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
May 18, 2016
May 25, 2016

RECEIVED
2016 MAY 17 AM 10:16
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP9– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Raymond Murphy

**LOCATION:** 22H Bakers Lane, Hideaway Village, MA
MAP: 14 PARCEL: 48.69

**PROPOSAL:** Requesting Special Permit per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct a 16'x14.5' wooden deck.

**DATE & TIME:** Wednesday, June 1, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
May 4, 2016
May 11, 2016

RECEIVED
2016 JUN 22 AM 10: 57
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals

## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

June 1, 2016

I. **Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on June 1, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

II. **Members Present:** Lee Berger, John O'Brien, Harold Kalick, Wade Keene, Timothy Sawyer, Associate Members, Amy Kullar and Kat Brennan.

**Members Excused:** None

**Also Present:** Carol Mitchell, Jim Mulvey, Barbara Murphy, Ray Murphy, Zachary Basinski, Thomas Tracey, Christopher Ellis, Edward Moyer Jr. and Edward Moyer III.

**Documents:** Agenda, documents pertaining to Special Permit, **2016-SP9**, Special Permit, **2016-SP10** and Variance, **2016-V11.**

Ms. Brennan will draft tonight's decisions.

III. **Agenda Items**

1. **Approval Of Minutes**

Chmn. Berger entertained a motion to approve the minutes of the April 20, 2016 meeting. **Mr. Kalick made a motion to approve the minutes of the April 20, 2016 meeting. Ms. Kullar seconded.** With no discussion, the minutes were approved. 4-0-3. Mr. Berger, Mr. Keene and Mr. Sawyer abstained.

*Sitting on the hearings are Wade Keene, Timothy Sawyer, Lee Berger, John O'Brien and Harold Kalick. Also present are Associate Members, Amy Kullar and Kat Brennan.*

2. **22H Bakers Ln** – Special Permit - **2016-SP9**, requesting a Special Permit per sections 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9 to construct a 16'x14.5' wooden deck.

Barbara and Ray Murphy addressed the board. They are seeking to build a deck at the rear of their home located at Hideaway Village. The Murphy's included a letter of approval from the condominium board.

Mr. Berger expressed concern that the signature of the board member who signed the approval letter isn't legible. A brief discussion ensued.

Chmn. Berger asked if any board members had questions or concerns. Mr. Keene asked if the Fire Department approved the project. Mr. Berger stated a memo received from Tim Lydon indicated the Fire Department does not oppose this project.

A brief discussion transpired pertaining to the location of the proposed deck.

Chmn. Berger asked if anyone in the audience would like to be heard on the matter. There was not.

Chmn. Berger entertained a motion to close the public hearing. **Mr. O'Brien moved to close the public hearing. Mr. Keene seconded.** With no discussion, the motion carried. 5-0-0.

Chmn. Berger entertained a motion on Special Permit - **2016-SP9. Mr. O'Brien moved under Special Permit request 2016-SP9, that the board approve the request for a Finding at 22H Baker's Lane, for the construction of a 16'x14.5' wooden deck on the rear of the premises. Mr. Keene seconded.** With no further discussion, the motion carried. 5-0-0.

3. **29 Captains Row** – Special Permit **2016-SP10**, requesting a Supportive Finding per sections 2320 and 2450 of the Bourne Zoning By-law and M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house within 10% beyond the allowable Gross Floor Area is no more detrimental than the current pre-existing, nonconforming structure.

Chmn. Berger explained that due to a discrepancy with the lot size that's on file with the town's Engineering Department, contingent upon a favorable ruling, the property owner will be required to file an 81X perimeter plan with the Barnstable County Registry of Deeds to reflect the correct lot size. The town's records indicate the lot size is under 8,000 sq. ft.; however, the recent survey conducted shows the lot size is over 8,000 sq. ft. The primary impact is a height restriction.

Zachary Basinski of Bracken Engineering addressed the committee and provided some history of the structure and the recorded lot size on file vs. the actual lot size.

Ms. Brennan inquired as to why they are still seeking the Variance. Mr. Basinski explained that because of the shape of lot, the setbacks prevent them from

building laterally, the only option is to build up. The property owner is requesting an additional 3.5%; this will allow for the staircase to be built for access to the second level. Mr. Basinski noted the proposed project would not be more detrimental than what's existing and added that they waited for the summertime to file request, which would allow any seasonal abutters to attend and voice their opposition.

Ms. Brennan and Ms. Kullar asked what the exceptional hardship is. Mr. Basinski stated the lot shape and the requirements of the lot. He explained that because of the location of the septic system, building laterally would prevent any maintenance or replacement to the septic system when needed. Additionally, the height of the proposed project is within the By-law requirements, and remains in the existing footprint.

Mr. Kalick inquired as to the number of bedrooms the property has. The property has 3 existing and 3 bedrooms as proposed.

Ms. Kullar asked how the property owner's guests will be better accommodated since it's the same number of bedrooms. Mr. Basinski explained that by moving the master bedroom up to the second floor, it will open up the first floor to allow for an open floor plan.

Mr. Keene noted the petitioner may request up to 10% beyond the allowable Gross Floor Area and asked how much of that 10% is the property owner seeking? Mr. Basinski stated the project calls for 3.5%, adding that the By-law calls for 24% of the GFA of the lot, the proposed project would be 24.8%.

A brief discussion transpired pertaining to how the addition may affect the house behind.

Ms. Brennan stated this is a fragile island, and feels that allowing this would set a precedent.

Mr. Berger referred to the By-law and discussed how it applies to this project. He feels as it is written, the By-law doesn't give the board the proper guidance needed when making decisions like this. He explained that with this project, the petitioner is only seeking 3.5% and not the full 10%, they are building up in order to stay within the setback and added that the stairs leading to the second floor are counted toward the square footage when you don't live on the staircase; they're an essential part to get upstairs. A discussion ensued.

Mr. O'Brien stated hypothetically, if the stairs weren't needed, by right, this project could be completed without permission. Mr. Basinski concurred. A discussion ensued.

Mr. Kalick asked if it's possible to eliminate 73 sq. ft. in the project. By doing this, it becomes a non-issue to the board.

Chmn. Berger stated the board's concern is looking at the property from the outside and not how it's used on the inside. He added, by removing the square footage on the inside, it will look identical from the outside, it will make their property less useful and won't help the neighborhood/community at all. A discussion ensued.

Chmn. Berger asked if anyone in the audience would like to be heard on the matter. There was not. A brief discussion pertaining to the abutters transpired.

Mr. Sawyer stated the project is only calling for 3.5%, they can only build up because of the odd shaped lot.

Chmn. Berger asked for additional comments from the board members. There wasn't any.

Chmn. Berger entertained a motion to close the public hearing. **Mr. Keene moved to close the public hearing. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0-0.

4. Chmn. Berger entertained a motion on Special Permit **2016-SP10**. **Mr. Berger moved approval of a Supportive Finding that the request for an extension or alteration will not be substantially more detrimental to the neighborhood than its existing, nonconforming use. Mr. Sawyer seconded.** With no further discussion, the motion carried. 4-1-0. Mr. Kalick opposed.

   **Mr. Berger moved to approve the application for a Special Permit in accordance with 2457 of the By-law from departure from 2456 for an increase in allowable maximum Gross Floor Area by 73 feet or 3.5% with the condition that upon granting of the Special Permit and prior to the issuance of a Building Permit by the Town of Bourne, the applicant will file an 81X perimeter plan with the Barnstable County Registry of Deeds to reflect the correct lot size for future reference which is 8,626 sq. ft. Mr. Sawyer seconded.** After a brief discussion, **Mr. Berger added to the motion that the building must be accordance with the submitted plans dated March 30, 2016. Mr. Sawyer seconded the addition to the motion.** With no further discussion, the motion carried. 4-1-0. Mr. Kalick opposed.

5. **173 Standish Road** – Variance **2016-V11,** Request for a Variance from the following section of the Bourne Zoning By-law: section 2500, Intensity of Use Schedule regarding the minimum requirements for front yard setback. To

construct an 8' covered front porch to be located 4 feet into the 20 foot front yard setback.

The contractor, Christopher Ellis, along with the property owners, Edward Moyer Jr. and Edward Moyer III, addressed the board. Mr. Ellis explained the proposed project. He referred to the plans and discussed the shape of the lot, the location of septic system, the leaching field and the neighbor's property line.

A discussion transpired pertaining to the number of existing porches already on the home and whether the farmer's porch would actually be used or if it was simply for aesthetics.

Mr. Moyer III gave the board a brief history of the property and discussed his mother's declining health. He stated that in the future, she may be confined to a wheelchair. The porch would allow for easier access to the home. A discussion ensued.

Mr. Keene questioned the distance of the porch to the street. Mr. Ellis referred to the plans and described the proposed location to the board. It will be approximately 12 feet from the lot line. A discussion transpired pertaining to the existing porch, the location of the conservation land and the location of the septic system.

Mr. Kalick asked if the porch wasn't covered, would the project be allowed without a Variance. Mr. Berger explained the need for a Variance; the proposed structure impedes on the front yard setback.

Ms. Brennan asked if the depth of the porch could possibly be reduced. Mr. Ellis stated it could be. Mr. Moyer III stated the 8' would allow for easier wheelchair accessibility. A discussion ensued.

A brief discussion transpired pertaining to the size of the lot, the ages of the homeowners and a time line of when a ramp will be installed.

Chmn. Berger asked if anyone had further concerns. They did not.

**Mr. O'Brien moved to close the hearing. Mr. Keene seconded.** With no discussion, the motion carried. 5-0-0.

**Mr. Sawyer moved to grant a Variance for 2016-V11, to Edward J. Moyer, Jr., 173 Standish Road, Sagamore Beach, MA, map 4.3, parcel 9.3 to construct a 32' wide x 8' covered front porch to be located 8' (not 4') into the 20' front yard setback, on the southeast corner. The hardships are; the odd shape of the lot and the proposed occupants are aging. To be constructed in accordance with the plans dated March 7, 2016, by SPB Architect. Mr. O'Brien seconded.** With no further discussion, the motion carried. 5-0-0.

6. **Old Business** – Mr. Berger would like to discuss the pending lawsuit in Executive Session at the next meeting on June 15, 2016 at 6:30 PM.

7. **New Business** – None

8. **Public Comment** – Mr. Mulvey suggested contacting the BOS's office for the pattern language they use in their agenda when they're going to vote in Executive Session. He also suggested posting an Executive Session sign on the door to alert the public and to avoid interruptions. Mr. Berger will contact the BOS office.

IV. **Adjournment** –

**Mr. O'Brien moved to adjourn the meeting. Ms. Kullar seconded.** With no further discussion, the motion carried 7-0-0. The meeting adjourned at 8:10 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**AMENDED**

RECEIVED
2016 JUN -9 PM 2:32
TOWN CLERK BOURNE

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**June 15, 2016, 6:30 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**6:30 p.m. Executive Session** The Chairman will call the meeting to order, and a roll call vote will occur to move into Executive Session for the following purpose:
To discuss and conduct a strategy session with respect to litigation concerning Moore, et. al v Nouria Energy, Inc. and The Board of Appeals, Barnstable Superior Court Docket No. 1627CV00180. The Chairman declares that an open discussion of such litigation would have a detrimental effect to the litigating position of the public body. The Board will reconvene in open session at the conclusion of the Executive Session.

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 630 MacArthur Blvd** Variance **2016-V12,** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for rear setback, Lot Coverage, and Usable Open Space.* To allow expansion of an existing storage business to include a 5400 square foot new building as shown on site plan submitted with application.

**7:10 p.m. 9R Main Street** Notice of Appeal of the Building Inspector's Decision **2016-A13,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 & #74-87.

**Old Business**

1. Discussion of Cape Cod Aggregates filing.
2. Discussion of Canal Bluffs at Harmony Hill filing.

**New Business**

**Public Comment**

RECEIVED
2016 JUN -8 PM 3:59
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**June 15, 2016**
**6:30 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**6:30 p.m. Executive Session** for discussion of the pending appeal for 282 Main Street.

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 630 MacArthur Blvd** Variance **2016-V12,** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for rear setback, Lot Coverage, and Usable Open Space.* To allow expansion of an existing storage business to include a 5400 square foot new building as shown on site plan submitted with application.

**7:10 p.m. 9R Main Street** Notice of Appeal of the Building Inspector's Decision **2016-A13**, Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 and #74-87.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 MAY 27 PM 2:48
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V12

**APPLICANT:** Edward and Janice Yadisernia

**LOCATION:** 630 MacArthur Blvd, Pocasset, MA
MAP: 39 PARCEL: 221

**PROPOSAL:** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for rear setback, Lot Coverage, and Usable Open Space.* To allow expansion of an existing storage business to include a 5400 square foot new building as shown on site plan submitted with application.

**DATE & TIME:** Wednesday, June 15, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
June 1, 2016
June 8, 2016

RECEIVED
2016 MAY 27 PM 2:48
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Appeal of Building Inspector's Decision 2016-A13

**APPLICANT:** Thomas & Diane O'Connor c/o JC Engineering, Inc.

**LOCATION:** 9R Main Street, Buzzards Bay, MA
MAP: 23.1 PARCEL: 10.2

**PROPOSAL:** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 and #74-87.

**DATE & TIME:** Wednesday, June 15, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
June 1, 2016
June 8, 2016

# Town of Bourne Zoning Board of Appeals
## Meeting Minutes

RECEIVED
2016 JUL 22 AM 8:57
TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

June 15, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on June 15, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, John O'Brien, Harold Kalick, Wade Keene, Timothy Sawyer, Associate Members, Amy Kullar and Kat Brennan.

**Members Excused:** None

**Also Present:** Carol Mitchell, Roger Laporte, Michael Rausch, Edward Yadisernia, John Fitch, Griffin Bowden, Charlie Witkus, Brad Bottolo, Tom O'Connor, Diane O'Connor, Paul D'Angelo, David Peterson, Ford O'Connor, Sam Laruso, Sam Laruso Jr. and Paul Laruso.

**Documents:** Agenda, documents pertaining to Variance, **2016-V12** and Notice of Appeal of the Building Inspector's Decision, **2016-A13**

**III. Agenda Items**

1. **Approval Of Minutes**

   Chmn. Berger entertained a motion to approve the minutes of the June 1, 2016 meeting. **Mr. O'Brien made a motion to approve the minutes as submitted of the June 1, 2016 meeting. Mr. Kalick seconded.** With no discussion, the minutes were approved. 7-0-0.

   *Sitting on the hearings are Wade Keene, Timothy Sawyer, Lee Berger, John O'Brien and Harold Kalick. Also present are Associate Members, Amy Kullar and Kat Brennan.*

2. **630 MacArthur Blvd.** – Variance - **2016-V12**, requesting a Variance from the following sections of the Bourne Zoning By-law; Section 2500, Intensity of the Use Schedule regarding the minimum requirements for rear setback, Lot Coverage and Usable Open Space. To allow expansion of an existing storage business to include a 5,400 square foot new building as shown on the site plan submitted with application.

John Fitch, representing the Yadisernia family, the Project Engineer, Griffin Bowden of Atlantic Design Engineers, and the On-site Manager, Charlie Witkus, addressed the committee. Mr. Fitch explained that the applicant is seeking the board's approval to move forward with an expansion project at an existing storage facility. He stated the project was originally approved in 1983, with a site plan approval. He described the layout of the property; which includes 5 separate storage buildings, adding that it's zoned as Business 4 which requires 150' of frontage, 40,000 sq. ft. of minimum area, front, side and rear yard of 30', a 35% maximum coverage and has a minimum usable open space of 40%.

Mr. Fitch then stated that the project requires Planning Board site plan approval. First, however, the ZBA must grant relief from the strict application of the By-law in the form of Variances which would allow the project to move forward as presented. Additionally, he discussed the need for the Variances and stated the project will meet the Open Space requirement.

Chmn. Berger asked how the usable Open Space would meet the requirement. Mr. Bowden referred to the submitted plan and explained that most of the site is a gravel parking area. They plan to grass the rear of the lot and the sides of the building to meet Open Space requirements.

Mr. Fitch stated that the self-storage business requires minimal municipal services, doesn't put kids in schools, add to traffic, cause pollution or create noise. He added, this particular business has contributed to the town budget through taxes, to the local economy and the convenience to local residents, and has since the 80's. He went on to explain the topography which he states is causing a hardship for the property owner. He supplied the board with a definition of the word topography from the Oxford Dictionary. He offered a history of the property. A discussion ensued.

Chmn. Berger discussed a memo he received from the Town Planner, Coreen Moore, stating this property is in a Water Resource District, so the coverage of the lot is important. He stated he does not feel the board has the authority to grant this petitioner's request. Additionally, he discussed the applicant's claim that they are losing money; yet, they state they are filled to capacity. A discussion transpired pertaining to the size of the proposed building, the age and design of the facility, renovating an existing building and the demand for a climate controlled facility.

Chmn. Berger suggested adding on to the existing buildings to meet the need. Mr. Kalick discussed the possibility of building up or remodeling an existing building to make it a two-story. A discussion ensued.

Chmn. Berger suggested the applicant withdraw their request without prejudice. Mr. Yadisernia, the property owner, addressed the board. He explained it would not be feasible building up and/or expanding due to the cost and loss of income. A discussion ensued.

Mr. O'Brien made an inquiry as to why the distance from the proposed new unit to the old unit is almost 41'. Mr. Bowden explained the fire chief who was concerned about a fire truck having accessibility to the rear of the building. He stated the chief was more concerned about accessibility behind the buildings rather than between the buildings.

A brief discussion transpired pertaining to the proposed material that will be used as ground cover and the disposal of water runoff. Chmn. Berger explained the board does not have grounds under state law to grant a Variance. He also reiterated the town planner's concerns with regard to the proposed project. He recommended the applicant withdraw without prejudice.

Mr. Fitch requested to withdraw without prejudice.

Public Comment – None

Mr. Fitch stated at least 5 abutters are in favor of the proposed project.

Chmn. Berger entertained a motion to allow the applicant to withdraw without prejudice. **Mr. O'Brien moved to allow the applicant to withdraw without prejudice. Mr. Keene seconded.** With no discussion, the motion carried. 5-0-0.

3. **9R Main Street** – Notice of Appeal of the Building Inspector's Decision, **2016-A13.** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft. fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 & #74-87.

Mr. Laporte explained that back in 1986 and 1987, the applicants came to the ZBA for this project; conditions were made, as they always are, and the decision was filed with the Registry of Deeds. The decision on file reflects right of ways, easements etc., it also includes an area that can't be blocked. The building inspector can't authorize the installation of a fence when a previous decision prevents it. The decision can only be changed by the Zoning Board of Appeals.

Mr. Laporte thought it best that both sides present their case to the ZBA before a decision on the applicant's request is made.

Mr. O'Brien stated it's the ZBA's previous decision that needs to be changed and not the building inspector's denial.

Brad Bottolo from JC Engineering addressed the board. He referred to a site plan that was attached to the Special Permit that was granted. Mr. Bottollo gave a history of the buildings that were formerly on the site, adding, a lot has changed since 1986, including the closure of a restaurant. He stated now only two structures remain on the property.

He discussed the original proposal, the conditions set forth in the two previous Special Permit requests and the current proposed location to erect a 6' fence on the homeowner's property. Mr. Bottolo stated based on the By-law, the fence is not considered a structure; therefore, a building permit should not be required.

Mr. Bottolo clarified that when the Special Permits were previously granted, there were no stipulations that a fence could not be installed. The only requirement was to allow the Fire Department access to the restaurant, which has since closed. The Fire Department has given their approval of the current proposed location of the fence, but asked that gate or two with a Knox-box will be installed in case of an emergency.

Chmn. Berger recommended that a current site plan be submitted to depict the current property layout. A lengthy discussion transpired pertaining to the plan that's on file with the Registry of Deeds and a history of the former buildings that were on the site.

Chmn. Berger asked if anyone else would like to be heard on the matter. Ford O'Connor, representing abutters, addressed the board. He distributed a copy of the decision and stated not only was it written in the way for the Fire Department to have access but to also have a clear and unobstructed right of way. He referred to page three of the document which shows an existing driveway that has been a point of contention between the abutters and the applicants with regard to the easement. He stated the abutters have no objection to a fence being installed as long as it is on the other side of the driveway. Which is what was required with the original decision.

Ms. Brennan inquired as to whether this has been filed in Land Court. Mr. O'Connor stated it has; however, it is not noted on their certificate. Mr. O'Connor asked the board to uphold the decision of the building inspector then, have the applicants file for an amendment to the Special Permit.

Mr. O'Brien asked how Mr. O'Connor's clients will be affected by the fence being installed. Mr. O'Connor referred to the plan and discussed how the proposed location will impact his clients. A lengthy debate transpired between Mr. Bottolo and Mr. O'Connor with regard to whether there is an actual easement

or a proposed easement. Mr. Bottolo states the plan clearly indicates there's "an existing driveway" and "a proposed easement". He states there was never an easement. A discussion transpired pertaining to a cut through the abutters use to avoid using Cranberry Highway. The installation of the fence would block the cut through.

Mr. Bottolo reiterated his initial comments; the purpose of the easement was to allow for fire access around the former restaurant, which no longer exists.

Mr. Bottolo next discussed the 100' of legal frontage that the applicants owns.

A brief discussion transpired pertaining to how the easement was created.

Mr. O'Connor reiterated his request that the board not overturn the decision of the building inspector; rather, allow the Land Court make the decision.

Chmn. Berger feels the proposed easement refers to a utility easement. A discussion ensued.

Mr. O'Brien asked what the abutter's goal is. Mr. O'Connor stated the abutter's goal is to be able to use the driveway easement as a cut through into the subdivision and avoid having to exit their property on the busy Cranberry Highway rotary. A discussion ensued.

Mr. O'Brien asked Mr. Laporte why the applicants came to him for a permit when a 6' fence doesn't require one. Mr. Laporte stated a 6' fence does not require a permit under the state building code; however, the code states there may be a need for other permits or approval; i.e., Zoning, Board of Health, Appeals Board etc. He reiterated that it's not the fence that's in question, it's that the Appeals Board at one time said the area in question couldn't be blocked. He stated that until this board reverses the previous board's decision, he can't grant permission to install the fence in the proposed location.

A lengthy discussion transpired pertaining to the former property owner, Harry Miller, and the plans he submitted to develop the subdivision.

Paul D'Angelo, owner of lots 12 & 15, discussed the easement, which he states he's been using for the last 50 years. Additionally, he discussed fire access, his water supply and the Water Department's easement.

Tom O'Connor, the property owner, stated JC Engineering surveyed the property three different times over a 6 year period. He states there is nothing on record outside of the utility easement; adding that the previous decisions aren't relevant anymore because the land has been subdivided over time and nothing previously recorded exists any longer.

After further discussion, **Mr. Kalick moved to continue the hearing to July 20, 2016 at 7:05 PM. Mr. Keene seconded**. With no further discussion, the motion carried. 5-0-0.

4. **Old Business –**

- Discussion of Cape Cod Aggregates filing –

Chmn. Berger gave a history of the gravel pit. He stated many years ago, several neighbors complained about the amount of dust being created from the expanding gravel pit. The ZBA made a decision to close the gravel pit which was appealed, the Land Court remanded it back to the ZBA to reconsider their decision. The two parties came to an agreement to restore land once they finished excavating it. Another requirement was that a dust report be filed by an inspector to verify that the dust amounts were diminishing.

Chmn. Berger thought it was best to revisit this to see the progress being made.

Mr. O'Brien asked if the board would be making any decision with regard to the dust. Chmn. Berger stated they would only be reviewing the progress.

Mr. Kalick asked if there have been any recent complaints. Chmn. Berger stated there have not been any recently.

Chmn. Berger noted the dust reports are required to be filed every January and July, but only sees one has been filed.

Mr. Keene asked if the bond is still in effect. Chmn. Berger noted that it is.

Chmn. Berger discussed target dates that the various restoration stages were to have been completed by and asked about the progress.

David Peterson of Cape Cod Aggregates addressed the board. He stated the phasing schedule was difficult to gauge because much of it was dependent the economy and demand of the product. Components such as the power easement that went through the middle of the pit also played a factor in the timeline. Mr. Peterson stated that the parts of each phase that were dependent on NSTAR (Eversource) completing their utility work were not able to be done because NSTAR (Eversource) did not finish their work.

He stated that the majority of the outside slope restoration work has been completed. The only sections that haven't been completed are areas that are currently being mined and the area of the easement.

Mr. Laruso addressed the board. He stated Cape Cod Aggregates is working with Holmes and McGrath to finish the phasing. He is requesting two more years to

finish the phasing which was supposed to have been completed by December 2015. He stated the economy turned which nearly bankrupted the company and slowed down the restoration progress. Mr. Laruso offered to increase the bond. Chmn. Berger said that wouldn't be necessary at this time. A discussion ensued.

Chmn. Berger requested a current dust / noise report. Mr. Peterson stated they are being worked on and the board will have them in approximately two weeks.

Mr. Keene asked since NSTAR (Eversource) did not complete their work, is there an erosion plan to prevent sand around the towers from washing away. Mr. Peterson stated all the slopes around the towers will be graded and seeded.

Mr. Laporte asked if the report would be ready for the July 20th meeting. Mr. Peterson said it would it be. Chmn. Berger asked that a copy of the restoration plan be emailed to the board.

Mr. Peterson referred to a visual board depicting the restoration phases and the operation of the facility. A discussion ensued.

Mr. Peterson briefly discussed a constant problem the facility faces with dirt bike riders. He stated they have an agreement with the Environmental Police to ticket / tow riders who disobey their keep out postings.

Chmn. Berger asked if it would be possible for some of the board members to tour the facility. Mr. Peterson stated a tour would be possible.

A brief discussion transpired with regard to how the land may be used in the future. The Ingersoll family and the Laruso family own over 300 acres collectively.

Cape Cod Aggregates will return on July 20, 2016 at 7:30 to present their report.

- Discussion of Canal Bluffs at Harmony Hill filing – Chmn. Berger stated this filing should be handled by the Board of Assessors not the Zoning Board of Appeals.

5. **New Business** – None

6. **Public Comment** – None

**IV. Adjournment –**

**Mr. O'Brien moved to adjourn the meeting. Mr. Sawyer seconded.** With no further discussion, the motion carried 7-0-0. The meeting adjourned at 9:09 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

RECEIVED
2016 JUL 18 PM 3:15
TOWN CLERK BOURNE

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**July 20, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 91 Williston Road** Special Permit **2016-SP14,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to add a 1-car garage and a 24'x28' space as an accessory dwelling.

**7:10 p.m. 15 Keene Street** Variance **2016-V15,** Request for a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct a 20'x19' addition in the rear of the property to be located within the 12 foot side/rear yard setback.

**7:15 p.m. Continued: 9R Main Street.** Notice of Appeal of the Building Inspector's Decision **2016-A13,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 & #74-87.

**Old Business**

1. Discussion of Cape Cod Aggregates filing.

**New Business**

**Public Comment**

RECEIVED
2016 JUN 28 PM 4:24
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V15

**APPLICANT:** Erik Bevans and Keli Gates

**LOCATION:** 15 Keene Street, Bourne, MA
MAP: 24.1 PARCEL: 59

**PROPOSAL:** Request for a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct a 20'x19' addition in the rear of the property to be located within the 12 foot side/rear yard setback.

**DATE & TIME:** Wednesday, July 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
July 6, 2016
July 13, 2016

RECEIVED
2016 JUN 28 PM 4:24
TOWN CLERK BOURNE

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP14– Accessory Dwelling

**APPLICANT:** Kevin & Deborah Keczkemethy

**LOCATION:** 91 Williston Road, Sagamore Beach, MA
MAP: 12.1 PARCEL: 114

**PROPOSAL:** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to add a 1-car garage and a 24'x28' space as an accessory dwelling.

**DATE & TIME:** Wednesday, July 20, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
July 6, 2016
July 13, 2016

# Town of Bourne Zoning Board of Appeals

## Meeting Minutes

2016 AUG 29 AM 9:14
TOWN CLERK BOURNE

Town Hall Lower Conference Room
24 Perry Ave., Buzzards Bay, MA 02532

July 20, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on July 20, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, John O'Brien, Harold Kalick, Wade Keene, Timothy Sawyer and Associate Member, Kat Brennan.

**Members Excused:** Associate Member, Amy Kullar.

**Also Present:** Carol Mitchell, Roger Laporte, Jim Mulvey, Kevin Keczkemethy, Deborah Keczkemethy, Erik Bevans, Keli Gates, Brad Bottolo, Tom O'Connor, Diane O'Connor, Paul D'Angelo, David Peterson, Ford O'Connor and Paul Laruso.

**Documents:** Agenda, documents pertaining to Special Permit, **2016-SP14**, Variance, **2016-V15** and Notice of Appeal of the Building Inspector's Decision, **2016-A13**

**III. Agenda Items**

**1. Approval Of Minutes**

Chmn. Berger entertained a motion to approve the minutes of the Executive Session of the June 15, 2016 meeting. **Ms. Brennan made a motion to approve the Executive Session minutes as submitted of the June 15, 2016 meeting. Mr. Kalick seconded.** With no discussion, the Executive Session minutes were approved. 4-0-2, with Mr. O'Brien and Mr. Keene abstaining.

Chmn. Berger entertained a motion to approve the minutes of the regular meeting held on June 15, 2016 meeting. Chm. Berger noted an amendment to the draft minutes. **Mr. O'Brien moved to approve as amended the minutes of the June 15, 2016 regular meeting. Mr. Sawyer seconded.** With no further discussion, the minutes were approved. 6-0-0.

*Sitting on the hearings are Wade Keene, Timothy Sawyer, Lee Berger, John O'Brien and Harold Kalick. Also present is Associate Member, Kat Brennan.*

*Mr. O'Brien will draft the decisions.*

2. **91 Williston Road** – Special Permit - **2016-SP14**, Requesting a Special Permit per section 4120-4123 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9 to add a 1-car garage and a 24'x28' space as an accessory dwelling.

   Kevin and Deborah Keczkemethy addressed the board. They are seeking to build a one bedroom in-law apartment with a one car garage for Mrs. Keczkemethy's mother, Beverly Pinney, who requires her daughter's assistance.

   Chm. Berger performed a site visit and doesn't foresee any problems with the project.

   Public Comment – None.

   Board Comment – Mr. Kalick inquired as to whether the Board of Health also needs to grant approval. Chm. Berger stated the By-law indicates the applicant is required to present the ZBA with a passed BOH approval. Mr. Laporte stated the Board of Health agent is out of the country. Chm. Berger stated the Board of Health approval would be a condition of ZBA approval.

   A brief discussion transpired pertaining to the plans that were submitted.

   Mr. O'Brien asked if the in-law apartment and garage are related. Mr. Keczkemethy stated they are.

   Chm. Berger entertained a motion to close the hearing. **Mr. O'Brien moved to close the hearing. Mr. Keene seconded.** With no discussion, the motion carried. 5-0-0.

   **Chm. Berger moved to approve the application of Kevin and Deborah Keczkemethy to add a one car garage and an accessory dwelling per the submitted plans which include; the plot plan on file, the site plan on file and the proposed mother-in-law addition plan prepared by Kevin Keczkemethy dated 07/20/2016, with the condition that the BOH approves the septic system and a further condition that the sole occupant pursuant to this permit will be Beverly Pinney, the applicant, Deborah's mother. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0-0.

3. **15 Keene Street** – Variance - **2016-V15,** Request for a Variance from the following sections of the Bourne Zoning By-law: Section 2500. Intensity of Use

Schedule regarding the minimum requirements for rear yard setback. To construct a 20'x19' addition in the rear of the property to be located within the 12 foot side/rear yard setback.

Erik Bevans and Keli Gates addressed the board. Ms. Gates stated that because their family is expanding, they would like to build an addition on the back of their home. They are seeking a Variance because they don't have enough rear yard setback. The house is currently a 2 bedroom bungalow. The proposed addition would give the homeowners an additional bedroom, a living room and much needed storage space.

Chm. Berger noted it is a two story addition and asked if it would be higher than the current house. Ms. Gates stated it would be.

A brief discussion transpired pertaining to the Lot Coverage Sheet and the total square footage of the proposed project.

Chm. Berger explained why a Variance is needed vs. a Special Permit. A discussion ensued.

Chm. Berger stated there's a 20' buffer of trees on town property. He spoke with the town administrator who confirmed that the town has no plans to build in that area.

Public Comment – none.

A brief discussion transpired with regard to the actual location of the proposed project. One document states the proposed project does not meet the front/side yard setback. This is a typographical error since the proposed project location is at the rear of the existing structure.

Chm. Berger stated there's a rock wall on town owned property that would be very close to the proposed structure. Mr. Kalick expressed concern that the foundation would be extremely close to the rock wall.

Ms. Brennan suggested moving the proposed location to the other side of the house where the existing deck is currently located. Ms. Gates stated that would not be possible because she has a small vineyard and other perennials there; additionally, it would be a financial hardship to rebuild the deck which is right next to the leaching field. A bulkhead to the crawl space is also an obstruction.

Mr. Keene suggested shortening the length of the addition. Ms. Gates asked for an explanation as to why she'd have to submit to shortening the addition. Mr. Keene stated because it's too close to the lot line. A discussion ensued.

Mr. Kalick stated a Variance is difficult for the board to grant because of the various requirements. He feels the proposed project is too close to the property line. Chm. Berger explained the board's hesitation in granting the Variance stating that any maintenance of the addition would have to be done on an abutter's property. He questioned whether or not a compromise might be made by reducing the size of the addition by 5 feet. Mr. Keene and Mr. Sawyer concurred.

Mr. Keene suggested cantilevering the second floor which would give them their requested square footage back. Ms. Gates stated they'd be willing to make adjustments.

Chm. Berger asked for further comments. There weren't any.

Chm. Berger entertained a motion to close the public hearing. **Mr. Keene moved to close the public hearing. Mr. Kalick seconded**. The motion carried. 5-0-0.

**Chm. Berger moved to grant the Variance based on the hardships stated in the application; financial hardship, the hardship requiring additional space for their expanding family and a hardship based on the shape of the lot; the southwest corner is angled to the east. He moved that the Variance be approved with a condition that the addition be built in accordance with the submitted plans of Stenbeck and Taylor Inc., dated June 8, 2016, with the exception that the southwest corner rear setback be no less than 5' from the property line with the option of cantilevering the addition toward the north 2 feet and subject to BOH approval of the septic system. Mr. Keene seconded.** With no further discussion, the motion carried. 5-0-0.

4. **9R Main Street** – Notice of Appeal of the Building Inspector's Decision, **2016-A13.** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicants are appealing the decision of the Building Inspector of denying a permit application to construct a 6 ft. fence on the perimeter of the applicant's land based on previous Town of Bourne Zoning Board of Appeals decisions from appeal #88-86 & #74-87.

   Chm. Berger asked for clarification pertaining to the 88-86 application. He stated it appeared that nothing was completed. Additionally, he asked if the structure had been relocated in accordance with the 74-87 application. Brad Bottolo from JC Engineering stated he had no record as to whether or not the structure had been moved. Chm. Berger asked if anyone in the audience knew whether or not the structure had been moved. Mr. D'Angelo, an abutter, stated the structure had been removed completely sometime in 1987.

Chm. Berger next addressed the applicant's argument that the Special Permit had expired. Mr. Bottolo argued that because the restaurant is no longer in existence; the purpose for the permit is gone. Chm. Berger researched expirations of Special Permits and could only find a building code stating; any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within 6 months after its issuance. Since there is no record of when the building was removed, there is no way of validating this argument.

Chm. Berger then informed the applicant that he waited too long to file the appeal of the building inspector's decision. Any appeal must be filed within 30 days of the decision; which the applicant did not do.

Chm. Berger suggested that the applicant file a declaratory relief action in either Superior Court or Land Court. Once a declaratory judgment stating the rights of the parties has been decided; then the building inspector will follow that decision. He added that the applicant received the denial on January 21, 2016 yet he didn't file the appeal until May 20, 2016.

Mrs. O'Connor addressed the board and stated that she and her husband followed all of the instructions that Mr. Laporte advised them to do. Chm. Berger reiterated that the actual decision was made in writing on January 21, 2016. He asked what happened between January 21st and May 20th. Mrs. O'Connor stated a lot of correspondence between attorneys. Chm. Berger stated that because the appeal was filed untimely, the board would have no choice but to deny their request. He again suggested the applicant take their case to Land Court or file a new petition with the ZBA to amend the Special Permit to declare it abandoned. A discussion ensued.

Mr. Laporte discussed the exceptions in the Building Code for projects that don't require a permit. One of them is fences under 6' high.; however, there's a caveat before that section of the Building Code which states other permits may be needed i.e., Zoning, Board of Appeals, Conservation etc.; because there are two Special Permits on file, the building inspector cannot supersede what the Appeals Board has decided. A brief discussion transpired pertaining to the applicant's delay in filing the appeal.

Public Comment – Jim Mulvey, a resident, asked for the applicant's names. Mr. Bottolo introduced himself and the applicants, Thomas and Diane O'Connor.

Board Comment – The board was in agreement that the applicant should file a petition with the Land Court.

Public Comment – Mr. Mulvey asked for the wording of the appeal. Chm. Berger read the wording of the appeal.

After a brief discussion concerning the petitioner's options, the applicants decided to withdraw their application without prejudice.

Chm. Berger entertained a motion to allow the withdrawal of the application. **Mr. O'Brien moved to allow the withdrawal of the application without prejudice. Mr. Kalick seconded**. With no further discussion, the motion carried. 5-0-0.

5. **Old Business –**

- Discussion of Cape Cod Aggregates filing –

Chmn. Berger stated that he and Ms. Brennan toured the gravel pit. He referred to the Restoration Chart which reflects all of the restored areas of the pit, the Eversource easement, and the areas that are currently being mined or used for stockpiling/blending etc. He discussed the settlement agreement which established a phasing schedule of four targeted estimated restoration completion dates; May 2008, May 2010, May 2012 and December 2015. The agreement states if those dates weren't met, then the $100,000.00 bond that was taken to insure completion of the restoration would be increased to $250,000.00. Since there hasn't been any recent complaints and the company is working in good faith, Chm. Berger feels there is no need to ask for an increase in the bond amount at this time.

Mr. O'Brien asked that if by not imposing an increase in the bond amount, does that change a previous board decision. Mr. Peterson of Cape Cod Aggregates clarified the agreement which states if CCA fails to present certified as-builts that document the restoration is taking place, then the bond is supposed to be increased' but they have an opportunity to submit the as-builts and decrease the bond payment. Mr. Peterson agreed that the intent was to try and create a phasing schedule that mark milestones of restoration. He feels it's important that the board understand it's been difficult to meet all the targeted dates because a lot of the restoration takes place in the Eversource easement which was completed approximately 1 year ago. Mr. Peterson reassured the board that the company is working in good faith to complete the restoration; adding that Mr. Laruso is willing to increase the bond, but is hoping there may be relief from that.

Chm. Berger read a section of the agreement and suggested that CCA file an application for an extension of the completion date. A discussion ensued.

Ms. Brennan asked what the purpose of the bond is. Chm. Berger explained that should CCA walk away from the restoration, the bond money would be used to complete the restoration work.

Mr. O'Brien agreed that an application should be filed to increase the completion timeline.

Chm. Berger stated an application should be filed within 30 days. Mr. Peterson agreed.

6. **New Business** – Chm. Berger asked for a volunteer to attend a meeting at the Shell gas station on July 26, 2016 at 4:00 p.m. to discuss the Variance that was issued to Nouria Energy. After a brief discussion, Mr. Kalick agreed to attend the meeting.

   Chm. Berger had a discussion with TA Guerino to discuss sending board members to zoning training. Mr. Guerino agreed to fund training for ZBA members. Chm. Berger stated he may also ask Counsel, Bob Troy, to meet with the board and answer board member's questions. A brief discussion ensued.

7. **Public Comment** – None

The next meeting will be held on August 3, 2016.

IV. **Adjournment** –

**Mr. O'Brien moved to adjourn the meeting. Mr. Sawyer seconded.** With no further discussion, the motion carried 6-0-0. The meeting adjourned at 8:32 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**August 3, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 486 Williston Road,** Variance **2016-V16,** Request for a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct a 14'x12' shed to be located 10' from the north boundary of Pocasset Road.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 AUG 21 AM 10:58
TOWN CLERK BOURNE

RECEIVED
2016 JUL 20 PM 1:03
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V16

**APPLICANT:** John J. McManus

**LOCATION:** 486 Williston Road, Sagamore Beach, MA
MAP: 4.1 PARCEL: 124

**PROPOSAL:** Request for a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback.* To construct a 14'x12' shed to be located 10' from the north boundary of Pocasset Road.

**DATE & TIME:** Wednesday, August 3, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
July 20, 2016
July 27, 2016

RECEIVED
2016 SEP 12 AM 9:21
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals

## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

August 3, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on August 3, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, Timothy Sawyer, Associate Members, Kat Brennan and Amy Kullar.

**Members Excused:** John O'Brien, Wade Keene and Harold Kalick.

**Also Present:** Carol Mitchell, Jim Mulvey and John McManus.

**Documents:** Agenda and documents pertaining to Variance, **2016-V16**

**III. Agenda Items**

1. **Approval Of Minutes**

   Chmn. Berger entertained a motion to approve the minutes of the July 20, 2016 meeting. He noted one typographical error. **Ms. Brennan moved to accept the minutes of the July 20, 2016 meeting as amended. Mr. Sawyer seconded**. With no discussion, the motion carried 3-0-1 with Ms. Kullar abstaining.

   *Sitting on the hearing is Timothy Sawyer, Lee Berger, Kat Brennan and Amy Kullar.*

   *Chm. Berger will write the Decision.*

2. **486 Williston Road** – Variance - **2016-V16**, Request for a Variance from the following section of the Bourne Zoning By-law: Section 2500. Intensity of Use Schedule regarding the minimum requirements for front yard setback. To construct a 14'x12' shed to be located 10' from the north boundary of Pocasset Road.

   Chm. Berger explained to the applicant that only four board members were present. He offered the applicant the opportunity to postpone the hearing because

for a Variance, four members need to vote in the affirmative. The applicant chose not to reschedule.

John McManus addressed the board. He is seeking to build a 14'x12' shed. On the north side of his property, there's a paper road, it isn't connected to anything. This is the proposed location of the proposed shed. He indicated the only person who will see the shed is Mary, the woman across the paper road. She gave a letter of consent for the project. Chm. Berger read the letter to the board.

Board Comment – Ms. Brennan discussed the size of the shed. She asked for clarification on the size of the proposed shed. She inquired as to whether or not Mr. McManus would be keeping his existing smaller shed. Mr. McManus explained that the smaller shed is full with items; i.e., a lawn mower, generator, bicycles etc., that there's no room for movement. He stated because the house has no cellar, he lacks storage. The proposed shed would house lawn furniture and other large items. He plans on keeping the smaller shed.

Ms. Brennan discussed the proposed location and a stone wall at the end of his property that is within 10' of the existing shed.

Mr. Sawyer noted that the property slopes. Mr. McManus explained that's why he picked the proposed location.

Ms. Brennan asked if the large tree would be removed. Mr. McManus stated it would be removed.

Mr. Berger discussed the plan that was submitted and noted that a proposed second story deck is mentioned. Mr. McManus stated the deck was built in 2006, adding that the plot plan he submitted was received from the Town Hall. Mr. Berger stated he is concerned about the maximum floor area that's allowed. He calculated the lot coverage; there is no issue there. The question is, how many square feet of floor area there is. Chm. Berger cited the By-law, which allows for a 74 sq. ft. shed. The property owner has an existing shed; thus the request for the Variance. He feels there is grounds to approve the Variance based on the topography of the land. He reiterated his concern over the amount of floor area the home has and asked if the homeowner knew the square footage of his home. A brief discussion transpired concerning the dormered third floor and whether it counts toward the maximum floor area.

Chm. Berger read the definition of maximum floor area and discussed how it is determined; i.e., the sum of all horizontal floor areas for all residential structures located on the same lot including; garages, barns, sheds and covered

porches. Chm. Berger stated the property owner would need to obtain documentation from the Town Hall establishing the actual square footage of living space of the home. The property owner stated he thought the square footage of his home is 3,400 sq. ft. Chm. Berger reviewed the assessor's property record card on the Town's website; but, it did not provide the square footage of the home.

Ch. Berger stated the applicant may need to reapply for a Variance under Section 2453, as well as Section 2500 as originally advertised. The applicant expressed his frustration with the erroneous advertisement. He stated that he explained to the building inspector what he was proposing and filed the documentation as instructed. He feels he should not be penalized by having to refile.

Ms. Kullar expressed reservations in granting the Variance. Chm. Berger stated it's clear that the proposed project exceeds the maximum GFA.

Mr. McManus reiterated his frustration with needing to reapply simply to add Section 2453 to the Variance request. A discussion transpired concerning the reason why a Variance is needed vs. a Special Permit.

Chm. Berger asked for the board member's opinions. He stated that the applicant may want to consider withdrawing his application and refiling with both Sections listed.

Mr. Sawyer stated he feels the applicant was ill-served by the Town because he wasn't given the lot coverage worksheets. A brief discussion transpired pertaining to the crossed out section of the application checklist; which the applicant stated was crossed out by someone at Town Hall because it wasn't relevant to his filing.

**Ms. Kullar moved to close the public hearing. Mr. Sawyer seconded.** With no discussion, the motion carried. 4-0-0.

**Ms. Kullar moved to grant, based on the topography of the lot, a Variance from Section 2500 and sua sponte Section 2453 of the Bourne Zoning By-law, to allow Mr. McManus to install no closer than 10' from Pocasset Road, a 12'x14' shed on his property; according to the submitted drawings. Ms. Brennan seconded.** With no further discussion, the motion carried. 4-0-0.

Chm. Berger explained the next step of the process to the applicant.

**3. Old Business –**

Chm. Berger provided an update on the Shell Station signage. A discussion ensued.

**4. New Business –**

The board expressed interest in attending a seminar hosted by Bob Troy to discuss board responsibilities. Chm. Berger will arrange it.

**5. Public Comment –**

Mr. Mulvey discussed the Design Review Committee and their role in the signage at the Shell Station. He questioned who appoints members of the Design Review Committee and who oversees that committee. A discussion ensued.

**IV. Adjournment –**

**Ms. Kullar moved to adjourn the meeting. Ms. Brennan seconded.** With no further discussion, the motion carried 4-0-0. The meeting adjourned at 7:56 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

***Board of Appeals***

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611



RECEIVED
2016 SEP -1 PM 2:13
TOWN CLERK BOURNE

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**September 7, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**
**7:05 p.m. 0 & 1 Lighthouse Lane**, Special Permit **2016-A17,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to allow commercial use of a property in an R-80 residential zone.
**7:10 p.m. 220 Sandwich Road,** Special Permit **2016-A18,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a permit for Site Plan Review #488 to allow construction of an abutting parking gravel lot and parking canopy over the existing parking pavement that removed 600' of treeline of the buffer and encroached onto the abutting property.
**7:15 p.m. 12 Bryant Road,** Special Permit **2016-SP19,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the reconstruction of a proposed non-conforming single-family dwelling and associated garage is no more detrimental than the existing structure.
**7:20 p.m. 4 & 6 MacArthur Blvd,** Special Permit **2016-SP20,** Requesting for Special Permit pursuant to section 3210(h) of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a twenty-five (25') foot free-standing sign.
**7:25 p.m. 4 & 6 MacArthur Blvd,** Special Permit **2016-V21,** Requesting for a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 AUG 18 AM 11:42
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Appeal of Building Inspector's Decision 2016-A17

**APPLICANT:** James F. Molloy

**LOCATION:** 0 & 1 Lighthouse Ln, Pocasset, MA
MAP: 45.0 PARCEL: 14 & 20

**PROPOSAL:** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to allow commercial use of a property in an R-80 residential zone.

**DATE & TIME:** Wednesday, September 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
August 17, 2016
August 24, 2016

# TOWN OF BOURNE
## *Board of Appeals*
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611


RECEIVED
2016 AUG 18 AM 11:42
TOWN CLERK BOURNE

## *Public Hearing Notice*

**APPEAL:** Appeal of Building Inspector's Decision 2016-A18

**APPLICANT:** Thomas Pappas

**LOCATION:** 220 Sandwich Rd, Bourne, MA
MAP: 25.0 PARCEL: 1

**PROPOSAL:** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a permit for Site Plan Review #488 to allow construction of an abutting parking gravel lot and parking canopy over the existing parking pavement that removed 600' of treeline of the buffer and encroached onto the abutting property.

**DATE & TIME:** Wednesday, September 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
August 24, 2016
August 31, 2016

TOWN OF BOURNE
Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

RECEIVED
2016 AUG 18 AM 11:42
TOWN CLERK BOURNE

# *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP20– Free-standing sign higher than 15 feet but less than 35 feet in height

**APPLICANT:** Cumberland Farms, Inc./Mashnee Village, Inc.

**LOCATION:** 4 & 6 MacArthur Blvd, Bourne, MA
MAP: 24.0 PARCEL: 19 & 22

**PROPOSAL:** Requesting for Special Permit pursuant to section 3210(h) of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a twenty-five (25') foot free-standing sign.

**DATE & TIME:** Wednesday, September 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
August 24, 2016
August 31, 2016

RECEIVED
2016 AUG 18 AM 11:42
TOWN CLERK BOURNE

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP19– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** William F. Burchill c/o Bracken Engineering, Inc.

**LOCATION:** 12 Bryant Road, Gray Gables, MA
MAP: 26.1 PARCEL: 177

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the reconstruction of a proposed non-conforming single-family dwelling and associated garage is no more detrimental than the existing structure.

**DATE & TIME:** Wednesday, September 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
August 24, 2016
August 31, 2016

RECEIVED
2016 AUG 18 AM 11:42
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V21– Maximum building height requirements

**APPLICANT:** Cumberland Farms, Inc./Mashnee Village, Inc.

**LOCATION:** 4 & 6 MacArthur Blvd, Bourne, MA
MAP: 24.0 PARCEL: 19 & 22

**PROPOSAL:** Requesting for a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.

**DATE & TIME:** Wednesday, September 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
August 24, 2016
August 31, 2016

RECEIVED
2016 OCT 11 AM 8:43
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals
## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 7, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on September 7, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, John O'Brien, Wade Keene, Harold Kalick, Timothy Sawyer, Associate Members, Kat Brennan and Amy Kullar.

**Also Present:** Roger Laporte, Attorney John Fitch, Jim Malloy, Jim Mulvey, Sam Budryk, Paula Meriden, Attorney Drew Hoyt, Attorney Don McCauley, Greg Wirsen, Bob Dutch, Ken Driscoll, Mr. Pappas, Zack Basinski, Attorney Alex Joyce, Walter Sullivan, Doug Troyer, Tarja McGrail, Marion Parsons, Elena Medeiros and Scott Medeiros.

**Members Excused:** None

**Documents:** Agenda and documents pertaining to Special Permit, **2016-A17**, Special Permit, **2016-A18**, Special Permit, **2016-SP19**, Special Permit, **2016-SP20**, Variance, **2016-V21**

**III. Agenda Items**

**1. Approval Of Minutes**

Chmn. Berger entertained a motion to approve the minutes of the August 3, 2016 meeting. **Mr. O'Brien moved to accept the minutes of the August 3, 2016 meeting. Mr. Sawyer seconded**. With no discussion, the motion carried. 7-0-0.

**2. 0 & 1 Lighthouse Lane** – Special Permit - **2016-A17**, Request to appeal the Building Inspector's decision under M.G.L., Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to allow commercial use of a property in an R-80 Residential Zone.

Chm. Berger gave the board a history of the property. He stated the owner was renting out the property for commercial weddings. Mr. Laporte felt that was not an accessory use under the By-law. He sent the property owner a letter stating it was not permissible

to hold commercial weddings on the site because of zoning; however, the owner disregarded the letter. The Town filed suit for declaratory judgment. The case went before the Land Court, with no objection from the Town or the property owner, the abutters tried to intervene. The judge denied the abutters' right to intervene and encouraged the Town and property owner to come to a settlement agreement. The two parties reached a settlement agreement and Mr. Laporte wrote a new decision that mimicked the settlement agreement, which allows four weddings per season (June, July, September and October), one in each month with various restrictions which are listed in the agreement. An abutter has since appealed Mr. Laporte's second decision. Chm. Berger stated the board is not bound by the settlement agreement or either of Mr. Laporte's decisions. The board needs to make a decision under its By-laws as to whether or not the use is considered an accessory use. Chm. Berger stated in an R-80 Zone, accessory uses are allowed, they're called other customary accessory uses. Chm. Berger read the definition.

Attorney John Fitch addressed the board. He represents the petitioner, Jim Malloy. He stated when the property owner, Christina Stevens, received the cease and desist letter from Mr. Laporte, she should have filed an appeal with the ZBA; she did not. Mr. Fitch feels that because she did not appeal that decision, it became final. Mr. Fitch then discussed the Town's suit that was filed with the Land Court and his attempt to intervene. He stated when the judge denied their request to intervene, it allowed them the ability to appeal Mr. Laporte's second decision at the local level; where it should've been in the first place. Mr. Fitch then described the neighborhood and the zoning of Lighthouse Lane. He stated the property is not owner occupied; Ms. Stevens rents the property weekly for short-term vacationers. In 2005, the neighbors observed events taking place at the lighthouse property. The events included up to 100 guests, tents, catering, entertainment, porta-potties, etc. The legalities of such an event in this residential district is what's to be determined.

Board Comment – Mr. Kalick asked who filed the case with the Land Court. Mr. Laporte explained that he based his original decision to cease and desist on a Land Court decision from 2012. When the property owner failed to comply, Town Counsel, Robert Troy, filed the petition. He felt the Land Court should make a decision with regard to this case. Mr. Laporte stated his cease and desist order had to be changed in order to comply with the agreement that the Town made with the property owner. A discussion ensued.

Several board members feel the Board of Selectmen should have requested the Land Court send the case back to the Zoning Board for review instead of settling the case. Chm. Berger reiterated the board is not bound by any previous decisions, they simply need to determine whether or not it's an accessory use for a residence.

Public Comment – Mr. Mulvey suggested hearing from both attorneys before deliberating. He felt the board was not listening to the case.

Mr. Kalick stated he wanted to know the legal status of the case. Mr. Laporte read the agreement that was made between the Town and Ms. Stevens.

Mr. Fitch has looked through the records and has found no Special Permits or Variances authorizing the property to be rented as a function hall for any type of event. He has found nothing in the By-law that would allow such use in a Residential Zone. He feels that Ms. Stevens has crossed the line from customary accessory to uncustomary commercial and almost primary use that is disallowed in this particular zone.

Ms. Kullar asked why the property owner appealed to the selectmen when the original decision states to appeal to the ZBA. Mr. Laporte stated the property owner did not appeal his decision and disregarded it completely by continuing to hold weddings. In an effort to enforce the decision, Mr. Laporte went to Town Counsel and Town Administrator Guerino for their approval to obtain the Board of Selectmen's approval to file a petition in court.

Mr. Malloy, the abutter and petitioner, feels that Mr. Laporte was correct when issuing the original cease and desist order and that the reversal of his position was forced upon him by the agreement that was reached between the Town and the property owner. Mr. Fitch criticized the BOS for manipulating the statutory authority of Mr. Laporte to interpret and enforce or decline to enforce the By-law and reiterated his stance on the matter.

Mr. O'Brien stated there have been long-term rentals at the property. Mr. Fitch agreed; but stated the way the property is being marketed, it is for short-term rentals. He then asked three abutters to explain the situation to the board.

Jim Malloy, an abutter, addressed the board. He stated his home is just outside the gate to 1 Lighthouse Ln and everyone entering and leaving that property drives right by his home; which has a very direct effect on him and his family. He described the amount of traffic; i.e., large trucks with equipment both before and after an event, shuttle buses filled with guests. Additionally, guests of the functions often venture onto private property and gather on the beach to watch the sunset leaving behind bottles and trash. Loud music from the entertainment can be heard even with their windows closed. He is asking for the board's help to settle this issue. He stated the Town and property owner's agreement eliminates large events of 25 or more people to four per year; however, it doesn't restrict smaller events from occurring. He noted a Town By-law limiting the number of yard sales to a maximum of two per year; stating a wedding with its pre-

event set-up/tear-down is at least as destructive as a yard sale; if not more so. He submitted an exhibit of the various internet links advertising weddings at the property.

Mr. Keene asked if as an association, there's a list of dos and don'ts. Mr. Malloy stated there's a loose list. Mr. Keene suggested getting the association members together to change that. Mr. Malloy stated Ms. Stevens is not an association member. A brief discussion ensued.

Sam Budryk, a neighbor, addressed the board. He stated this has been an ongoing battle with Ms. Stevens for the past 11 years. All 14 neighbors are involved and support Mr. Malloy's request. He stated Ms. Stevens completely ignored the cease and desist and continues to allow functions, not just weddings, on the property. Like Mr. Malloy, he is negatively impacted by this. He stated the board's decision is an important one because it will impact every property owner in the Town of Bourne. Adding, only Town Meeting has the authority to change zoning; the "spot zoning" that the BOS approved is wrong.

Paula Meriden, spoke on behalf of her father, Stuart Meriden. She stated in 53 years her family has had 6 events on the property, all of the neighbors were invited and no compensation was received for these events. She added that Ms. Stevens was confronted in 2005 by an abutter about a wedding that was held and was asked why the neighbors were not informed of the event. Ms. Stevens stated she would not hold any more events; yet she has continued to do so. Ms. Meriden discussed the impact these functions have on federal, state and town land, and she briefly discussed the agreement the Town and Ms. Stevens reached; which the neighbors oppose.

A point was made that the association pays for the insurance and plowing of the street leading to the lighthouse.

Mr. Fitch concluded his presentation by reiterating the key points he made earlier.

Chm. Berger asked if anyone was present representing Ms. Stevens. There was not. He checked the file to be certain she was notified of the hearing. She was listed on the certified abutters list.

Chm. Berger asked if anyone else would like to be heard. Mr. Mulvey stated although the board is not bound by previous decisions, they should certainly consider the Building Inspector's previous decision to protect the integrity of Residential Zoning. He feels this is a gross violation of that provision.

Mr. Jenkins of South Road, addressed the board. He discussed the on-road parking that occurs when large functions are held; preventing fire truck access.

Chm. Berger discussed the board's options to either close the public hearing and make a decision or continue the hearing in two weeks.

Ms. Brennan expressed concern that Ms. Stevens wasn't present.

Chm. Berger asked for the board's feedback.

Mr. O'Brien stated he has sufficient information and feels a decision should be made; several board members concurred.

Chm. Berger entertained a motion to close the public hearing.

**Mr. Kalick moved to close the public hearing. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0-0.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, John O'Brien, and Harold Kalick. Also present are Associate Members, Kat Brennan and Amy Kullar.*

Chm. Berger entertained a motion to either affirm the decision of the Building Inspector, reverse the decision or make a compromise such as allowing fewer weddings. After a brief discussion, **Mr. O'Brien moved that the Board of Appeals grant the requested appeal to overturn the Building Inspector's June 23, 2016, enforcement order and substitute in its place, the January 15, 2013, cease and desist order issued to Christina Stevens. Mr. Kalick seconded.** With no further discussion, the motion carried. 5-0-0.

**3. 220 Sandwich Road** – Special Permit – **2016-A18**, Request to appeal the Building Inspector's decision under M.G.L., Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a building permit after Site Plan Review #488 was allowed to construct a solar canopy over the existing parking pavement.

Attorney Drew Hoyt, representing Mr. Pappas, the appellant, addressed the board. Mr. Hoyt discussed the proposed project located at the Upper Cape Cod Regional Vocational Technical School. Mr. Pappas owns the property adjacent to the property that is owned by the school, who has made an agreement with a solar power company to build a 400'x100' solar canopy on the school's parking area. Mr. Pappas is an aggrieved party because of the removal of the trees and the Site Plan approval. Mr. Hoyt submitted minutes from the Site Plan Review meeting which he feels will help to explain the Planning Board's reasoning for approval and what they thought was the applicable procedure. Mr. Hoyt feels they understated the amount of review needed for this project.

Mr. Kalick asked if there was a site plan for the board to review. Mr. Hoyt stated he did not have one. He apologized, stating he only recently became involved with the case.

Mr. Hoyt explained the solar canopy is in excess of 40,000 sq. ft. He then referred to the minutes and explained that when the Planning Board approved this, they didn't realize it was 613 kilowatts, anything over 250 needs to be in solar district; which the school is not. The Planning Board assumed the school is protected under the Dover Act because it's a school related project. In that case, the municipality has very limited authority to review the project under zoning. Mr. Hoyt is asking the board whether or not this project should be protected by the Dover Act.

Mr. Keene noted he observed that the construction had already begun. Mr. Hoyt agreed, stating the solar panels have not yet been installed.

Mr. Laporte explained an appeal was filed and a letter was sent to solar company notifying them that an appeal for the building permit had been filed; should they choose to begin the project, they would do so at their own risk pending the outcome of the appeal.

Chm. Berger expressed concern that the board is only learning the full details surrounding the project that evening and doesn't feel the board has enough information to make a decision. Mr. Hoyt stated he'd be willing to continue the hearing which would allow the appellant to submit all documentation for the record and would allow the board sufficient time to review it.

Chm. Berger asked if anyone from Upper Cape was present. Attorney Don McCauley of McCauley Lyman LLC, addressed the board on behalf of Select Energy, the company erecting the solar facility. He stated there has been a long running dispute between Mr. Pappas and the school with regard to the removal of the trees; adding, the tree removal has no affiliation with the solar project. Mr. McCauley indicated the solar structure is located within the parking lot area and the project would fall under the scope of the Dover Amendment since the power generated will be used by the school as part of its operation. Additionally, it is not a ground mounted structure; it won't remove the land use.

Chm. Berger asked if Mr. McCauley objected to continuing the hearing. Mr. McCauley stated yes, he objects. His concern is, the appeal was filed over a month ago; but summer recesses prevented the case from being heard in August. Solar facilities depend on state programs; which are facing deadlines for completion as of the end of the year. To delay this project, could result in the loss of qualification for ongoing state programs, for net metering and environmental credits.

Chm. Berger asked for an explanation of the Dover Amendment and why it takes the school out of zoning restrictions. Mr. McCauley explained, the Dover Amendment enables non-profit institutions an exemption from most zoning requirements of the Town except for major issues; and, permits them to use the land as they see fit. The

solar facility will be supplying power for the benefit of the school and is located on school property.

Chm. Berger asked if there was a copy of the site plan and the ultimate decision of the Site Plan Review. Mr. McCauley provided a set of drawings that were submitted for the Site Plan Review. A discussion ensued.

Mr. Sawyer asked Mr. Laporte if under the Dover Amendment, whether or not the Planning Board has to consider setback requirements. Mr. Laporte stated the amendment gives certain protection for certain uses but many regulations must still be adhered to.

Chm. Berger referred to the submitted plan and discussed the setback requirements. Mr. McCauley argued that even if the Dover Amendment isn't accepted as the basis, the project still meets zoning requirements. Mr. Hoyt disagreed. Chm. Berger asked what section of the By-law does he feel is being violated. Mr. Hoyt stated the project triggers Cape Cod Commission review because it's an outdoor project in excess of 40,000 sq. ft. Mr. Hoyt cited the section of the Cape Cod Commission regulations that relate to this project if it does not fall under the Dover Amendment. A discussion ensued.

Chm. Berger asked for clarification of the project's square footage. Greg Wirsen of Green Seal Environmental stated the structure is approximately 40,000 sq. ft. he'd have to measure it exactly to scale because he wasn't involved in the submission of the building plans.

Ms. Kullar stated the Planning Board lists the dimensions as 101'x 440'.

Chm. Berger asked again if the Dover Act applies. Mr. McCauley stated it does; adding, the real issue at hand is the removal of the trees; which were not removed as part of this project. Chm. Berger stated he understands; however, the abutter has the right to appeal the Building Inspector's decision. The abutter alleges the project violates zoning regulations.

Chm. Berger asked Mr. Hoyt why he feels the Dover Act doesn't apply to this project. Mr. Hoyt replied, the Dover Act protects educational uses; this project is an acre of solar panels, that will generate 600+ kilowatts of energy only half of which will be used by the school, the other half will be sold for profit by the corporation that is building the facility free of charge. He argued that the school is leasing an acre of its land to a commercial solar operator, who, instead of receiving cash for rent, they're receiving electricity for rent valued at approximately $24,000 per year. The use, for the school's purpose, is to generate revenue. The half being kept by the solar company is not an educational use. This is why Mr. Hoyt feels the Dover Act doesn't apply. He suggested

the Town reassess the permitting process for this project. Mr. Hoyt doesn't see the harm in continuing the hearing; especially since the facility is just about completed.

Ms. Kullar opened a brief discussion concerning the Dover Amendment and whether or not it should apply to this project.

Bob Dutch, Superintendent of Upper Cape Tech, addressed the board. He provided a brief historical perspective as it relates to the Dover Amendment and the solar panels. Several years ago, Upper Cape Tech erected a wind turbine, it was erected under the Dover Amendment. Approval of that project was not required by any Town departments. The school also has a permit pending for a 1 megawatt turbine, also under the Dover Amendment. There's no opportunity for any abutters to speak in opposition to it. He explained the educational purpose for those two devices, for both the Electrical students on an ongoing basis for repair and construction and for the students in the Environmental Technology program who continually measure the output of those devices, as well as looking at the cost savings generated by them is an experiential component of their education on an ongoing basis. The fact that power is being generated, also saving money for the school, is irrelevant to all of that. Mr. Dutch added, the trees that were cut down were on Upper Cape Tech's property. Mr. Pappas and the school can litigate that component; but, it has nothing to do with this project.

Mr. O'Brien questioned the wind turbine that was erected did not require Planning Board approval. Mr. Laporte stated it went before the Planning Board informally. He asked why then was this project required to be presented to the Planning Board. Mr. Dutch stated the Planning Board requested that it be brought before them. Mr. O'Brien asked if the recently constructed buildings on the school's property have gone before the Planning Board. Mr. Dutch stated the most recent building went before the Planning Board, the others did not; however, they all require the Building Inspector's approval.

Chm. Berger asked if anyone else in the audience would like to be heard. Mr. Hoyt again suggested a continuance. He doesn't see the harm in continuing since the party has already proceeded with the project at their own risk. Chm. Berger stated if they continue to proceed at their own risk, there's additional expenses that might be incurred; and it gets riskier. Mr. McCauley stated the work that's been completed thus far was done over the summer to prevent disruption to the students returning from summer break. No further work will be done on the project until a decision on the appeal is made.

A discussion transpired with regard to the financial impacts postponing the decision will have on the project.

Ms. Brennan asked if a row of trees might be planted as a means of satisfying Mr. Pappas. Mr. Hoyt stated the trees were removed some time ago. He has emails promising they'd be restored; but, they haven't been. A discussion ensued.

Ken Driscoll, president and owner of Select Energy, addressed the board. He stated he's directly impacted by the financials pertaining to the proposed project. He is willing to work with the school and plant the appropriate amount of screening; even though his company did not remove the trees. Mr. Hoyt stated Mr. Pappas would be content with a restored tree line as shown in the rendering that was used to advertise their project and obtain the permitting. A brief discussion ensued.

Chm. Berger stated he's in favor of continuing the hearing in two weeks for several reasons; the board will receive a site plan and a briefing from both sides allowing the board sufficient time for a review and it will allow the two parties to hopefully come to an agreement with regard to the tree line. A brief discussion transpired with regard to the type of plantings that may be considered and a suggestion was made to make it an educational experience for the horticulture students.

With a condition that the board receives a briefing from both sides and any additional written material that needs to be submitted by September 19, 2016; Chm. Berger entertained a motion to continue the hearing in two weeks. After a brief discussion, **Mr. Kalick motioned to continue the hearing to the September 21, 2016 meeting, to be heard at 7:20 PM. Mr. Sawyer seconded.** With no further discussion, the motion carried. 5-0-0. Chm. Berger stated if the parties come to an agreement prior to the 21st, the applicant may with withdraw his appeal without prejudice.

**4. 12 Bryant Road** – Special Permit **2016-SP19-** Requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-Law, under M.G.L., Ch. 40A, Section 9, that the reconstruction of a proposed non-conforming single-family dwelling and associated garage is no more detrimental than the existing structure.

Zack Basinski of Bracken Engineering addressed the board and discussed the proposed project. It's an existing, developed, single-family house lot; that is 12,000 sq. ft. It's abutted on two sides by four residential homes. The existing lot was created in 1924; the existing house was built in 1930. The property owner is seeking to demolish the existing structure and construct a new structure in the same footprint. All setbacks will be slightly greater than what's existing. Under existing conditions, the house is 40 feet off Bryant Road, it is 41 ½ feet on the proposed plan. The closest side yard setback is to the north, under the existing, it's at 6.4 feet, and the proposed is 6.6 feet. The house is located in a Flood Zone, a flood compliant foundation system will be required. The existing basement will be removed; which is why there is a proposed stand-alone garage at the back of the house. Mr. Basinski referred to the plan to describe the

proposed project. A new septic system will be installed. He stated there will not be any impact on pedestrian or vehicular flow, utilities, abutters or the Groundwater Resource District.

Board Comment – Mr. O'Brien asked how the garage will be accessed. Mr. Basinski stated the access will be off Benedict Dr.

Mr. Keene asked why the applicant isn't seeking a Variance. Mr. Basinski stated past practice on this type of project has been, if the existing structure is within the 6.7, a Variance wasn't requested. Mr. Keene stated they're adding a new garage and it's not meeting the setback. Mr. Basinksi indicated the plan can be adjusted to move the garage over to meet the 12 foot setback. Mr. Keene stated it'd have to be moved or a Variance must be requested. Mr. Basinski is going to make the amendment if the board feels it's necessary. A discussion ensued. Chm. Berger asked for Mr. Laporte's opinion. Mr. Laporte stated it's the board's call; however, they'd be safe to go either way. Chm. Berger referred to the plan and explained to several board members why a Variance might be required vs. the Supportive Finding. Chm. Berger stated he doesn't know if there are grounds for a Variance. A discussion transpired concerning the location of the driveway and how adjusting the location of the proposed garage may interfere with traffic flow.

Chm. Berger asked if anyone else would like to be heard on the matter. Attorney Alex Joyce, shared concerns that his client, Mary Huether, an abutter, has with the project. She would like a Condition added stating all runoff well be kept on the construction site and not in her yard. She'd like the property staked during construction and would like the construction hours be limited to 7AM – 5PM. Essentially, the applicant has already agreed to these conditions.

The builder, Walter Sullivan, addressed the board stating he has no problem meeting those conditions the abutter has requested. He commented on the location of the proposed garage; they're trying to keep the house in conformity with the neighborhood. They could have elevated the house up higher with a drive under garage beneath the structure; but in doing so, the house would've been elevated another 8 feet in the air.

Attorney Joyce stated Mrs. Huether wanted another condition stating there would not be a room above the garage. Mr. Sullivan stated there would not be.

Chm. Berger asked if anyone else would like to be heard on the matter. There wasn't anyone.

Chm. Berger asked for input on how the abutter would like the language to read concerning the condition that there would not be a room above the garage. It was

decided the language would be; the garage will remain uninhabitable. Both parties agreed.

**Mr. O'Brien moved to close the hearing. Mr. Sawyer seconded**. With no discussion, the motion carried 5-0-0.

**Mr. O'Brien moved to grant a Required Finding that the requested alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use and that the new building and garage be built in accordance with the submitted plans; with the six conditions that have been submitted by Mr. Joyce and agreed to by the applicant. Mr. Sawyer seconded.** With no discussion, the motion carried. 5-0-0.

**5. 4 & 6 MacArthur Blvd,** Special Permit – **2016-SP20,** Requesting a Special Permit pursuant to section 3210 (h) of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Section 9 to permit the construction of a twenty-five foot (25') free-standing sign.

Doug Troyer representing Cumberland Farms along with Project Manager, Tarja McGrail, of Coastal Engineering, addressed the board. Mr. Troyer provided a brief history of the site; Cumberland Farms owns the property at 4 MacArthur Blvd., which is the existing Gulf gas station at the Bourne Rotary. They've been there since 1986. Last year, they approached the owner of 6 MacArthur Blvd. and entered into a P&S Agreement to acquire that property. On that property exists a large building and a smaller building, approximately 7,300 sq. ft. on approximately 3.1 acres. The property was purchased in order to expand their business. They went before the Planning Board in July; however, three abutters were not notified, requiring them to begin the process all over again. They are scheduled to meet with the Planning Board on October 13, 2016. Mr. Troyer referred to the submitted site plans, stating Cumberland Farms is seeking to raze and rebuild all existing structures on those two parcels of property. They would like to raze and rebuild an 8,151 sq. ft. convenience store on the property which will be set back in order to provide a substantial improvement to traffic, circulation and landscaping. They are also seeking to expand the gasoline service; bringing 10 pumps onto the site. Additionally, they'd like to add a pet area and drive-thru on the site. There are currently two existing freestanding signs on the property. They're looking to raze those signs and construct just one sign. Mr. Troyer provided the board with photographs of the existing condition of the property; including photos of the two existing signs. They would like to construct a free-standing sign that will display the Cumberland Farms logo and contain a price cabinet with two columns in white metal panel which will be sited in a stone planter. He stated that although the proposed sign is 25', it will be proportionate to the remainder of the property. Additionally, it won't be distracting because it won't have any electronic messaging boards on it; it's very similar to the existing sign.

Mr. Keene asked the height of the current sign. Mr. Troyer stated he believes it is 15'.

Chm. Berger asked how far from MacArthur Blvd. the proposed sign will be. Ms. McGrail stated the proposed sign will be 40' from the property line and 120' from the rotary. Chm. Berger spoke with Ms. Moore of the Planning Department; she said there are no objections because this property is not located within the Village District.

Ms. Kullar stated because the property is located on a highway and not in the Historical or Village Districts; the request is reasonable.

Mr. Kalick noted that other businesses in the area with the exception of the Subaru dealership, are conforming to the height restrictions.

Chm. Berger stated they are entitled to a 15' sig; adding, the board has the authority to allow between 15' and 35'.

Public Comment – Marion Parsons addressed the board. She stated in 1986, she and her late husband started a business, American Lobster Mart, and built the building that directly abuts the Cumberland Farms property. Her son is now the owner of the property and as a direct abutter; they were never notified of the meeting that was held in July. She feels that meeting was held illegally because all of the abutters were not notified to attend.

Chm. Berger stated the Assessor's office would provide the abutter's list. Mrs. Parsons stated the Assessor admitted to the error. She read a letter from her son, Richard Parsons, who was not able to attend the meeting due to illness. He objects to the Special Permit and Variance request particularly because they were not properly notified of the Planning Board meeting that took place in July.

Chm. Berger asked if the Planning Board has made a decision. Mr. Troyer stated after Mrs. Parsons discovered she and two other parties were not on the abutter's list, they started the process over again. All abutters have been added to the list and have been notified of the new hearing scheduled for October 13, 2016. This will allow Mrs. Parsons and any other abutter to voice any objections.

Mrs. Parsons stated she received a letter from the Town informing her of a September 15, 2016, Planning Board meeting; which has since been rescheduled. However, she was upset because neither she nor her son received proper notification concerning the September 7, 2016, ZBA meeting. Ms. Kullar explained the Assessor sent notification based on the address listed on the deed; it wasn't intentional. Mrs. Parsons stated she previously informed the Assessor of the proper mailing address; therefore, she should have received the notice. She is upset that one letter was sent to her home and another letter was sent to the business.

Chm. Berger reviewed the remainder of Mr. Parsons' letter and reported the substance of the letter to the board. Mr. Parson's letter noted there were several procedural issues with receiving notices and feels that although he has not been notified of the details, on its face, the Cumberland's proposal does not conform to the surrounding area and would have a profound negative impact on the community. He asked that the matter be tabled for no less than 45 days in order for the board to have an opportunity to thoroughly review the proposal and the impact it would have on the community should the project be allowed to move forward. This site may have an unforeseen impact on the community surrounding local businesses and future infrastructure improvements from the Bourne Bridge through MacArthur Blvd. pertaining to increased traffic count and Cumberland's access/egress issues on the site. Additionally, Mr. Parsons stated, all surrounding properties and abutters are entitled to have the opportunity to review both Variances and Special Permit appeals and the drawings and site plans; also to consider all possible site design options and the impact each consideration may have on the business and residential community.

Mrs. Parsons asked that her son's letter be part of the record along with their objections.

Mrs. Parsons then submitted a petition that was signed by numerous people; residents, customers and friends, who object to the Special Permit and Variance being granted.

Chm. Berger explained the ZBA only has jurisdiction to grant a Special Permit for the sign. Mrs. Parsons stated she objects to the height of the proposed sign as well as the size of the proposed convenience store. Chm. Berger stated the entire project is contingent on approval by the Planning Board.

Elena Medeiros, of 9 Sandy Lane, addressed the board. Her home is located directly behind the proposed project. She feels, based on the location of the proposed project, a 25' sign is not necessary; motorists will see the Cumberland Farms as they round the rotary. She discussed Bourne Bridge traffic and its impact on local residents and reiterated her opposition to a 25'sign.

Scott Medeiros, of 9 Sandy Lane, addressed the board. He expressed his concerns with regard to egress and traffic. Chm. Berger explained the ZBA does not have the authority to address his traffic concerns. Mr. Medeiros expressed his concern that his neighborhood will be impacted by the illumination of the proposed sign.

Chm. Berger asked Mr. Troyer to pinpoint where Sandy Lane is located on the site plan. Mr. Troyer referred to the plan to pinpoint Sandy Lane. A discussion transpired concerning the existing signs, the design and location of the proposed sign.

Ms. Brennan questioned a green area that's displayed on the plan. Ms. McGrail explained the topography and elevation of the site. A discussion transpired concerning how much fill will be required for the grading of the site.

Mr. Medeiros referred to the plan and discussed the lighting at the proposed pumps.

Mrs. Medeiros questioned why a Variance is needed if the proposed sign meets the By-law requirements. Mr. Troyer stated they aren't seeking a Variance for the proposed sign. He explained that the existing sign is completely non-conforming to the Town's Zoning By-Laws. The proposed sign will be moved 100' back off the property. He acknowledged the abutter's concerns and stated he'd be happy to discuss all of their concerns with them.

Chm. Berger reminded the board their only concern is the height of the proposed sign not the illumination of the proposed sign. After a brief discussion, **Mr. Keene moved to close the public hearing. Mr. Kalick seconded.** After further discussion, the motion carried. 5-0-0.

Chm. Berger entertained a motion with regard to the height of the sign. Ms. Brennan asked what the maximum height allowed is based on the By-law. Chm. Berger stated it is 15 feet; however, the board has the authority to allow up to 35 feet. A discussion transpired with regard to the district the business is located in and the board's authority to grant approval for a higher sign.

**Mr. Keene made a motion to grant a Special Permit, 2016-SP20, up to 25 feet for a free-standing sign, in the location as set forth in the plans. Mr. Sawyer seconded. With no further discussion, the motion carried. 4-1-0.** Mr. Kalick opposed.

**6. 4 & 6 MacArthur Blvd,** Variance – **2016-V21,** Requesting a Variance per Section 2500 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec. 9, to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.

Doug Troyer representing Cumberland Farms along with Project Manager, Tarja McGrail, of Coastal Engineering, addressed the board. He explained they are seeking a Variance in connection with the height of the store. The applicant believes they're entitled to a Variance from the By-law due to the unique topography of the property; which especially affects the property and not the Zoning District generally.

Mr. Laporte referred to the By-Law, stating, based on the pitch of the roof, as long as the applicants keep the height at 40', a Variance will not be necessary. Mr. Troyer described the design of the building. After a brief discussion pertaining to adjusting the pitch of the roof, Mr. Troyer asked for a continuance.

**Mr. O'Brien moved to continue the hearing to September 21, 2016, at 7:30 PM. Mr. Sawyer seconded.** With no further discussion, the motion carried. 5-0-0.

Chm. Berger explained that the hearing is being continued. Mr. Laporte informed both the applicant and the abutters that there will not be a notice sent.

Mr. Troyer stated he would inform Mrs. Parsons if Cumberland Farms decides to withdraw their request for a Variance.

**7. Old Business –**
Mr. Berger will contact Mr. Troy to schedule a training for the group to take place sometime in October.

**8. New Business –**
Mr. Kalick discussed a letter that was received from Pilgrim Pines. He questioned whether or not it is legal that the BOS overturns decisions made by the ZBA. A discussion pertaining to the Town Charter transpired and whether or not the BOS has that authority. He feels the Town should stand behind the Zoning Board of Appeals. Several board members agreed. Chm. Berger asked if Mr. Kalick would draft a position paper on behalf of the board and email it to the members; it will be discussed during the next open session meeting under Old Business. Mr. Kalick wonders if it's a battle worth fighting. A discussion ensued.

**9. Public Comment** – None

**IV. Adjournment –**

**Mr. O'Brien moved to adjourn the meeting. Ms. Kullar seconded.** With no further discussion, the motion carried 7-0-0. The meeting adjourned at 10:34 PM.

Minutes submitted by: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**AMENDED**

RECEIVED
2016 SEP 19 PM 4:24
TOWN CLERK BOURNE

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**September 21, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. Continued: 4 & 6 MacArthur Blvd,** Variance **2016-V21,** Continued hearing requesting for a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.
**7:10 p.m. Continued: 220 Sandwich Road,** Special Permit **2016-A18,** Continued hearing requesting to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a permit for Site Plan Review #488 to allow construction of an abutting parking gravel lot and parking canopy over the existing parking pavement that removed 600' of treeline of the buffer and encroached onto the abutting property.
**7:15 p.m. 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.
**7:20 p.m. 30 Settlers Way,** Special Permit **2016-SP23,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct living space above the existing garage to include living area and kitchen.
**7:25 p.m. 68 Megansett Rd,** Special Permit **2016-SP24,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house by installing new roof structure that is taller than existing structure by 2'8" is no more detrimental than the current pre-existing, nonconforming structure.

**Old Business**
**New Business**
**Public Comment**

RECEIVED
2016 SEP 16 PM 4:05
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**ZONING BOARD OF APPEALS**
**September 21, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. Continued: 4 & 6 MacArthur Blvd,** Variance **2016-V21,** Continued hearing requesting for a Variance per section 2500 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.

**7:10 p.m. 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**7:15 p.m. 30 Settlers Way,** Special Permit **2016-SP23,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct living space above the existing garage to include living area and kitchen.

**7:20 p.m. 68 Megansett Rd,** Special Permit **2016-SP24,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house by installing new roof structure that is taller than existing structure by 2'8" is no more detrimental than the current pre-existing, nonconforming structure.

**Old Business**

**Cape Cod Aggregate.** Requesting extension of final completion date for restoration.

**New Business**

**Public Comment**

RECEIVED
2016 SEP -7 PM 2:40
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP24– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** James J. Halliday

**LOCATION:** 68 Megansett Rd, Cataumet, MA
MAP: 51 PARCEL: 12

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that the expanding of an existing house by installing new roof structure that is taller than existing structure by 2'8" is no more detrimental than the current pre-existing, nonconforming structure.

**DATE & TIME:** Wednesday, September 21, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
September 7, 2016
September 14, 2016

RECEIVED
2016 SEP -7 PM 2:41
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP23– Accessory Dwelling

**APPLICANT:** Pine Tree Realty Trust

**LOCATION:** 30 Settlers Way, Buzzards Bay, MA
MAP: 15.0 PARCEL: 130

**PROPOSAL:** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct living space above the existing garage to include living area and kitchen.

**DATE & TIME:** Wednesday, September 21, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
September 7, 2016
September 14, 2016

RECEIVED
2016 SEP -7 PM 2:40
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Appeal of Building Inspector's Decision 2016-A22

**APPLICANT:** Regan C. Jason c/o Michael B. Stusse

**LOCATION:** 0 Commonwealth Ave, South Sagamore, MA
MAP: 12.3 PARCEL: 60.1

**PROPOSAL:** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**DATE & TIME:** Wednesday, September 21, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
September 7, 2016
September 14, 2016

RECEIVED
2016 OCT 11 AM 8:43
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals
## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 21, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on September 21, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, John O'Brien, Wade Keene, Harold Kalick, Timothy Sawyer and Associate Member, Kat Brennan.

**Members Excused:** Associate Member, Amy Kullar.

**Also Present:** Roger Laporte, Carol Mitchell, Michael Rausch, Brian Hebb, Don McCauley, Ken Driscoll, Craig Huntley, Tarja McGrail, Doug Troyer, Kelly Jason, Samuel Fardy, Jim Halliday, Cathy Lastih, Mary Crook, Robert Dutch, Heather Twiss, Marian Parsons, Joan Deveney, Francis Deveney, Dana Mortimer, Drew Hoyt, Jim Mulvey and Chris Bailey.

**Documents:** Agenda and documents pertaining to Special Permit, **2016-A18**, Appeal of Building Inspector's Decision, **2016-A22**, Special Permit, **2016-SP23**, Special Permit, **2016-SP24**, Variance, **2016-V21**

**III. Agenda Items**

**1. Approval Of Minutes**

Chmn. Berger entertained a motion to defer the approval of the September 7, 2016 meeting. **Mr. Kalick moved and Mr. O'Brien seconded to defer the approval of the September 7, 2016 meeting until October 5, 2016.** With no discussion, the motion carried. 6-0-0.

Chm. Berger reminded the board that Bob Troy will be conducting a training at 6:00 p.m. on October 5, 2016.

**2. Continued - 4 & 6 MacArthur Blvd,** Special Permit – **2016-V21,** continued hearing requesting a Variance per Section 2500 of the Bourne Zoning By-law, under M.G.L.,

Ch. 40A, Sec. 9, to permit the construction of a convenience store more than thirty-five (35') feet in height for a proposed height of forty and one half (40.5') feet.

Doug Troyer, representing Cumberland Farms, along with Project Manager, Tarja McGrail, of Coastal Engineering, addressed the board. Mr. Troyer reminded the board of his previous request for a Special Permit to construct a sign 25' in height and a request for a Variance due to the height of the proposed store. He referred to the site plan and explained the By-law allows for the building to be constructed up to 40' in height; the original proposal requested 40.5' in height. During the last meeting, the applicant was provided with information that a Variance may not be needed if he was able to reduce the height of the building. He went back, looked at the proposed project and was able to draft new plans which reflect a reduction in the building height to 38.5'. Even though the height has been reduced, a Variance is still necessary. He explained their need for a Variance is because of the topography of the site as well as height restrictions as written in the By-law. A discussion ensued.

Ms. Brennan asked why the building has to be so tall since the top floor is a façade. Mr. Troyer explained the architectural design is based on a prototype for all of the Cumberland Farms locations. Ms. Brennan expressed her concern over the height of the proposed building. Mr. Troyer stated the height of the building itself is in line with the surrounding structures. He explained that if the proposed location was moved to the front of the property, a Variance would not be required. Ms. Brennan asked if the dormers will let light into the first floor or will the second floor ever be occupied. Mr. Troyer stated the dormers are just for show and the second floor will never be developed.

Mr. O'Brien asked if the height is no longer an issue, why is there a need for a Variance. Mr. Laporte explained that the Zoning By-Law changed on building height. Prior to the change, Cumberland Farms would have been able to complete their project without a Variance because the By-law stated the height was measured at finished grade. Problems arose with this policy, so the By-law was changed which now requires the height to be measured pre-construction. Mr. Laporte explained he goes to the site and measures the height before work commences. For this particular project, 12' of fill needs to be added to make the lot level. When 12' is added to the height of the building, the building is higher than what the By-law allows. This is why a Variance is necessary. A discussion ensued.

Mr. Keene asked if a retaining wall will be built and if storm drains will be installed. Ms. McGrail discussed the proposed design for the grading. Under the direction of the Planning Board the applicants have tried to improve the circulation of the site by moving the building back several feet than originally proposed. In doing that, there's a large hole that will have to be filled to level the site. She referred to the submitted plan

to pinpoint the location of the retaining wall. She stated storm water will be captured and treated on the site.

Mr. Troyer stated although they are seeking a Variance for the building height, they are starting anew with the Planning Board due to a glitch serving abutters notification. He stated a Site Plan Review is scheduled for October 13, 2016.

*Chm. Berger interrupted the hearing to inform the representative for the 0 Commonwealth Avenue hearing that a request was received to continue the hearing to October 5, 2016. The representative did not object to rescheduling.*

Chm. Berger entertained a motion to continue 2016-A22 to October 5, 2016. **Mr. O'Brien moved and Mr. Sawyer seconded to continue the appeal of 2016-A22 to October 5, 2016.** With no discussion, the motion carried. 5-0-0.

*Chm. Berger returned to the Cumberland Farms Variance hearing.*

Chm. Berger asked if anyone in the audience would like to be heard on the matter.

Marian Parsons, an abutter, addressed the board. She is objecting to the size of the building. She asked if the request for the 25' sign would also be addressed at this hearing. Chm. Berger stated the request for the freestanding sign was already approved. Mr. Troyer explained the only request currently being heard is for the height of the building. Mrs. Parsons reiterated her objection to the size of the building. She feels it will create hazardous traffic conditions and will be unsightly. She stated her son, another abutter, also opposes the project. Chm. Berger advised her the board has no control over the size of the building, only the height. He suggested she attend the Planning Board Site Plan Review to voice her objections.

Joan Deveney addressed the board and expressed her concern that this project will create excessive traffic. Francis Deveney also expressed his opposition to the project.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, John O'Brien and Harold Kalick. Also present is Associate Member, Kat Brennan.*

Chm. Berger entertained a motion to close the public hearing. **Mr. Keene moved and Mr. Sawyer seconded to close the public hearing.** With no discussion, the motion carried 5-0-0.

Chm. Berger entertained a motion with regard to the Variance. **Mr. O'Brien moved that the Variance be granted to Cumberland Farms for the requested height of 38.5' post-construction Mr. Sawyer seconded.** After a brief discussion, the motion carried 5-0-0.

**3. Continued - 220 Sandwich Road** – Special Permit – **2016-A18**, continued hearing - Request to appeal the Building Inspector's decision under M.G.L., Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a building permit for Site Plan Review #488 was allowed for construction of a solar canopy over the existing parking pavement.

Attorney McCauley, representing Select Energy, stated the Agenda talks about the gravel parking lot and the clearing of trees; however, the permit request was for a solar project. He stated the solar project does not involve the gravel parking lot or the clearing of trees.

After reviewing the submitted documents, Chm. Berger concluded the only argument either party has pertains to the clearing of the trees and whose property the trees that were cleared were on. Chm. Berger asked if the parties agreed with his assessment. Attorney Hoyt stated mainly; however, Mr. Pappas also questions what the distance is between the canopy and Mr. Pappas' property.

Mr. Kalick asked why the parties didn't come to an agreement with regard to the replanting of the trees. Attorney McCauley stated they presented a screening plan to the appellant; who did not feel their proposal provided adequate screening.

Chm. Berger stated he feels the original application did not pertain to the ZBA; he feels it may be a civil issue; however, the appellant has the right to appeal the decision to issue a building permit. Chm. Berger stated the appellant is arguing the proposed solar project should not fall under the Dover Amendment. The appellant also feels the project should've been referred to the Cape Cod Commission because it is over 40,000 sq. ft. Mr. Pappas is questioning whether or not the Planning Board erred in approving the Site Plan Review. A discussion ensued.

Chm. Berger stated he'd like to briefly hear from Mr. Hoyt, then suggested the board close the public hearing and continue the case until the next meeting. This will allow the board time to review the documents that Mr. Hoyt submitted.

Mr. Kalick questioned why the ZBA is hearing this case when it's a civil matter. Chm. Berger stated the abutter has the right to appeal. He reiterated the reasons why the appellant feels the building permit should not have been issued for the solar canopy. A discussion ensued.

Ms. Brennan asked if the two parties had met to try to come to an agreement with regard to the rescreening. Attorney Hoyt stated he met with Mr. Pappas and Mr. Driscoll for several hours to discuss a plan to rescreen the property. The screening plan submitted to Mr. Hoyt is not satisfactory to Mr. Pappas. At the meeting, Mr. Hoyt

asked why the discussions couldn't continue; why are they forcing the board to take a vote on a complicated issue instead of continuing discussions. The answer he received is because of a January 8th deadline. Mr. McCauley submitted a memo which cites a regulation that refers to the January deadline. Mr. Hoyt stated he looked up the regulation which states if the January 8th deadline is missed, an extension may be filed until May 2017, They applicant must simply demonstrate the project has expended 50% of its total construction costs. Since the project is largely constructed, Mr. Hoyt thinks they've spent 50% of their construction costs. Attorney McCauley argued that they will be penalized financially if they file for an extension. A discussion ensued. Mr. Hoyt stated the board's job here is to disallow a permit being issued if the project violates zoning. Mr. Hoyt reiterated his position; if the project doesn't fall under the Dover Amendment, it does not comply with zoning. He stated it's the applicant's burden to prove the project falls under the Dover Act.

Mr. Hoyt asked what the time line is to get the project from its present state to completion. Ken Driscoll, of Select Energy addressed the board. He met with Mr. Hoyt and Mr. Pappas and spent three hours with them discussing the project. He stated there's 8-10 weeks of installation work to do; then they have to wait for the utility company to perform their connection work. If the January 8th deadline isn't met, they forfeit nearly 20% of the incentive that the state gives. It's a construction driven deadline. He stated the appellant is pushing hard for a money solution; the energy company is pushing hard for a screening solution.

Mr. O'Brien questioned the money solution. Chm. Berger stated Mr. Pappas submitted an estimate showing a cost of $242,000 to install trees. Mr. O'Brien asked if the board is required to determine whether or not this project is a Dover issue. He stated for him, the trees are not an issue, they are not a determining factor.

Mr. Kalick's issue is, he asked for a certified plot plan, because he was under the impression from the previous meeting that the school took down some of Mr. Pappas' trees. He stated if the trees were removed, the school should put them back. Attorney McCauley stated the trees were removed prior to the initiation of the solar project. Mr. Hoyt stated the school took them down. Superintendent Robert Dutch responded by referring to the 2014 Google Earth images that were submitted. These images depict the property line and show where the trees were removed. A discussion ensued.

Mr. Keene asked why the trees were removed. Mr. Dutch stated the trees were removed to create the gravel parking area which accommodates overflow parking. Mr. Keene asked if there's a plan to pave the parking area. Mr. Dutch stated there is not any plan to pave the gravel parking area..

Further discussion transpired pertaining to the level of screening Select Energy is willing to plant.

Chm. Berger asked for the board's opinion. Mr. Kalick feels the board should vote on whether or not the Building Inspector's permit should be overturned.

Chm. Berger is concerned that the board has not had the opportunity to review documents submitted by the attorneys. He thinks the board has an obligation to read all of the submissions. He recommends closing the hearing and then wait to make a decision until the next meeting. Mr. Keene and Mr. Sawyer agreed and would like to review the submissions.

After a brief discussion, **Mr. Kalick moved to close the public hearing. Mr. Sawyer seconded.** Chris Bailey, a representative who has interests in the project, addressed the board. He stated Mr. Hoyt's strategy is to delay. The strategy of delay is shown by the volumes of paper he is submitting and continuously changing the argument. He stated Mr. Pappas' ultimate goal is to extort a higher price for his property from the school and related entities of the school. Mr. Hoyt rejected Mr. Bailey's claim. Mr. Kalick asked to review the original application. Ken Driscoll stated a big driver of solar is the Federal Tax Credit; non-profits do not benefit from that. Mr. Kalick stated the original appellant application does not note the Dover Amendment as a reason for the appeal; it pertains to the removal of trees. Mr. Kalick doesn't understand why the board is being presented with any other issues. Chm. Berger stated the appellant did not consult an attorney before filing the application for the appeal and feels if he had, an attorney would have cited all of the reasons that are being presented. With no further discussion, the motion carried. 5-0-0.

Chm. Berger entertained a motion to continue the matter to October 5, 2016. **Mr. Sawyer moved and Mr. Keene seconded to continue the hearing to October 5, 2016 at 7:30 p.m.** With no further discussion, the motion carried. 5-0-0.

**4. 30 Settlers Way** – Special Permit **2016-SP23-** Requesting a Special Permit per section 4120-4123 of the Bourne Zoning By-Law, under M.G.L., Ch. 40A, Section 9, to construct living space above the existing garage to include a living area and kitchen.

Chm. Berger informed the representative, Brian Hebb, that the board received an email that day from the Health Agent, Terri Guarino, stating there would be no approval of construction permits because the building plan did not include the Media Room as a fifth bedroom. The Bourne Zoning By-law states any room that can be closed off by a door is considered a bedroom.

Mr. Hebb described the proposed project. The property owners would like their daughter and two grandchildren to live in the house with them. The parents will have a

first floor master bedroom and the daughter/two grandchildren will occupy the upstairs level. A set of plans was submitted in order to obtain a building permit which shows the Media Room over the garage with an encased opening going into that room. They are now seeking to add a kitchen to the Media Room. Mr. Hebb stated he submitted a plan, Ms. Guarino approved it, he obtained a building permit and the house is being built according to the plan. He explained he is before the ZBA to ask to add the kitchen in the room that was already on the plan and approved.

Chm. Berger asked for clarification from Mr. Laporte, who stated he only just received the email and has not had an opportunity to speak with Ms. Guarino about her concerns.

Ms. Brennan stated if a wall was erected; it would become a two family dwelling. Mr. Laporte stated it wouldn't be a two family because the Zoning By-law, by Special Permit, authorizes an Accessory Structure. He added, there are certain conditions that apply i.e.; it has to be a family member who lives there, or it has to be affordable, etc. The name of the person living in the unit would be listed on the Special Permit and filed at the Registry of Deeds. Once that person is no longer living in the unit, the Zoning By-law states the unit is uninhabitable. A discussion ensued.

Chm. Berger asked if you count the number of bedrooms on the plan and change the name from Media Room to Kitchen and Living Room, under the BOH By-law, is it still considered a bedroom. Mr. Laporte stated it could be construed as an Efficiency Apartment. Mr. Keene noted there is not a bathroom listed on the plan. Mr. Hebb stated the family will share a bathroom.

Chm. Berger suggested adding a condition that approval by the BOH must be obtained. Mr. Hebb stated he has already received BOH approval. Chm. Berger asked if he has a document stating this. Mr. Hebb replied that he has a Building Permit, signed by Ms. Guarino. Mr. Laporte clarified that he has a Building Permit for the house but not the In-law Apartment. Mr. Hebb replied that the Media Room is listed on the plan, it's not an In-law Apartment; he just wants to add a kitchen to the Media Room. A discussion concerning whether or not the second floor should be considered an Accessory Dwelling or a two-family house transpired.

Chm. Berger discussed the need to add certain conditions to the Special Permit. Mr. Hebb asked Mr. Laporte if perhaps Ms. Guarino doesn't realize the Building Permit has been issued and construction has already begun. Mr. Laporte stated he doesn't know and encouraged Mr. Hebb to speak the health agent.

Mr. Keene discussed the possibility of having to upgrade the septic system. Mr. Hebb stated he will add a chamber to the septic system and make it a five bedroom septic system if necessary.

Chm. Berger stated the board has a couple of options; they can either issue the Special Permit with a condition that another approval from the BOH must be received or the board can vote to continue the hearing for two weeks.

Mr. Hebb asked that the board take a vote contingent upon approval from Ms. Guarino.

Mr. Kalick asked for Mr. Laporte's input. Mr. Laporte indicated he does not have any issues with the project other than the septic may need to be upgraded.

Chm. Berger asked for the names of the buyers. Mr. Hebb provided their names, Paul and Gail Del Prete.

After further discussion, Chm. Berger stated the following conditions would have to be met in order to issue the Special Permit;

1. Paul and Gail Del Prete must purchase the home.

2. Only their daughter and her two children may occupy the Accessory Dwelling.

3. Approval of the Board of Health must be received; which may require an upgrade to the septic system.

4. Additions to the household composition will require a new Special Permit.

Chm. Berger asked if anyone else would like to be heard on the matter. There was not.

Chm. Berger entertained a motion to close the public hearing. **Mr. Sawyer moved to close the public hearing. Mr. Keene seconded.** With no further discussion, the motion carried. 5-0-0.

Chm. Berger entertained a motion to approve the Accessory Dwelling. **Mr. Keene moved to approve the Accessory Dwelling at 30 Settlers Way, in accordance with the submitted architectural plans dated June 18, 2016, subject to meeting the four conditions. Mr. Sawyer seconded.** With no further discussion, the motion carried 4-0-1. Mr. Kalick opposed.

**5. 68 Megansett Rd,** Special Permit – **2016-SP24,** Requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-Law, under M.G.L., Ch. 40A, Section 9, that the expanding of an existing house by installing a new roof structure that is taller than the existing structure by 2'8" is no more detrimental than the current pre-existing, nonconforming structure.

Jim Halliday, of Halliday Builders, addressed the board. He represents the property owner, Kathleen Riley, who is seeking permission to alter the roof frame of the garage. The current garage has a two foot setback to the right side of the property line. The

garage and roof frame are in need of repairs. Mr. Halliday is proposing to remove the existing roof frame and install a new roof frame which will result in an additional 2'8" increase in the roof height. There will be no other extensions that will increase the size or scale of the garage. The garage roof will be built in the existing footprint, with no changes to the GFA, the existing setbacks or pedestrian/vehicular flow. There will not be any impact on utilities or public service. The structure will be built on the same footprint; therefore, there will not be any impact on the natural environment or the Water Resource Area. The only impact the project will have on the neighboring properties is the visual changes to the existing roof pitch.

Chm. Berger asked if there are any intentions to add an Accessory Dwelling. Mr. Halliday stated there are no intentions to add an Accessory Dwelling and he is willing to add that as a condition.

A brief discussion concerning the change in the roof pitch transpired.

Ms. Brennan asked if the garage doors will be changed. Mr. Halliday stated they will not be changed and neither will the windows.

Chm. Berger asked if anyone would like to be heard on the matter. There were not.

**Mr. O'Brien moved to close the public hearing. Mr. Kalick seconded.** With no discussion, the motion carried. 5-0-0.

**Mr. O'Brien moved to issue a Supportive Finding for, 2016-SP24, to install a new roof structure on the existing garage that is taller than the existing structure by 2'8", per the plans submitted, with a condition that there not be an Accessory Dwelling in the garage. Mr. Sawyer seconded.** With no further discussion, the motion carried. 5-0-0.

A brief discussion transpired pertaining to the October 5th meeting schedule.

**6. Old Business –**
Mr. Berger reminded the board that Attorney Troy will be conducting a training at 6PM on October 5th.

**7. New Business** – Chm. Berger stated his last meeting will be October 5, 2016. Mr. O'Brien requested that reorganization of the Board be placed on the agenda for the next meeting. Chm. Berger agreed.

**8. Public Comment** – Mr. Mulvey asked if the board has a vice-chair. Chm. Berger informed him they do, it is Mr. O'Brien.

**IV. Adjournment –**

**Mr. O'Brien moved to adjourn the meeting. Mr. Keene seconded.** With no further discussion, the motion carried 6-0-0. The meeting adjourned at 8:59 PM.

Minutes submitted by: Carol Mitchell

RECEIVED
2016 OCT -3 PM 4:07
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**EXECUTIVE SESSION 6:00PM**
**JOINT MEETING WITH BOARD OF SELECTMEN**
**Wednesday October 5, 2016, 6:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**6:00 p.m.** Call to Order

**Executive Session 6:00 p.m. Joint Meeting with Board of Selectmen**

1. **Executive Session:** To conduct strategy session with respect to litigation. The Chairman declares that such open discussion will have a detrimental effect to the litigating position of the public body. The Selectmen will not reconvene in public session.

2. Roll call Vote to convene in **Executive Session** for the purpose stated:
   a. Lighthouse Lane – The Lighthouse Realty Trust

3. Roll Call to adjourn Executive Session.

**7:00 p.m. Approval of meeting minutes, Reorganization of the Board**

**7:05 p.m. 655 Scenic Highway, Cape Cod Aggregate:** Requesting an extension of the final completion date for restoration to be extended from December 2015 to December 2018.

**7:10 p.m. Continued: 220 Sandwich Road,** Appeal of the Building Inspector's Decision **2016-A18,** Continued hearing requesting to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a permit for Site Plan Review #488 to allow construction of an abutting parking gravel lot and parking canopy over the existing parking pavement that removed 600' of treeline of the buffer and encroached onto the abutting property.

**7:15 p.m. Continued: 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section

8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**7:20 p.m. 38 Savery Ave,** Special Permit **2016-SP25,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that departing from the max lot coverage by expanding the existing house by adding a second story deck of 24.5 sf is no more detrimental than the current pre-existing, nonconforming structure.

**7:25 p.m. 10H Hidden Way,** Special Permit **2016-SP26,** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that constructing a 13'9"x11'2" addition is not more detrimental than the pre-existing nonconforming structure.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 SEP 21 PM 2:03
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP26– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Mark Scott Plante

**LOCATION:** 10H Hidden Way, Hideaway Village, MA
MAP: 14 PARCEL: 48.57

**PROPOSAL:** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that constructing a 13'9"x11'2" addition is not more detrimental than the pre-existing nonconforming structure.

**DATE & TIME:** Wednesday, October 5, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
September 21, 2016
September 28, 2016

RECEIVED
2016 SEP 21 PM 2:02
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP25– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Brian J. Cleary

**LOCATION:** 38 Savery Ave, Sagamore, MA
MAP: 12.1 PARCEL: 101

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that departing from the max lot coverage by expanding the existing house by adding a second story deck of 24.5 sf is no more detrimental than the current pre-existing, nonconforming structure.

**DATE & TIME:** Wednesday, October 5, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
September 21, 2016
September 28, 2016

RECEIVED
2016 SEP 22 PM 4:24
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**Notice:** Notice of an open meeting and public hearing under zoning bylaws for an Amendment to a Settlement Agreement. A list of abutters is on file in the office of the Board of Appeals, Town hall Bourne, Massachusetts.

**APPLICANT:** Cape Cod Aggregate

**LOCATION:** 655 Scenic Highway, Bourne, MA
MAP: 10.0 PARCEL: 10

**PROPOSAL:** Requesting an extension of the final completion date for restoration to be extended from December 2015 to December 2018.

**DATE & TIME:** Wednesday, October 5, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
September 21, 2016
September 28, 2016

RECEIVED
2016 OCT 27 AM 8:39
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals

## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

October 5, 2016

**I. Call to order**

Chmn. Berger called to order the meeting of the Zoning Board of Appeals at 7:00 PM on October 5, 2016. Mr. Berger explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Lee Berger, Wade Keene, Harold Kalick, Timothy Sawyer and Associate Members, Kat Brennan and Amy Kullar.

**Members Excused:** John O'Brien

**Also Present:** Roger Laporte, Carol Mitchell, Michael Rausch, Mark Plante, Deb Plante, Brendon Reali, Greg Siroonian, Greg Wirdin, John Econominos, Jason Regan, Kelly Jason, Michael Stusse, Paul Larusso, Sam Larusso, Dave Peterson, Diane Tillotson, Drew Hoyt, Paul Ferrari, Roberta Ferrari, Robert Zollo, Robert Dutch, Chris Bailey, Bernard DiPietro, Bob Fichtherqayer John Fitch, Brian Cleary and Roger Eriget.

**Documents:** Agenda and documents pertaining to Special Permit, **2016-A18**, Appeal of Building Inspector's Decision, **2016-A22**, Special Permit, **2016-SP25**, Special Permit, **2016-SP26**.

**III. Agenda Items**

**1. Approval Of Minutes**

Chmn. Berger entertained a motion to approve the minutes of the September 7, 2016 meeting as amended. **Mr. Sawyer moved and Mr. Keene seconded to approve the minutes of the September 7, 2016 meeting as amended.** With no discussion, the motion carried. 6-0-0.

Chmn. Berger entertained a motion to approve the minutes of the September 21, 2016 meeting as amended. **Mr. Sawyer moved and Mr. Keene seconded to approve the minutes of the September 21, 2016 meeting as amended.** With no discussion, the motion carried. 6-0-0.

**2. Reorganization of the Board –**

Chm. Berger entertained a motion to defer the reorganization of the board until the November 15, 2016 meeting. He is expecting to resign as a board member and become an associate member. **Mr. Sawyer moved and Ms. Kullar seconded to defer the reorganization of the board until the November 15, 2016 meeting.** With no further discussion, the motion carried. 6-0-0.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, Harold Kalick and Kat Brennan. Also present is Associate Member, Amy Kullar.*

**3. 655 Scenic Highway, Cape Cod Aggregates:** Requesting an extension of the final completion date for restoration to be extended from December 2015 to December 2018.

Diane Tillotson, representing Cape Cod Aggregates, addressed the board. She introduced the owner of the company, Sam Larusso, and a long-time employee, Dave Peterson. Ms. Tillotson discussed the history of a lawsuit that was filed in the Land Court by the company that was ultimately settled with the board and with the selectmen. The settlement agreement in part, called for a number of changes to the operation of the plant. The plant was restricted to operations during certain hours, the plant was required to perform sound and dust level testing periodically and to provide those results to the town administrator. Cape Cod Aggregates was required to post a $100,000.00 bond; which it has done. Additionally, a process has been established to resolve any complaints that may be filed against the plant. During the ten years since the settlement agreement was negotiated, there have been no complaints that have been brought to the company's attention. She stated the company has been diligent in filing the required sound and dust reports. Another major piece of the settlement agreement called for a phased restoration of the slopes at the plant; that was to take place between 2008 and 2015. The process was to have been completed by December 2015; however, two factors have resulted in the company needing to file for an extension of the restoration. The first factor was the major slowdown of the economy. The second was the area subject to the NStar easement. The major NStar trunk line goes right through that site; NStar, for whatever reason, dragged its feet so the restoration of that area was not able to be performed. Cape Cod Aggregates is seeking a three year extension to December 2018 to complete the work.

Chm. Berger asked if anyone from the public opposes the extension. There wasn't anyone.

Chm. Berger asked for board comment. Ms. Brennan questioned the purpose of the bond. Chm. Berger explained the purpose of the bond and the ability of the board to require an increase of the bond to $250,000.00, should the restoration process not be

completed. A brief discussion transpired concerning the bond amount and whether or not the amount is sufficient to cover a catastrophic event.

Chm. Berger entertained a motion to close the public hearing. **Mr. Keene moved and Mr. Sawyer seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

**Chm. Berger moved to allow the extension for the completion of the restoration agreement to December 2018, with the condition that if the board receives complaints, it may reconsider and impose the $250,000.00 bond. Mr. Sawyer seconded.** With no discussion, the motion carried 5-0-0.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, Harold Kalick and Kat Brennan. Also present is Associate Member, Amy Kullar.*

**4. Continued - 220 Sandwich Road** – Special Permit – **2016-A18**, continued hearing - Appeal of the Building Inspector's decision under M.G.L., Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision to issue a building permit for Site Plan Review #488 to allow construction of a solar canopy over the existing parking pavement.

Chm. Berger stated the board voted at the previous meeting to close the public hearing; therefore, public comment will not be allowed with regard to this matter.

Chm. Berger referred to Chapter 40A, Section 15, which establishes the grounds for the appeal. Chm. Berger spoke to Town Counsel Troy about this matter and they are both in agreement that while the board may not be in agreement with the grounds stated, they still have to enforce zoning. Chm. Berger stated Attorney Hoyt raised several issues and the board is obligated to examine those issues and act accordingly.

Next, Chm. Berger referred to Chapter 40A, Section 3, which concerns restrictions on zoning. There are two key factors in this section that pertain to this case; the first is the Dover Amendment, the second pertains to solar energy. With the Dover Amendment, the board must establish if the land is used primarily for public education or primarily for commercial use. Chm. Berger explained how both apply in this instance. Ms. Brennan asked if the chair felt the Dover Amendment should apply in this case. Chm. Berger asked for a consensus, but stated in his opinion, this project falls under the Dover Amendment and explained why he feels it does. Mr. Sawyer agreed as did Mr. Kalick. Chm. Berger explained that even though the Dover Amendment applies, the board still has some ability to restrict them; i.e., side yards. This is an R40 Zone which requires the side setback be 15 feet; this project is 30 feet. Chm. Berger stated Mr. Hoyt raised the question, whether or not this project should be referred to the Cape Cod Commission. The Cape Cod Commission requires referrals for projects that are over

40,000 sq. ft., this project is 44,000 sq. ft. Those referrals would only apply for commercial or private educational use. If the board decides this project falls under the Dover Amendment, it's a public educational use and therefore, it would not need to be referred to the Cape Cod Commission.

The second key factor is the Solar Energy Amendment, which calls for no regulation, unless it's to protect the public health, safety or welfare.

Next, Chm. Berger discussed the Solar Photovoltaic Site Plan Review; Chapter 1230, Site Plan- Special Permit Approval. Chm. Berger stated the Planning Board approved this project based on this section of the By-law; however, Chapter 3475, requires a Site Plan Review by the Planning Board for projects with 250 kilowatts or more. The Planning Board did review the project; however, in Chm. Berger's opinion, the wrong Site Plan Review was used.

Chm. Berger next addressed Mr. Pappas' complaint; the removal of the trees. He referred to the Google Earth maps and determined the trees that were removed were on the school's property. Chm. Berger stated this issue has nothing to do with zoning.

After a brief discussion pertaining to a Solar Photovoltaic Overlay District, Chm. Berger referred to Chapter 3479, which refers to dimensional requirements. It states, Solar Photovoltaic Systems are subject to front, side and rear yard setbacks as set forth in the underlying zoning district(s), however a 50 foot setback is required when adjacent to conservation lands or residentially zoned or used lands; this project is only 30 feet from the property line. Chm. Berger referred to the site plan of Mr. Pappas' 40B project; which was approved in 2011. Although no homes have been built yet, one of the conditions of the project was that the proposed homes would have to be built on the opposite side of the property; thus, the solar project is 90 feet away from the closest proposed house on Mr. Pappas' property. In Chm. Berger's view, this is a sufficient distance to protect the public health, safety and welfare as required in Chapter 40A, Section 3.

Chm. Berger stated there are safety issues in Chapter 3475 that were not included in the Site Plan Review but should have been. He referred to Section 3477; the Operation and Maintenance Plan and stated this plan was never filed. Attorney Troy stated the board can affirm the Building Inspector's decision, overrule it or affirm it with conditions. Chm. Berger suggests affirming the decision with conditions; and asked for the board member's opinion on the matter. After a brief discussion, the board decided to affirm the project with conditions.

**Chm. Berger moved to deny the appeal in Appeal # 2016-A18 and affirm the decision of the Building Inspector to issue a Building Permit, subject to the**

following conditions that are "necessary to protect the public health, safety or welfare" and are required by the Bourne Zoning By-laws.

1) Within 10 business days of the filing of this Decision with the Town Clerk, the School must submit to the Planning Board, with a copy to the Building Inspector, a plan for the operation and maintenance of the ground-mounted Solar Photovoltaic System, which shall include specific measures for maintaining safe access to the installation, a Stormwater Management Plan, and general procedures for and frequency of operational maintenance of the installation. Within 15 business days of his receipt of said plan, the Building Inspector, as the Chief Zoning Enforcement Officer, shall determine whether or not the substance of this Operation and Maintenance Plan is adequate to protect the public health, safety, and welfare, and shall so indicate on said plan, unless this decision is appealed.

2) Within 10 business days of the filing of this Decision with the Town Clerk, evidence must be given to the Planning Board, with a copy to the Building Inspector, that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Photovoltaic installation owner's or owners' intent to install an interconnected customer-owned generator.

3) Within 10 business days of the filing of this Decision with the Town Clerk, the owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief, and a letter to the Building Inspector certifying that the owner or operator has complied with this condition.

4) Upon request, the owner or operator shall cooperate with local emergency services in developing an Emergency Response Plan. All means of shutting down the SPS shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

5) Signs on SPS are restricted as provided in section 3200 for an R-40 district. A sign shall be required to identify the owner and provide a twenty-four- hour emergency contact phone number. SPS shall not be used for displaying any advertising.

6) There shall be no accessory structures without compliance with Section 3480 (c).

7) Electrical transformers for utility interconnections may be above ground only if required to be above ground by the utility provider.

**8) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the SPS or otherwise prescribed by applicable laws, regulations, and by-laws.**

**If the School fails to meet Conditions #1, #2 or #3 above, including the approval of the Operations and Maintenance Plan by the Building Inspector, this appeal shall be approved, the Building Inspector's decision shall be reversed, and the matter shall be remanded to the Planning Board for a Site Plan Review in accordance with section 3475. If the School complies with Conditions #1, #2 and #3, and the Operations and Maintenance Plan is approved by the Building Inspector, then Conditions #4, #5, #6, #7 and #8 shall be attached to the Building Permit and shall be enforced by the Building Inspector. Mr. Sawyer seconded the motion.** With no further discussion, the motion carried 5-0-0.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, Harold Kalick and Amy Kullar. Also present is Associate Member, Kat Brennan.*

**5) Continued - 0 Commonwealth Ave** – Appeal of Building Inspector's Decision, **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L., Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

Michael Stusse and Kelly Jason, representing the applicant, Jason Regan, addressed the board. They prepared a memorandum and case law in exhibits to share with the board. He attached a 1987 subdivision plan; stating the issue is whether or not lots 2 & 3 on the plan were merged for zoning purposes.

Chm. Berger stated the Planning Board had decided years ago on the lots merging. The Building Inspector also decided that the contiguous lots had merged. Chm. Berger discovered while reviewing the information there was a conveyance to a Trust before the zoning changed. The question is, is this a legitimate Trust? The board received a copy of the Trust, but there isn't a beneficiary listed. Chm. Berger asked Mr. Stusse to obtain a Schedule of Beneficial Interest. Mr. Stusse contacted Attorney Ford O'Connor's office, which represented the prior owners in 1986, and received a letter along with the Schedule of Beneficial Interest. Chm. Berger read the documents which listed the former property owner's son, Kevin Ferretti, as the beneficiary. A discussion ensued.

Chm. Berger asked for Mr. Laporte's input on the matter. Mr. Laporte stated he wrote the decision based on the information he received from the Planning Department stating the lots were not buildable; he originally thought they were buildable.

Mr. Keene asked for a plot plan. Mr. Stusse referred to the sub-division plan he submitted. Mr. Stusse discussed the memo he submitted and the five reasons citing case law as to why they don't believe that the lots merged. He stated, when his client purchased the property, he was led to believe by the Planning Department that it was buildable. Also, this property has been taxed as a buildable lot from 1986 through 2016. The property has been treated as a buildable lot and purchased with the understanding that it is a buildable lot.

Ms. Brennan asked if the plan is to build a house on lot #1 and lot #2. Mr. Stusse stated the plan was to complete the road and build houses that match the neighborhood on lots #1 and #2 to finish out the neighborhood. A brief discussion transpired with regard to the lot sizes.

Mr. Keene asked how the deed is written out for lot #3; is that in the trust? Mr. Stusse stated the lot is owned by a corporation. Mr. Keene asked if there are two different Trusts. Mr. Stusse clarified; stating, at the time of the sub-division, the Ferretti family owned all of the lots. Subsequent to the sub-division, lot #3 was deeded out and lot #2 was deeded out. The Trust in question, where lot #2 went, was put into a Trust where Mr. Ferretti's adult son, Kevin, was the sole beneficiary. The Trust gives the beneficiary the sole power to deal with the property.

Chm. Berger asked if anyone else would like to be heard on the matter. There wasn't anyone.

Chm. Berger stated he thinks it's appropriate to continue the matter to the next available date. Mr. Laporte offered October 19, 2016 at 7:15 pm. Mr. Keene moved and Ms. Kullar seconded to continue the matter to the October 19, 2016 meeting. With no discussion, the motion carried. 5-0-0.

Mr. Stusse asked if the board would like any further information. Chm. Berger said it would be helpful if he would provide the Directive signed by the son.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, Harold Kalick and Kat Brennan. Also present is Associate Member, Amy Kullar.*

**6) 38 Savery Ave,** Special Permit- **2016-SP25** – Requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Section 9, that departing from the max lot coverage by expanding the existing house by adding a second story deck of 24.5 sq. ft. is no more detrimental than the current pre-existing, non-conforming structure.

Attorney John Fitch, representing Brian Cleary, addressed the board. He discussed the property which is a pennant shaped lot, approximately 1,570 sq. ft. They are requesting to add a 24.5 sq. ft. of triangular, exterior deck in a corner of the house as shown on the submitted plan. Two years ago, the applicant requested and received a Finding to extend the roof; which was completed. Mr. Fitch submitted photos showing small decks that were built on the front of the house. During reconstruction, it became apparent that these decks crossed the property line; the building inspector required that these decks retreat to inside their own property line. What that did was prevent anyone from sitting on them, there's only enough room to stand. Mr. Fitch stated the proposed deck is not visible from the street or any neighbor; it is however visible from the Corps. Of Engineers' property, there's no impact visually on the neighborhood, there's no new utilities, no grading or vegetation. Mr. Fitch urged the board to make the Finding; stating the home has been in the Cleary family since 1962 and has just been remodeled to where it is now usable and enjoyable; not to be able to sit outside would be a hardship to Mr. Cleary.

A brief discussion transpired pertaining to the maximum lot coverage. Mr. Fitch stated the Planning Department informed him that if he could show a hardship to the applicant, the board would grant the Supportive Finding. Chm. Berger asked for Mr. Laporte's input. Mr. Laporte stated the concept is, is that it's already non-conforming. A discussion ensued.

Mr. Keene suggested a different location for the proposed porch. Mr. Fitch stated because of a stairwell located in the suggested location, the porch wouldn't be accessible.

Ms. Kullar suggested continuing the matter to allow the board time to discuss the case further with the Planning Department. Chm. Berger suggested calculating the lot coverage with the plans that have already been submitted. The board discussed the lot coverage based on the Assessor's Map.

After further discussion, **Ms. Brennan moved to issue a Supportive Finding that the second story deck of 24.5 sq. ft. is no more detrimental than the current pre-existing, non-conforming structure and Mr. Keene seconded.** With no further discussion, the motion carried 5-0-0.

**Ms. Brennan moved and Mr. Keene seconded to grant a Special Permit per Section 2450 of the Bourne Zoning By-law, to construct a second story deck of 24.5 sq. ft.** With no further discussion, the motion carried 4-1-0. Mr. Berger opposed.

*Sitting on this hearing are Wade Keene, Timothy Sawyer, Lee Berger, Harold Kalick and Amy Kullar. Also present is Associate Member, Kat Brennan.*

**7) 10H Hidden Way,** Special Permit – **2016-SP26** – Requesting a Special Permit, Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Section 9, that constructing a 13'9"x11'2" addition is not more detrimental than the pre-existing, non-conforming structure.

Mark & Deb Plante addressed the board. He discussed their desire to construct a 13'9"x11'2" addition on top of an existing patio foundation.

Mr. Kalick asked if the project was approved by Hideaway Village. Mr. Plante stated yes, the approval letter is in the submitted package.

Chm. Berger discussed the application that Mr. Plante submitted. He stated a couple of the questions were not answered correctly. Chm. Berger explained how they should have been answered. Chm. Berger noted Fire Department approval should be received for all project requests located in Hideaway Village. Mr. Plante said he was told by Town Hall that Fire Department approval should be obtained after the ZBA hearing. Chm. Berger stated two notices from Hideaway Village should be submitted with every application package; one, grants permission for the project, the other, is certification from Hideaway Village that notice was sent to the abutters along with a list of the abutters' names. A discussion ensued.

Chm. Berger entertained a motion to close the public hearing. **Ms. Kullar moved and Mr. Kalick seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

**Ms. Kullar moved to issue a Supportive Finding that the proposed structure is not more detrimental than the pre-existing, non-conforming structure. Mr. Kalick seconded.** With no discussion, the motion carried. 5-0-0.

**6. Old Business** – A brief discussion transpired with regard to the reorganization of the board.

**7. New Business** – None

**8. Public Comment** – None

**IV. Adjournment** –

**Mr. Kalick moved to adjourn the meeting. Ms. Kullar seconded.** With no further discussion, the motion carried 6-0-0. The meeting adjourned at 8:52 PM.

RECEIVED
2016 OCT 17 PM 1:53
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**Zoning Board of Appeals**
**Wednesday October 19, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 56 Meetinghouse Road,** Variance **2016-V27,** requesting a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Lot Size.* Requesting mixed use of a nonconforming lot in the B-2 zone where lots are required to be 20,000sf.

**7:10 p.m. 420 MacArthur Blvd, Special Permit 2016-SP28,** requesting a Special Permit pursuant to section 3210(h) of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a twenty-eight and one half (28.5') foot free-standing sign.

**7:15 p.m. Continued: 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 OCT -5 PM 3:54
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Variance 2016-V27

**APPLICANT:** JASL, LLC

**LOCATION:** 56 Meetinghouse Rd, Sagamore Beach, MA
MAP: 12.1 PARCEL: 2.2

**PROPOSAL:** Request for Variances from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Lot Size.* Requesting mixed use of a nonconforming lot in the B-2 zone where lots are required to be 20,000sf.

**DATE & TIME:** Wednesday, October 19, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
October 5, 2016
October 12, 2016

RECEIVED
2016 OCT -5 PM 3:54
TOWN CLERK BOURNE

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP28– Free-standing sign higher than 15 feet but less than 35 feet in height

**APPLICANT:** GIND, LLC c/o J. Ford O'Connor, Esq.

**LOCATION:** 420 MacArthur Blvd, Bourne, MA
MAP: 35.0 PARCEL: 41

**PROPOSAL:** Requesting for Special Permit pursuant to section 3210(h) of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to permit the construction of a twenty-eight and one half (28.5') foot free-standing sign.

**DATE & TIME:** Wednesday, October 19, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
October 5, 2016
October 12, 2016

RECEIVED
2016 NOV -7 AM 8:55
TOWN CLERK BOURNE

# *Town of Bourne Zoning Board of Appeals*

## *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

October 19, 2016

**I. Call to order**

Vice chair O'Brien called to order the meeting of the Zoning Board of Appeals at 7:10 PM on October 19, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Wade Keene, Timothy Sawyer and Associate Member, Amy Kullar.

**Members Excused:** Lee Berger, Harold Kalick and Associate Member, Kat Brennan.

**Also Present:** Roger Laporte, Carol Mitchell, Joe Lucido, Sharon Lucido, Don Bracken, Sharon Mendoza, Scott Hodges, Amanda Lucido, Michael Stusse, Regan Jason, Michael McGrath, Kelly Jason, Jim Mulvey, Christine Karnolt and Michael Helzinger.

**Documents:** Agenda and documents pertaining to Variance, **2016-V27**, Appeal of Building Inspector's Decision, **2016-A22** and Special Permit, **2016-SP28**.

Mr. O'Brien explained to those in attendance that the Zoning Board of Appeals consists of a five member board with two alternates. He explained that the chairman is in Florida, one member is out of town and the third was unreachable; which left only a four person panel. He explained that the first hearing; a request for a Variance, would require a unanimous vote. He offered the applicants the opportunity to postpone the hearing to a future date when a full board would be present. Mr. O'Brien stated the third hearing; which was continued from the previous meeting, would have to be rescheduled because he was not present at the first hearing, leaving him unable to vote tonight.

**III. Agenda Items**

**1. 56 Meetinghouse Road,** Variance **2016-V27**– requesting a Variance from the following sections of the Bourne Zoning By-law: Section 2500. Intensity of Use Schedule regarding the minimum requirements for lot size. Requesting mixed use of a non-conforming lot in a B-2 zone where lots are required to be 20,000 sq. ft.

Representative, Don Bracken of Bracken Engineering, requested a continuance. After a brief discussion, Mr. Bracken accepted November 16, 2016, as the rescheduled date.

Mr. O'Brien entertained a motion to continue the request for a Variance, **2016-V27,** until November 16, 2016. **Ms. Kullar moved and Mr. Sawyer seconded to continue the hearing.** With no further discussion, the motion carried 4-0-0.

**2.** Continued: **0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** request to appeal the Building Inspector's Decision under M.G.L. Chapter 40A, section 8. The applicant is appealing the Building Inspector's Decision that a lot has been merged for zoning and is contiguous and not separately buildable.

Representatives, Michael Stusse and Kelly Jason addressed the board. Mr. Stusse discussed the need to execute a waiver to avoid a default. Mr. Laporte will email Mr. Stusse with the proper form to request the extension.

A brief discussion transpired pertaining to the additional information that was requested at the previous meeting with regard to the Beneficiary. Mr. Stusse submitted the affidavit with the supplemental memorandum that cites the case law.

Mr. Stusse selected December 7, 2016, as the date to reschedule the hearing.

Mr. O'Brien entertained a motion to postpone the continuance of **2016-A22** until the December 7, 2016 meeting. **Mr. Sawyer moved and Ms. Kullar seconded to continue the hearing.** With no further discussion, the motion carried 4-0-0.

**3. 420 MacArthur Blvd.,** Special Permit, **2016-SP28,** requesting a Special Permit pursuant to section 3210 (h) of the Bourne Zoning By-law, under M.G.L., Ch 40A, section 9 to permit the construction of a twenty-eight and one half (28.5') foot free-standing sign.

Representative, Michael Mcgrath of Holmes and Mcgrath, Inc., addressed the board. Ms. Karnolt and Mr. Helzinger were also present.

Mr. Mcgrath described the dimensions of the proposed sign and the revised location of the new sign. Additionally, he discussed other car dealerships in the surrounding area that also have free-standing signs; which are higher than 15 feet in height.

Mr. Keene asked what will become of the existing sign. Mr. Helzinger stated that the By-law allows for two signs if the property is a corner lot; which this lot is. A discussion transpired pertaining to the dimensions of the existing sign. Mr. Laporte stated the total maximum square footage allowed is 80 sq. ft. A discussion ensued.

Mr. Keene asked the reason for the revised location. Mr. Helzinger stated the proposed revised location will offer a better view of the sign from off in the distance.

Ms. Kullar asked if the sign will be illuminated. Ms. Karnolt stated it would be.

Mr. Sawyer asked if Mr. Mcgrath knew the height of the other car dealer signs that are in the vicinity. Mr. McGrath stated the other signs are similar in size as the one they're proposing.

Mr. Keene asked Mr. Laporte what the maximum height allowed is. Mr. Laporte stated the By-law allows up to 15 feet, with a maximum of 35 feet. Anything over 15 feet requires a Special Permit.

Mr. O'Brien entertained a motion to close the hearing. **Ms. Kullar moved to close the hearing. Mr. Sawyer seconded.** With no discussion, the motion carried. 4-0-0.

Mr. O'Brien entertained a motion on this issue. **Mr. Sawyer moved to grant a Special Permit in case number 2016-SP28 for a free-standing sign higher than 15 feet but less than 35 feet in height. The proposed sign will be 28.5 feet high at the location specified in the revised plans dated 10/11/2016, with a condition that the existing sign be removed. Mr. Keene seconded.** With no further discussion, the motion carried 4-0-0.

**4. Approval of Minutes -**

Mr. O'Brien entertained a motion to approve the minutes of the October 5, 2016 meeting. Ms. Kullar noted one typographical error. **Ms. Kullar moved and Mr. Sawyer seconded to approve the minutes of the October 5, 2016 meeting as amended.** With no discussion, the motion carried. 3-0-1. Mr. O'Brien abstained.

**6. Old Business** – None

**7. New Business** – None

**8. Public Comment** – None

**IV. Adjournment –**

**Mr. Keene moved to adjourn the meeting. Ms. Kullar seconded.** With no further discussion, the motion carried 4-0-0. The meeting adjourned at 7:48 PM.

Minutes Submitted By: Carol Mitchell

RECEIVED
2016 OCT 28 AM 11:32
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**Zoning Board of Appeals**
**Wednesday November 2, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. Continued: 56 Meetinghouse Road,** Variance **2016-V27,** requesting a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Lot Size.* Requesting mixed use of a nonconforming lot in the B-2 zone where lots are required to be 20,000sf.

**7:10 p.m. Continued: 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**7:15 p.m. 282 Main Street,** Special Permit **2016-SP29,** Requesting a Supportive Finding under section 2320 of the zoning bylaw and MGL Chapter 40A s.6 that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') nonconforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

**7:15 p.m. 21 Dollins Road,** Special Permit **2016-SP30,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct a 32'x26' garage with 2-bedroom in-law apartment above as an accessory dwelling.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 OCT 19 AM 8:36
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP30– Accessory Dwelling

**APPLICANT:** James Rossignol

**LOCATION:** 21 Dollins Road, Pocasset, MA
MAP: 44.1 PARCEL: 148

**PROPOSAL:** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to construct a 32'x26' garage with 2-bedroom in-law apartment above as an accessory dwelling.

**DATE & TIME:** Wednesday, November 2, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
October 19, 2016
October 26, 2016

RECEIVED
2016 OCT 19 AM 8:36
TOWN CLERK BOURNE

**TOWN OF BOURNE**
***Board of Appeals***
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

# *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP29 Supportive Finding to extend or alter a pre-existing nonconformity

**APPLICANT:** Nouria Energy Corporation

**LOCATION:** 282 Main Street, Buzzards Bay, MA
MAP: 20.3 PARCEL: 118

**PROPOSAL:** Requesting a Supportive Finding under section 2320 of the zoning bylaw and MGL Chapter 40A s.6 that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') nonconforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

**DATE & TIME:** Wednesday, November 2, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Cape Cod Times publishing dates:
October 19, 2016
October 26, 2016

# *Town of Bourne Zoning Board of Appeals*

## *Meeting Minutes*

2016 NOV 18 AM 9 01
TOWN CLERK'S OFFICE
BOURNE, MASS

Town Hall Lower Conference Room
24 Perry Ave., Buzzards Bay, MA 02532

November 2, 2016

**I. Call to order**

Vice chair O'Brien called to order the meeting of the Zoning Board of Appeals at 7:00 PM on November 2, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Wade Keene, Timothy Sawyer, Amy Kullar and Associate Member, Kat Brennan.

**Members Excused:** Lee Berger and Harold Kalick.

**Also Present:** Roger Laporte, Carol Mitchell, Richard Staples, Jim Rossignol, Maureen Fuller, John Fuller, Gary Bourne, B. Richard and Jonathan Fitch.

**Documents:** Agenda and documents pertaining to Special Permit, **2016-SP29** and Special Permit, **2016-SP30**.

**III. Agenda Items**

**1. Approval of Minutes -**

Mr. O'Brien entertained a motion to approve the minutes of the October 19, 2016 meeting. **Ms. Kullar moved and Mr. Sawyer seconded to approve the minutes of the October 19, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-0.

**2.** ***Continued to November 16, 2016*** **- 56 Meetinghouse Road,** Variance **2016-V27**– requesting a Variance from the following sections of the Bourne Zoning By-law: Section 2500. Intensity of Use Schedule regarding the minimum requirements for lot size. Requesting mixed use of a non-conforming lot in a B-2 zone where lots are required to be 20,000 sq. ft. Continued to November 16, 2016.

**3.** ***Continued to December 7, 2016*** **- 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** request to appeal the Building Inspector's Decision under M.G.L. Chapter 40A, section 8. The applicant is appealing the Building

Inspector's Decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**4. 282 Main Street,** Special Permit, **2016-SP29,** requesting a Supportive Finding under section 2320 of the Bourne Zoning By-Law and M.G.L., Chapter 40A, Section 6, that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') non-conforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

Prior to Attorney Fitch's presentation with regard to this request, Mr. O'Brien stated the board received notification from Town Counsel, Robert Troy, with regard to this petition. In a previous decision, the ZBA granted a Variance in this matter which is now under review with the Barnstable Superior Court. Mr. O'Brien read the notice aloud in which Attorney Troy respectfully suggested that the Board of Appeals defer to and wait for the decision of the Superior Court prior to taking any other action on this issue. A discussion transpired with regard to the board's previous decision to grant the Variance in this matter. Mr. O'Brien asked for the members' opinion on whether or not they would like to follow the recommendation of Town Counsel. Ms. Kullar stated she would like to follow Attorney Troy's recommendation. Kat Brennan, Timothy Sawyer and Wade Keene were all in agreement to follow Attorney Troy's recommendation. Mr. O'Brien stated at first he was going to recommend the matter be continued; however, since there is no way of knowing when the Barnstable Superior Court will make a decision, the board is required to act upon a request within 90 days. Failure by the board to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the Special Permit. Mr. O'Brien stated there are two options; continue the matter to a future date or vote on the matter; which will probably be a negative vote.

Attorney Fitch addressed the board and expressed his frustration in receiving the notice from Attorney Troy only moments before the start of the hearing. He discussed the board's authority to interpret the Zoning By-law and make decisions based on those guidelines. Additionally, he discussed the numerous unsuccessful attempts he's made with Attorney Troy to try and settle the matter.

Mr. Keene opened a brief discussion with regard to the current filing for a Supportive Finding vs. their previous request for a Variance. Discussion ensued.

Mr. O'Brien interjected and stated at this point, the sign is not the issue; the issue is the Variance that was previously approved and is being contested by the Town. He stated as far as he's concerned, as a volunteer member of the Zoning Board of Appeals, that's involved in a legal quagmire over the Variance, he isn't comfortable moving forward

with this request until the Barnstable Superior Court makes a decision with regard to the Variance. Mr. Fitch stated it will take years to get a trial date.

A brief discussion transpired concerning the sign regulations in the Zoning By-law.

Mr. Fitch encouraged the board to take a similar stance in this case as they had in an unrelated case; asking them to make a determination based on the facts and not side with Town Counsel; who he added is the board's opponent in this matter.

Ms. Brennan referenced the original hearing. She stated she felt bullied then and feels bullied now. Mr. Fitch apologized, saying he would never intentionally bully anyone. A discussion ensued.

Ms. Kullar asked if the Design Review Committee approved their request. Mr. O'Brien stated the By-law requires that written approval from the Design Review Committee be received before the ZBA may make a determination.

Gary Bourne, owner of the property, stated they would be happy to meet with the Design Review Committee again; even though the committee originally told him their hands are tied due to regulations. He discussed the amount of signage he eliminated in an effort to reach a compromise for the 16' sign. He stated it's challenging for him because of the location of his property, having to wait several years before a court decision will made with regard to his sign request; meanwhile, his competitor who is located at the opposite side of the bridge, has been granted a 10' extension to allow a 25' sign for what will arguably be one of the largest convenience stores on Cape Cod.

Ms. Kullar stated she was empathetic to their position at the original hearing; but at the same time, the board's hands are tied with the By-law requirements. She doesn't feel the board can move forward without written approval from the Design Review Committee.

Mr. Keene asked if this could be presented at Town Meeting in May. Mr. Fitch stated that may be a possibility.

After further discussion, Mr. Fitch requested a continuance to December 21, 2016.

Mr. O'Brien entertained a motion to continue the matter to December 21, 2016. **Ms. Kullar moved and Mr. Keene seconded to continue the matter to December 21, 2016.** With no discussion, the motion carried. 5-0-0.

**5. 21 Dollins Road,** Special Permit, **2016-SP30,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning By-law and M.G.L., Chapter 40A, Section 9, to construct a 32' x 26' garage with 2-bedroom in-law apartment above as an accessory dwelling.

Mr. O'Brien stated that because this is a separate building from the house, a Special Permit and a Variance may need to be requested.

Jim Rossignol, the property owner, addressed the board.

Ms. Kullar asked who will reside in the apartment. Mr. Rossignol stated his children's grandparents will reside there.

Ms. Kullar asked who currently resides at the property. Mr. Rossignol stated he and his two children reside there. A brief discussion transpired with regard to the declaration of homestead.

Mr. Keene asked for clarification of the proposed design. Mr. Staples discussed the layout of the proposed garage and the in-law apartment. He stated the dimensions and the number of bedrooms listed on the Agenda are inaccurate. The proposed apartment will only have one bedroom not two and the actual dimensions of the proposed garage is 24' x 32'. He also discussed the upgrade to the septic system and how the garage will be accessed.

Mr. Laporte asked where the second egress is located. Mr. Staples referred to the plan and discussed the proposed location of a sliding glass door.

Ms. Brennan opened a discussion with regard to being a separate dwelling. The lot coverage was also discussed.

Mr. Laporte stated that because the proposed garage will not be attached to the main house, a Variance is also required, not just a Special Permit. A discussion ensued.

Mr. O'Brien informed the applicant that he may withdraw his request for a Special Permit without prejudice, then there won't be a waiting period to file for a Variance.

Mr. O'Brien entertained a motion to allow the applicant to withdraw the request for a Special Permit without prejudice. **Mr. Sawyer moved and Ms. Kullar seconded to allow the applicant to withdraw the request for a Special Permit without prejudice.** With no further discussion, the motion carried. 5-0-0.

**6. Old Business** – None

**7. New Business** – None

**8. Public Comment** – None

**IV. Adjournment –**

**Ms. Kullar moved to adjourn the meeting. Mr. Sawyer seconded.** With no further discussion, the motion carried 5-0-0. The meeting adjourned at 7:40 PM.

Minutes Submitted By: Carol Mitchell

RECEIVED
2016 NOV 14 PM 3
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**Zoning Board of Appeals**
**Wednesday November 16, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. Reorganization of the Board**

**7:10 p.m. 25G Hideaway Rd, Hideaway Village,** Special Permit **2016-SP31,** requesting a Variance from following sections of the Bourne Zoning Bylaw: *Section 2500. Intensity of Use Schedule regarding the minimum requirements for Lot Size.* Requesting mixed use of a nonconforming lot in the B-2 zone where lots are required to be 20,000sf.

**7:15 p.m. Continued: 56 Meetinghouse Road,** Variance **2016-V27,** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that razing the existing dwelling and building a new dwelling is not more detrimental than the pre-existing nonconforming structure.

**7:15 p.m. Chase Estates,** Comprehensive Permit **#08-18,** requesting a further two-year extension for construction of a sixteen-unit affordable housing subdivision at 230 Sandwich Road.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 OCT 28 AM 11:
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP31– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Karen Pelletier

**LOCATION:** 25G Hideaway Rd, Hideaway Village, MA
MAP: 14 PARCEL: 48.45

**PROPOSAL:** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 that razing the existing dwelling and building a new dwelling is not more detrimental than the pre-existing nonconforming structure.

**DATE & TIME:** Wednesday, November 16, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
November 2, 2016
November 9, 2016

RECEIVED
2016 DEC -2 AM 9:55
TOWN CLERK BOURNE

# *Town of Bourne Zoning Board of Appeals*
# *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 16, 2016

**I. Call to order**

Vice chair O'Brien called to order the meeting of the Zoning Board of Appeals at 7:10 PM on November 16, 2016. Mr. O'Brien explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** John O'Brien, Wade Keene, Timothy Sawyer, Harold Kalick, Amy Kullar and Associate Members, Kat Brennan and Lee Berger.

**Members Excused:** N/A

**Also Present:** Roger Laporte, Carol Mitchell, Joseph Lucido Jr., Sharon Lucido, Don Bracken, Joshua Bows, Liz Karl, Karen Pelletier, Patrick Pelletier, Mary Andrews and Drew Hoyt.

**Documents:** Agenda and documents pertaining to Special Permit, **2016-SP31,** Variance, **2016-V27** and Comprehensive Permit, **#08-18.**

**III. Agenda Items**

**1. Approval of Minutes -**

Mr. O'Brien entertained a motion to approve the minutes of the November 2, 2016, meeting. After a brief discussion pertaining to 282 Main Street, **Mr. Sawyer moved and Mr. Keene seconded to approve the minutes of the November 2, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-2. Mr. Berger and Mr. Kalick abstained.

**2. Reorganization of the Board** - Ms. Kullar suggested deferring the Reorganization of the Board until all of the hearings have been heard. The board agreed.

*Sitting on tonight's hearings are John O'Brien, Wade Keene, Tim Sawyer, Harold Kalick and Amy Kullar. Also present are Associate Members, Lee Berger and Kat Brennan. Lee Berger will draft the Decisions.*

**3. 25G Hideaway Rd., Hideaway Village** – Special Permit **2016-SP31,** Requesting Special Permit Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec. 9, that razing the existing dwelling and building a new dwelling is not more detrimental than the pre-existing non-conforming structure.

Joshua Bows spoke on behalf of the applicant. He discussed the dilapidated condition of the existing cottage and described the proposed project. The project has been approved by the condo association. The letter of approval was included with the materials submitted.

Ms. Brennan asked if the retaining wall will be rebuilt. Mr. Bows stated a portion of the existing retaining wall will be removed and a new portion will tie into the existing stairwell.

Mr. Keene discussed the floor plan. Mr. Bows stated the existing square footage is approximately 477 sq. ft. of living area inside. The proposed is just over 500 sq. ft. of living area inside.

Mr. O'Brien asked for the size of the lot. Mr. Bows stated the lot is 1,766 sq. ft.

Mr. Berger asked if the number of bedrooms will remain the same. Mr. Bows stated yes, there is one bedroom. The architect, Liz Karl elaborated further. She referred to the floor plan and discussed the proposed layout.

Mr. O'Brien asked what the height of the structure will be. Ms. Karl stated from the lot level to the top of the roof, the height will be 23'.

Mr. Berger inquired about Fire Department approval. Ms. Karl stated she was under the impression that ZBA approval was the next step in the approval process. Mr. Berger stated Fire Department approval should be obtained beforehand. He would like a condition added requiring Fire Department approval.

Public Comment – None.

Mr. O'Brien entertained a motion to close the public hearing. **Mr. Kalick moved and Ms. Kullar seconded to close the public hearing.** With no discussion, the motion carried 5-0-0.

Mr. O'Brien entertained a motion on the request. **Mr. Keene moved and Mr. Sawyer seconded to grant the Special Permit, 2016-SP31, razing the existing dwelling and building a new dwelling that is not more detrimental than the pre-existing non-conforming structure, pursuant to the submitted plans and contingent upon an**

**approval letter from the Fire Department.** With no discussion, the motion carried. 5-0-0.

**4. 56 Meetinghouse Road,** Variance **2016-V27**– requesting a Variance from the following sections of the Bourne Zoning By-law: Section 2500. Intensity of Use Schedule regarding the minimum requirements for lot size. Requesting mixed use of a non-conforming lot in a B-2 zone where lots are required to be 20,000 sq. ft.

Don Bracken, representing the applicants, Sharon and Joseph Lucido, addressed the board. He discussed the reason for the request, the B2 zoning district and he provided a brief history of the project. The project was originally approved as a three story office; however, the applicant would like to have her real estate office on the main floor and one bedroom studio apartments on both the lower level and the top level. Both apartments will be designated as affordable units in accordance with the Zoning By-law. The proposed office space will be approximately 1,000 sq. ft. the proposed upper studio will be approximately 900 sq. ft. and the lower studio will be approximately 600 sq. ft.

Board Comment – Mr. Laporte asked if the applicant is seeking a Dimensional Variance. Mr. Bracken stated he is seeking Dimensional Variance because the lot is under 20,000 sq. ft.

Mr. Berger opened a brief discussion with regard to the lot size and questioned why this lot isn't grandfathered, precluding the need for a Variance. Mr. Laporte referred to section 2452 of the Bourne Zoning By-law and stated the grandfather provision is only for residential use; the lots are not grandfathered for business use. A discussion ensued.

A brief discussion transpired concerning the side yard setback requirements. Mr. Berger referred to section 2500 (j.) and stated the applicant specifically requested a Variance on the application listing this footnote. Mr. Bracken stated this footnote isn't applicable because of the B2 zoning. A discussion ensued.

A brief discussion transpired with regard to the parking area setback requirements and whether or not the loading zone that is listed on the site plan is necessary. Mr. Bracken referred to section 3370 of the By-law which discusses this requirement. He stated the loading zone could be eliminated if the board doesn't feel it's necessary to have it. Mr. Laporte stated the loading zone would make for easier access to the dumpster. A brief discussion transpired concerning trash removal.

Mr. O'Brien questioned whether or not the board has the authority to grant this Variance based on the square footage. Mr. Berger stated generally the board would not

grant size Variances; however, if there are no objections, the board may use its best judgment in granting the Variance.

Public Comment – None.

Mr. O'Brien entertained a motion to close the public hearing. **Mr. Keene moved and Mr. Sawyer seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. O'Brien entertained a motion on the request. Ms. Kullar asked for the definition of Affordable Housing and asked if a specific condition may be added stipulating the two apartments be made affordable. Mr. Kalick read section 2650 (e) of the Bourne Zoning By-law which pertains to subsidized units, and isn't applicable in this instance. Mr. O'Brien then read the definition of Bourne Affordable Housing from the Definitions section of the Bourne Zoning By-law.

After a brief discussion, **Mr. Kalick moved and Ms. Kullar seconded to grant a Variance in accordance with the plans submitted for 2016-V27, allowing a Variance from sections 2220 (footnote 3), 2500 (footnotes J and P) to reduce the size of the lot and a reduction of the sidelines of the lot with the conditions that it (1) complies with the definition of a Bourne Affordable Housing Unit from the Definitions section of the Bourne Zoning By-law and (2) the applicant returns to the Planning Board for a Site Plan Review to obtain approval in accordance with section 4250.** With no further discussion, the motion carried. 5-0-0.

**5. Chase Estates,** Comprehensive Permit **#08-18,** requesting a further two-year extension for construction of a sixteen-unit affordable housing subdivision at 230 Sandwich Road.

Drew Hoyt, representing the property owner, Thomas Pappas, addressed the board. He is requesting an extension of the Comprehensive Permit.

Ms. Brennan asked when the initial permit was issued. Mr. Hoyt stated the original application was filed in 2008; he provided a timeline of events leading up to the current extension request.

Mr. O'Brien asked if Mr. Pappas has given any indication as to when he may begin construction on this lot. Mr. Hoyt stated Mr. Pappas is currently overseeing several other projects; adding, he will either begin construction, sell the property or find a different use for it within the next two years. Mr. Hoyt stated Mr. Pappas would prefer to build the units because the housing is needed and he's invested a lot in the plans and permits.

Mr. Keene asked if any changes to the original request is planned. Mr. Hoyt stated there are no changes planned. Mr. Berger stated it's a written permit that's been recorded and can't be changed; adding, the board has the authority to deny the request, to grant a one year extension or the two years as requested. He expressed his concern that the project will not come to fruition. A discussion ensued.

Mr. Kalick expressed his support in granting the extension and the possible ramifications of not granting the extension. Mr. Berger stated if the board denies the request, the applicant may appeal the decision or could start the application process over again.

Mr. O'Brien expressed his support in granting the extension and briefly discussed the original hearing.

Public Comment – None.

Mr. O'Brien entertained a motion to close the public hearing. **Mr. Kalick moved and Mr. Sawyer seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. O'Brien entertained a motion on the request. **Mr. Sawyer moved and Mr. O'Brien seconded to grant Chase Estates under Comprehensive Permit #08-18, a two-year extension for construction of a sixteen-unit affordable housing subdivision at 230 Sandwich Road**. Mr. Berger stated he will contact the Planning Department to see when the previous extension expires. With no further discussion, the motion carried. 5-0-0.

**6. Reorganization of the Board** – Mr. O'Brien discussed the positions requiring nominations; chair, vice chair and clerk.

Mr. O'Brien requested nominations for the chair position. **Mr. Kalick nominated Amy Kullar and Mr. Sawyer seconded.** After a brief discussion, Ms. Kullar was nominated as chair. 3-2-0. Mr. Keene and Mr. O'Brien were opposed.

Ms. Kullar entertained a motion for vice chair. **Ms. Kullar nominated John O'Brien as vice chair. Mr. Sawyer seconded.** With no further nominations, Mr. O'Brien was nominated as vice chair 5-0-0.

**Mr. O'Brien nominated Wade Keene as clerk. Mr. Sawyer seconded.** After a brief discussion and with no further nominations, the motion carried. 5-0-0.

**7. Old Business** – None.

**8. New Business** – The next meeting will be held on December 7, 2016.

**9. Public Comment** – None.

**IV. Adjournment –**

**Mr. Berger moved to adjourn the meeting. Mr. O'Brien seconded.** With no further discussion, the motion carried 5-0-0. The meeting adjourned at 8:30 PM.

Minutes Submitted By: Carol Mitchell

# TOWN OF BOURNE

## *Board of Appeals*

2016 DEC 2 AM 9 38
TOWN CLERK'S OFFICE
BOURNE, MASS.

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**Zoning Board of Appeals**
**Wednesday December 7, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 10 Lucia Lane,** Special Permit **2016-SP32,** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to convert existing basement space into an accessory dwelling.

**7:10 p.m. Continued: 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** Request to appeal the Building Inspector's decision under M.G.L. Chapter 40A, Section 8. The applicant is appealing the Building Inspector's decision that a lot has been merged for zoning and is contiguous and not separately buildable.

**7:15 p.m.** Informal Discussion on Pocasset Mobile Park

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 NOV 23 AM 9:4
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0615 ext. 3
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP32– Accessory Dwelling

**APPLICANT:** Scott Froman

**LOCATION:** 10 Lucia Lane, Sagamore Beach, MA
MAP: 12.1 PARCEL: 38

**PROPOSAL:** Requesting Special Permit per section 4120-4123 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to convert existing basement space into an accessory dwelling.

**DATE & TIME:** Wednesday, December 7, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
November 23, 2016
November 30, 2016

# *Town of Bourne Zoning Board of Appeals*
# *Meeting Minutes*

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 7, 2016

RECEIVED
2016 DEC 27 AM 10:16
TOWN CLERK BOURNE

I. **Call to order**

Chairwoman Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:00 PM on December 7, 2016. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the Decision with the Town Clerk.

II. **Members Present:** Amy Kullar, John O'Brien, Wade Keene, Timothy Sawyer and Harold Kalick.

III. **Members Excused:** Associate Members, Kat Brennan and Lee Berger.

**Also Present:** Roger Laporte, Carol Mitchell, Barbara Higgins, Karen McDevitt, Richard Giesecke, Susan Giesecke, Scott Froman, Rhiannon Froman, Phil Austin, Jim Mulvey, Michael Stusse and Kelley Jason.

**Documents:** Agenda and documents pertaining to Special Permit, **2016-SP32** and Appeal of Building Inspector's Decision, **2016-A22.**

IV. **Agenda Items**

**1. Approval of Minutes -**

Ms. Kullar entertained a motion to approve the minutes of the November 16, 2016, meeting. **Mr. O' Brien moved and Mr. Keene seconded to approve the minutes of the November 16, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-0.

*Sitting on tonight's hearings are Amy Kullar, John O'Brien, Wade Keene, Tim Sawyer and Harold Kalick. Ms. Kullar will write the Decisions.*

Informal Discussion on Pocasset Mobile Park – Ms. Kullar explained to the representative, Mr. Austin, that the board is unable to hear the matter because it doesn't meet the requirements under the Open Meeting Law. She asked the applicant to discuss with the Town Planner, Coreen Moore, the process he must follow in order to be heard by the Zoning Board of Appeals. Mr. Austin agreed.

Ms. Kullar informed the board that she will share an email from Town Counsel Troy regarding this matter.

Board Comment – None.

**2. 10 Lucia Lane** – Special Permit **2016-SP32,** Requesting a Special Permit per section 4120-4123 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec. 9, to convert existing basement space into an accessory dwelling.

Scott Froman addressed the board and discussed the proposed project. The applicant is seeking to convert his basement into a small apartment for his daughter. He referred to the submitted plan and discussed the layout of the proposed apartment.

Board Comment – Mr. Kalick asked whether or not an approval letter was received from the Board of Health with regard to the home's septic system; it wasn't included with the application. Mr. Froman stated when he built the home he planned on finishing the basement at some point and factored that in when building the septic system. He stated when he filed the application for this hearing, he checked with the Town and was told his septic system will accommodate the additional rooms and the information pertaining to that would be included in the board's package. Ms. Kullar stated it was not included. Mr. Laporte informed the board they can add a condition that requires Board of Health approval.

Public Comment – Abutter, Richard Giesecke, asked for an explanation of the term, accessory dwelling. Mr. Laporte explained that some towns refer to it as an in-law apartment; however, the Town of Bourne refers to it as an accessory dwelling unit because it's not just for an in-law, it may also be for a family member or caretaker. He added, when an applicant receives a Special Permit for the accessory dwelling, a specific person has to be named in the permit; in this case it's his daughter. Changing the name of the occupant would require permission from the Appeals Board and abutters would be notified of the request. A brief discussion ensued.

Mr. Giesecke also discussed concerns with regard to parking. He discussed the layout of his property and expressed concern that additional parking may be needed as a result of the accessory dwelling. He questioned where the occupant of the dwelling will park their vehicle. Ms. Kullar explained that the By-law requires parking to be either in a garage or on a paved surface. Mr. Giesecke described the layout of the applicant's driveway. He expressed concern that his property will be damaged because the applicant's driveway cannot accommodate additional vehicles; which would force occupants to park on the road or even on his property. Ms. Kullar acknowledged Mr. Giesecke's concern but doesn't feel it's relevant to the application being presented. She stated parking enforcement is not the ZBA's role. Mr. Laporte stated unless there are

signs posted that specifically prohibit parking on the road, parking on the road is allowed. A discussion ensued.

Mr. O' Brien noted there is no documentation in the filing that specifically names the occupant of the accessory dwelling. He explained that the By-law requires the name be listed in the motion and the applicant must understand that only the person listed may occupy the accessory dwelling; it can't be rented if the occupant leaves. Mr. Froman stated he understands the requirements. Mr. Laporte asked what his daughter's name is who will occupy the dwelling. Mr. Froman stated her name is Rhiannon Froman.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O' Brien moved and Mr. Keene seconded to close the public hearing.** With no discussion, the motion carried 5-0-0.

After a brief deliberation, **Mr. Sawyer moved to grant the application for a Special Permit for an accessory dwelling to Scott Froman of 10 Lucia Lane, Sagamore Beach, MA, for the intent of his daughter, Rhiannon Froman, to occupy said accessory dwelling, contingent upon the Board of Health's approval of the septic system due to the additional bedrooms, and that vehicles must be parked in the driveway and legal spaces. Mr. O' Brien seconded.** With no further discussion, the motion carried. 5-0-0.

**3. 0 Commonwealth Ave,** Appeal of Building Inspector's Decision **2016-A22,** request to appeal the Building Inspector's Decision under M.G.L. Chapter 40A, section 8. The applicant is appealing the Building Inspector's Decision that a lot has been merged for zoning and is contiguous and not separately buildable.

Ms. Kullar informed the representative that Mr. O' Brien and Mr. Kalick were not present at the initial hearing and questioned Mr. Laporte as to whether or not the matter could still be heard. Mr. Laporte stated in order to move forward, four board members need to be present. Attorney Michael Stusse stated although he previously submitted substantial material on the matter, there was never an actual hearing; the matter was continued. He feels that sharing the material with the two members who were not present at the initial hearing is sufficient enough to move forward. He stated he has a brief presentation and is comfortable with moving forward with Mr. Kalick and Mr. O' Brien hearing the matter. Mr. Keene concurred that the board continued the matter without conducting a hearing. Mr. Laporte stated the representative is allowed to begin the presentation from the beginning. Ms. Kullar asked Mr. Stusse to start again from the beginning.

Mr. Stusse addressed the board and referred to a map of a subdivision that was laid out in 1986; lots 1, 2 and 3. Lot 2 is located at 0 Commonwealth Avenue and lot 3 is

located at 55 State Hwy. He explained that the Ferretti family owned this property and divided it into its current configuration. Prior to the zoning changing to 40,000 sq. ft., the Ferrettis deeded lot 3 to the Ferretti Family Trust.

Mr. Stusse stated the board needs to decide whether or not the lot was in common ownership subsequent to the zoning change which would make them contiguous lots in common ownership. If that answer is no, then the board doesn't need to go further. If that answer is yes, the next issue is whether or not the lots merged for zoning pruposes. Mr. Stusse feels the question of common control is answered by providing the Trust and the affidavit; which are attached in the filing.

Mr. Stusse feels the board would be doing a disservice to the community by expanding the commercial lot into the Residential District; whereas, allowing Mr. Jason to build his home on a 26,000 sq. ft. lot, would not cause harm to the residential community.

Mr. Stusse asked if the board was unable to reach a decision tonight, would they refer the matter to Town Counsel.

Mr. Laporte offered clarification as to why he made his initial decision. After reviewing all of the material Mr. Stusse has submitted, he is convinced that they are separate lots. Ms. Kullar agreed. After a brief discussion, the board was in agreement that the lots are separate. They thanked Mr. Laporte for the clarification.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. O' Brien moved and Mr. Keene seconded to close the public hearing.** With no discussion, the motion carried 5-0-0.

Ms. Kullar entertained a motion on the matter. **Mr. O' Brien moved to grant the request by the petitioner of 0 Commonwealth Avenue, to reverse the Building Inspector's Decision that the lot has not merged and is a separate buildable lot. Mr. Keene seconded.** With no discussion, the motion carried. 5-0-0.

**4. Old Business** – None.

**5. New Business** – Mr. Kalick opened a brief discussion with regard to rescheduling meetings when only one hearing is scheduled.

Ms. Kullar stated she emailed members a schedule for Decision writing.

The next meeting is tentatively scheduled to be held on December 21, 2016.

6. **Public Comment** – None.

V. **Adjournment** –

**Mr. O' Brien moved to adjourn the meeting. Ms. Kullar seconded.** With no further discussion, the motion carried 5-0-0. The meeting adjourned at 7:48 PM.

Minutes Submitted By: Carol Mitchell

RECEIVED
2016 DEC 16 PM 4:04
TOWN CLERK BOURNE

# TOWN OF BOURNE

## *Board of Appeals*

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1345 Fax: (508) 759-0611

**MEETING NOTICE OF**
**Zoning Board of Appeals**
**Wednesday December 21, 2016, 7:00 PM**
**Bourne Town Hall, Lower Conference Room, 24 Perry Ave, Buzzards Bay**

**AGENDA ITEMS**

**7:00 p.m. Approval of meeting minutes**

**7:05 p.m. 4 Massasoit Avenue,** Special Permit/Supportive Finding **2016-SP33,** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with flood zone regulations.

**7:10 p.m. Continued: 282 Main Street,** Special Permit/Supportive Finding **2016-SP29,** Requesting a Supportive Finding under section 2320 of the zoning bylaw and MGL Chapter 40A s.6 that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') nonconforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

**Old Business**

**New Business**

**Public Comment**

RECEIVED
2016 DEC 15 AM 10:
TOWN CLERK BOURNE

# TOWN OF BOURNE
## *Board of Appeals*
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

## *Public Hearing Notice*

**APPEAL:** Special Permit 2016-SP33– Supportive Finding for permission to extend or alter a pre-existing non-conforming structure or use and/or application for Special Permit

**APPLICANT:** Julietta C. Vecchio

**LOCATION:** 4 Massasoit Ave, Pocasset, MA
MAP: 43.3 PARCEL: 279

**PROPOSAL:** Requesting Supportive Finding per section 2320 and 2450 of the Bourne Zoning Bylaw, under M.G.L., Ch. 40A, Sec 9 to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with flood zone regulations.

**DATE & TIME:** Wednesday, December 21, 2016 at 7:00 p.m.

**PLACE:** Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates:
December 7, 2016
December 14, 2016

RECEIVED
2017 FEB 21 AM 9:57
TOWN CLERK BOURNE

# Town of Bourne Zoning Board of Appeals
## Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 21, 2016

**I. Call to order**

Chair Amy Kullar called to order the meeting of the Zoning Board of Appeals at 7:10 PM on December 21, 2016. Ms. Kullar explained under M.G.L., Section 40A, all appeals must be filed within 20 days of the filing of the decision with the Town Clerk.

**II. Members Present:** Amy Kullar, Wade Keene (7:09), Timothy Sawyer, Harold Kalick and Associate Member, Kat Brennan.

**Members Excused:** John O'Brien and Lee Berger

**Also Present:** Roger Laporte, Carol Mitchell, Greg Siroonian, Julie Vecchio and Nicholas Vecchio.

**Documents:** Agenda and documents pertaining to Special Permit/Supportive Finding, **2016-SP33** and Special Permit/Supportive Finding, **2016-SP29**.

*Sitting on tonight's hearings are; Amy Kullar, Wade Keene, Timothy Sawyer, Harold Kalick and Associate Member, Kat Brennan.*

*Wade Keene will be writing tonight's Decisions.*

**III. Agenda Items**

**1. Approval of Minutes -**

Ms. Kullar entertained a motion to approve the minutes of the December 7, 2016 meeting. **Mr. Keene moved and Ms. Brennan seconded to approve the minutes of the December 7, 2016 meeting as submitted.** With no discussion, the motion carried. 5-0-0.

**2. 4 Massasoit Avenue,** Special Permit/Supportive Finding **2016-SP33–** requesting a Supportive Finding per section 2320 and 2450 of the Bourne Zoning By-law, under M.G.L., Ch. 40A, Sec 9, to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with Flood Zone regulations.

Representative, Greg Siroonian, addressed the board on behalf of the applicants. He referred to the site plan and described the proposed project. He stated because of the location of the bog, a sophisticated septic system must be installed; which has already been approved by the Board of Health. He noted that the Conservation Commission has also approved this project. The property is located in a Zone A Flood Zone and will meet the requirements of Flood Zone regulations.

Board Comment – Mr. Keene asked what the grade will be prior to construction. Mr. Siroonian stated it will be 4' above sea level. Ms. Brennan expressed concern with regard to the home's proximity to the water. Mr. Laporte explained that regulations require the home be elevated and the lower level be uninhabitable; it may only be used as a garage or for storage.

A brief discussion transpired concerning the current value of the property and the type of septic system that will be installed. Ms. Kullar discussed the fact that the home's septic system had failed inspection prior to closing. Mr. Laporte explained that it's up to the buyer and seller to decide who will be responsible for repairing/replacing the failed system. The property owner, Nicholas Vecchio, explained he and his wife decided to take on that responsibility. He stated he spoke with the Town prior to the closing and was told he would be allowed to take on the responsibility of replacing the septic system. A discussion ensued.

Mr. Siroonian briefly discussed the proposed lower garage area. He stated originally, only a section of the garage was to be enclosed with hard walls and flood vents, the remaining space would be screened. This design put the GFA over by 35 sq. ft.; therefore, in order to be in compliance, the walls will be moved in 8 inches, which will reduce the GFA by 35 sq. ft. Mr. Laporte briefly discussed the small lot By-Law.

Ms. Kullar discussed the height of the proposed home and expressed concern that the house will obstruct the neighbor's view of the water. Mr. Siroonian explained the project meets the height requirement; they are requesting the permit for the front yard setback.

A brief discussion transpired concerning the Flood Zone requirements. Mr. Laporte discussed the function of flood vents.

Public Comment – None.

Ms. Kullar entertained a motion to close the public hearing. **Mr. Kalick moved and Mr. Sawyer seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Board Discussion – Mr. Sawyer feels the proposed project will be an improvement to the neighborhood. Mr. Kalick feels the proposed project is consistent with requests from other property owners in the area. Ms. Brennan disagreed.

With no further discussion, Ms. Kullar entertained a motion on the matter. **Mr. Kalick moved to grant the Special Permit under 2016-SP33, for permission to extend the pre-existing, non-conforming structure use, to raze and reconstruct the structure on the same footprint and elevated an additional story to become compliant with Flood Zone regulations. Mr. Sawyer seconded.** With no discussion, the motion carried. 4-1-0. Ms. Brennan opposed.

**3. 282 Main Street,** Special Permit/Supportive Finding, **2016-SP29,** requesting a Supportive Finding under section 2320 of the Bourne Zoning By-Law and M.G.L., Chapter 40A, Section 6, that the proposed alteration of the 32' tall existing freestanding sign and replace with a new sixteen foot (16') non-conforming sign to exceed height requirements is not substantially more detrimental to the neighborhood. Also, the finding is conditioned on removal of 2 signs as proposed.

Ms. Kullar stated no one was present on behalf of the applicant to discuss the matter. She explained that the board will have to make a decision on the matter that evening. She read an email from Town Counsel which recommends that the board allow this matter to work its way through the court system.

After a brief discussion, Ms. Kullar entertained a motion to close the public hearing. **Mr. Sawyer moved and Mr. Kalick seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Ms. Kullar entertained a motion on the matter. **Ms. Brennan moved and Mr. Sawyer seconded to deny the Special Permit/Supportive Finding, 2016-SP29, pursuant to the advice of Town Counsel.** With no discussion, the motion carried. 5-0-0.

**4. Old Business** – A brief discussion transpired concerning the Pocasset Mobile Home Park. The Board of Health has issued to them a conditional 6 month license to operate providing they meet several conditions; to upgrade the failed septic system, they are required to pay a fine of $300.00 per day if the septic overflows, the BOH must be made aware of all contracts related to the maintenance, pumping, sewer within

12 hours of the contract being made, there must be a competent on-site manager, all representatives of the BOH will be allowed to access the mobile home park at reasonable times to conduct inspections and any transfer of property by option purchase and sale or other must be filed with the BOH within 5 days.

5. **New Business** – There are no hearings scheduled for January 4, 2017.

6. **Public Comment** – None

IV. **Adjournment** –

**Mr. Kalick moved to adjourn the meeting. Mr. Keene seconded.** With no further discussion, the motion carried 5-0-0. The meeting adjourned at 7:40 PM.

Minutes Submitted By: Carol Mitchell

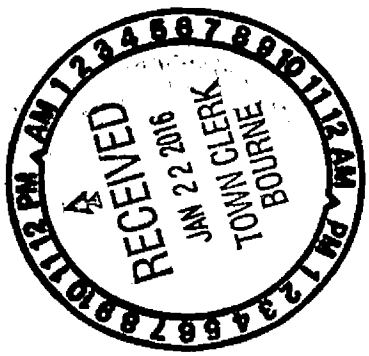
# TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

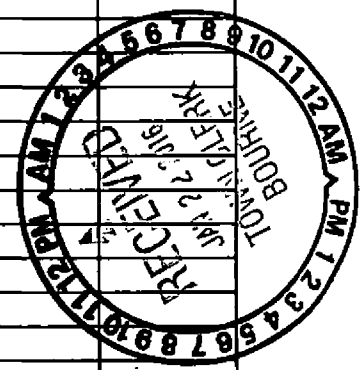
DATE AND TIME: January 29, 2016 at 8:30 a.m.

PLACE: Town Hall

AGENDA: Abatements



| | | BOURNE | ABATEMENT LOG | | Real Estate | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | FY2016 | | | | | | |
| | | | | | | | | | |
| Key# | Map/Lot | Rec'd | Class Code | Owner | Address | Action | To Board | Processed | Comments |
| 2766 | 14.4/16 | 12/28/2015 | 1010 | Gosselin, William | 73 Lewis Point Road | | | | |
| 18675 | 11.4/116 | 12/28/2015 | 5010 | Boucher, John | 45 Adams Street | | | | |
| 15262 | 35.1/190 | 12/30/2015 | 5010 | Brayman, Kenneth | 9 Penelope Road | | | | |
| 9944 | 44.2/105 | 1/3/2016 | 1010 | Collyer, Maryann | 10 Lake Drive | | | | |
| 5257 | 26.1/16 | 1/4/2016 | 1010 | Bialas, Walter | 130 Jefferson | | | | |
| 16845 | 25/15 | 1/4/2016 | 1010 | Pappas, Thomas | 14 Bosun Ln | | | | |
| 17998 | 34/10 | 1/4/2016 | 5010 | Benner, Maryann | 23 Emmons Road | | | | |
| 6440 | 30.4/118 | 1/4/2016 | 1010 | Erlich, Morris | 11 Elm Avenue | | | | |
| 9799 | 44.1/102 | 1/6/2016 | 1010 | Schenck, Robert | 22 Leen Road | | | | |
| 11728 | 14/48.51 | 1/7/2016 | 5010 | Snead, Kenneth | 2H Hideaway Road | | | | |
| 18730 | 44.1/98 | 1/7/2016 | 5010 | Dibara, Paul | 19 Marjorie Avenue | | | | |
| 15909 | 54/145 | 1/7/2015 | 1020 | Adams, Peter | 5 Periwinkle Court | | | | |
| 13370 | 38.3/143 | 1/7/2016 | 5010 | Dennis Murphy | 2 North Shore Road | | | | |
| 7349 | 35/46 | 1/8/2016 | 3160 | Mele, Steven | 5 Otis Park Drive | | | | |
| 128 | 2.3/37 | 1/8/2016 | 1010 | Philip Micciche | 25 Peaked Cliff Road | | | | |
| 7769 | 37.4/47 | 1/8/2016 | 1010 | David Lagasse | 18 Richmond Rd | | | | |
| 19087 | 43.3/203 | 1/11/2016 | 5010 | Wood, Jack | 35 Park Street | | | | |
| 17653 | 24.1/44.1 | 1/12/2016 | 1020 | Topham, Paul | 1 Honora Ct | | | | |
| 5191 | 24.4/20 | 1/12/2016 | 1010 | Spinney, Stephen | 14 Sandy Lane | | | | |
| 19042 | 24.2/4 | 1/13/2015 | 5010 | Ambrosi, Roberta | 81 Sandwich Road | | | | |
| 5528 | 26.2/11 | 1/13/2016 | 1010 | Denapoli, Thomas | 70 Old Dam Road | | | | |
| 10802 | 51.1/42 | 1/13/2016 | 1010 | Cataumet Ventures LLC | 25 Winsor Road | | | | |
| 7371 | 35.0/90 | 1/14/2016 | 3160 | CC Ventures | 32 Jonathan Bourne Drive | | | | |
| 7372 | 35.0/93 | 1/14/2016 | 3160 | CC Ventures | 31 Jonathan Bourne Drive | | | | |
| 9532 | 43.3/262 | 1/15/2016 | 1010 | Maher, Anne | 594 Circuit Avenue | | | | |
| 12318 | pp23.4/22.81 | 1/15/2016 | 5011 | Donovan, Joseph | 40 Old Monument Neck Road | | | | |
| 10140 | 47/38 | 1/19/2016 | 1300 | Hawkins, Thomas | 0 Shore Road | | | | |
| 9875 | 44.2/33 | 1/19/2016 | 1010 | Candrilli, Charles | 84 Handy Road | | | | |
| 19060 | 27/54.157 | 1/19/2016 | 1020 | Capriole, Mary | 4 Berrywood Ct | | | | |
| 17904 | 27/54.91 | 1/19/2016 | 1020 | Macleay, Robert | 68 Brookside Road | | | | |
| 10872 | 51.2/53 | 1/20/2016 | 1010 | Fish, Marjorie | 5 Post Office Ln | | | | |
| 15808 | 27/54.44 | 1/22/2016 | 1020 | Kempton, Maryellen | 18 Sea Knoll Ct | | | | |
| | | | | | | | | | |



# TOWN OF BOURNE

**Board of Assessors**
**24 Perry Avenue**
**Buzzards Bay, MA 02532**
**(508) 759-0600 Ext. 1328 Fax (508) 759-8026**

Donna L. Barakauskas, MAA,
Director of Assessing

Anne Ekstrom,
Priscilla A. Koleshis
Michael Leitzel

2016 MAR 4 AM 10 46
TOWN CLERK'S OFFICE
BOURNE, MASS

The Board of Assessors held their regularly scheduled meeting on January 29, 2016 at the Town Hall. Present were Chairman Anne Ekstrom, Clerk Priscilla Koleshis, member Michael Leitzel and Director of Assessing, Donna Barakauskas.

The Board reviewed the minutes of the October 19, 2015 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the October 19, 2015 meeting.

The Board reviewed, voted and signed twenty-three (23) abatement applications. Attached is the record of the abatements and the action taken by the Assessors.

The Board signed a Chapter 61A lien release for property located at 162 Puritan Road.

Respectfully submitted,

Donna L. Barakauskas

Donna L. Barakauskas
Director of Assessing

Extract: abatement date
Database: LIVE
Filter: AbatementsExist EXISTS
Sort:

Report #25: Abatements General Report
Fiscal Year 2016

Bourne, MA

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0014<br>16410 11.0-16-45 | DELANO MARY J | 1 HEMLOCK RD | 01/22/2016 | DB | | 04/22/2016 | 01/29/2016 | Denied | 303,400.00 | 303,400.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0016<br>18675 11.4-116-0 | BOUCHER JOHN M &<br>CAROL M BOUCHER | 45 ADAMS ST | 12/28/2015 | DB | S2016-0001 | 03/28/2016 | 01/29/2016 | Granted | 1,710.00 | 0.00 | 1,710.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0018<br>11728 14.0-48-51 | SMEAD KENNETH | 2-H HIDEAWAY RD | 01/07/2016 | DB | S2016-0003 | 04/07/2016 | 01/29/2016 | Granted | 920.00 | 0.00 | 920.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0002<br>2768 14.4-16-0 | GOSSELIN WILLIAM L | 73 LEWIS POINT RD | 12/28/2015 | DB | | 03/28/2016 | 01/29/2016 | Denied | 439,500.00 | 439,500.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0015<br>3442 19.2-133-0 | BOBOLA JOSEPH J &<br>ELLEN M BURNS | 66 ARLINGTON DR | 01/22/2016 | DB | R2016-0010 | 04/22/2016 | 01/29/2016 | Granted | 820,200.00 | 696,700.00 | 123,500.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0021<br>19042 24.2-4-0 | AMBROSI FILIPPO ETUX<br>ROBERTA AMBROSI | 81 SANDWICH RD | 01/13/2016 | DB | S2016-0006 | 04/13/2016 | 01/29/2016 | Granted | 3,520.00 | 0.00 | 3,520.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0008<br>5191 24.4-20-0 | SPINNEY STEPHEN D.ETUX<br>THERESA L SPINNEY | 14 SANDY LN | 01/12/2016 | DB | R2016-0006 | 04/12/2016 | 01/29/2016 | Granted | 267,600.00 | 238,700.00 | 28,900.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0006<br>15909 27.0-54-145 | ADAMS PETER N & JOSETTE TRS<br>PN & J ADAMS 2011 TRUST | 5 PERIWINKLE CT | 01/07/2016 | DB | R2016-0004 | 04/07/2016 | 01/29/2016 | Granted | 465,700.00 | 441,400.00 | 24,300.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0004<br>6440 30.4-118-0 | COELHO MARY ANNE &<br>C/O ERLICH MORRIS W | 11 ELM AVE | 01/04/2016 | DB | R2016-0003 | 04/04/2016 | 01/29/2016 | Granted | 261,100.00 | 252,500.00 | 8,600.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0017<br>17998 34.0-10-0 | BENNER MARY ANN TR OF<br>T&T REALTY TRUST | 23 EMMONS RD | 01/04/2016 | DB | S2016-0002 | 04/04/2016 | 01/29/2016 | Granted | 1,680.00 | 0.00 | 1,680.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0010<br>7371 35.0-90-0 | C C VENTURES INC | 32 JONATHAN BOURNE DR | 01/11/2016 | DB | R2016-0008 | 04/11/2016 | 01/29/2016 | Granted | 2,400,100.00 | 2,207,400.00 | 192,700.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0001<br>15262 35.1-190-0 | MACKEY JOHN R ETUX<br>C/O BRAYMAN KENNETH W ETUX | 9 PENELOPE RD | 12/30/2015 | DB | R2016-0001 | 03/30/2016 | 01/29/2016 | Granted | 508,300.00 | 436,900.00 | 71,400.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0007<br>7769 37.4-47-0 | LAGASSE DAVID A &<br>ELAINE L LAGASSE | 18 RICHMOND RD | 01/08/2016 | DB | R2016-0005 | 04/08/2016 | 01/29/2016 | Granted | 361,100.00 | 333,200.00 | 27,900.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0020<br>13370 38.3-143-0 | MURPHY DENNIS J & JOAN A TRS<br>OF 2 NORTH SHORE RD RLTY TRUST | 2 NORTH SHORE RD | 01/07/2016 | DB | S2016-0005 | 04/07/2016 | 01/29/2016 | Granted | 1,560.00 | 0.00 | 1,560.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0023<br>19087 43.3-203-0 | WOOD JACK D & ANN E | 35 PARK ST | 01/11/2016 | DB | S2016-0007 | 04/11/2016 | 01/29/2016 | Granted | 690.00 | 0.00 | 690.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0011<br>9532 43.3-262-0 | MAHER ANNE CAMILLE | 594 CIRCUIT AVE | 01/15/2016 | DB | | 04/15/2016 | 01/29/2016 | Denied | 587,800.00 | 587,800.00 | |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0019<br>18730 44.1-98-0 | DIBARA PAUL ETUX<br>ALICIA DIBARA | 19 MARJORIE AVE | 01/07/2016 | DB | S2016-0004 | 04/07/2016 | 01/29/2016 | Granted | 1,670.00 | 0.00 | 1,670.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0005<br>9799 44.1-102-0 | SCHENCK ROBERT ETUX<br>LINDA M SCHENCK | 22 LEEN RD | 01/06/2016 | DB | | 04/06/2016 | 01/29/2016 | Denied | 247,900.00 | 247,900.00 | |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0012<br>9875 44.2-33-0 | CANDRILLI CHARLES L ETUX<br>ANN C CANDRILLI | 84 HANDY RD | 01/19/2016 | DB | | 04/19/2016 | 01/29/2016 | Denied | 205,400.00 | 205,400.00 | |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |
| F2016-0003<br>9944 44.2-105-0 | COLLYER MARYANN, ROBERT A<br>COLLYER III & STEPHEN R COLLYE | 10 LAKE DR | 01/03/2016 | DB | R2016-0002 | 04/03/2016 | 01/29/2016 | Granted | 337,800.00 | 269,100.00 | 68,700.00 |
| | Review History: By Recommendation | | | | Date | Due | Rcv'd | Comment | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0013<br>10140 47.0-38-0 | HAWKINS THOMAS B ETUX<br>DEBORAH S HAWKINS | 0 SHORE RD | 01/19/2016 | DB | R2016-0009 | 04/19/2016 | 01/29/2016 | Granted | 224,500.00 | 34,600.00 | 189,900.00 |
| | Review History: By Recommendation – Date Due Rcv'd Comment | | | | | | | | | | |
| F2016-0009<br>10802 51.1-42-0 | KEENE HENRY R SR TR OF THE<br>C/O CATAUMET VENTURES LLC | 25 WINSOR RD | 01/13/2016 | DB | R2016-0007 | 04/13/2016 | 01/29/2016 | Granted | 1,609,700.00 | 1,482,500.00 | 127,200.00 |
| | Review History: By Recommendation Date Due Rcv'd Comment | | | | | | | | | | |
| F2016-0022<br>12318 PP23.4-22-81 | DONOVAN JOSEPH | 40 OLD MONUMENT NECK RD | 01/15/2016 | DB | P2016-0001 | 04/15/2016 | 01/29/2016 | Granted | 8,230.00 | 0.00 | 8,230.00 |
| | Review History: By Recommendation Date Due Rcv'd Comment | | | | | | | | | | |

Grant Totals

| | # of Abatements | Value Adjusted |
|---|---|---|
| Totals for Granted: | 18 | 883,080.00 |
| Totals for Denied: | 5 | |
| Total Number: | 23 | |

# AMENDED AGENDA

## TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

DATE AND TIME: March 4, 2016 at 8:30 a.m.

PLACE: Town Hall

AGENDA: Abatements

2016 MAR 2 PM 3:58
TOWN CLERK'S OFFICE
BOURNE, MASS

| | |
|---|---|
| Masreal Company Inc | 44 Meetinghouse Lane |
| Joseph Federico | 1 Captains Row |
| Alla Owen | 8 Pinehurst Drive |
| Carl Harrison | 980 Sandwich Road |
| Thomas Chase | Bassetts Island |
| O. Stuart Chase | Bassetts Island |
| Michael Daley | 258 Main Street |
| Robert Smith | 191 Cranberry Highway |
| CC Ventures | 31 Jonathan Bourne Drive |
| Charles D'Olympia | 3 Hunters Ridge Road |
| Paul Lavache | 14 Hollyhock Knoll Ct |
| Steven Mele | 5 Otis Park Drive |
| RMP Warranty | 207 County Road |
| AJ Michael Realty | 20 Herring Pond Road |
| AJ Michael Realty | 20 Herring Pond Road |
| Irene Best | 1210 County Road |
| Frank Martinelli | 260 MacArthur Blvd |
| George Brandon | 10 Freeman |
| Joseph Piccolo | 5 Windsong Circle |
| Meredith Chase | 152 Clark Road |
| Ryan Buckley | 10 Vickerson Avenue |
| Cape Cod Burgers | 71 Main Street |
| Jake Pizza | 91 Main Street |
| Airserv | Various Locations |

| | |
|---|---|
| The Seaside Trolley | 4 Main Street |
| Donald Shulman | 152 Cranberry Highway (3 Units) |
| Aecom Technical | 95 State Road |
| CC Ventures | 31 Jonathan Bourne Drive |
| Thomas Mulligan | 5G Bittersweet Lane |
| Paul Topham | 1 Honora Lane |
| Robert MacCleay | 68 Brookside Road |
| Mario Lucciarini | 70 Brookside Road |
| Barbara Sanders | 30 Rice Avenue |
| Walter Bialas | 130 Jefferson Road |
| Judith Ventura | 15 Albert Road |
| Jeffrey Doyle | 225 Standish Road |
| Thomas DeNapoli | 70 Old Dam Road |
| Thomas Pappas | 14 Bosun Lane |
| Marjorie Fish | 5 Post Office Lane |
| Mary Ellen Kempton | 18 Sea Knoll Ct |
| Lila Austin | 827 Shore Road |
| Paul Huehmer | 39 Buttermilk Way |
| Oliva Grace | 16 Heather Hill Road |
| James Dwyer | 30 Canal View Road |
| Animal Rescue League | 55 &96 Megansett & 0 Lawrence Island |
| Stephen Angelique | 6 Brigantine Passage |
| Stonebat LLC | 18 Taylor Road & 510 Williston Road |
| Chrisco Realty | 343 Scenic Highway |
| William Rhatigan | 160 Wings Neck Road |
| Joan Partridge | Bassetts Island |
| David Michael | 1 Ships Way |
| Canalside Apts. | 7 Scotch Pine Road |
| William Towne | 30 Wings Neck Road |
| David Garland | 21 Old Head of the Bay Road |

Donna Barbarukas, Director of Assessing

# TOWN OF BOURNE MEETING NOTICE

2016 FEB 25 PM 1 46
TOWN CLERK'S OFFICE
BOURNE, MASS

BOARD: BOARD OF ASSESSORS

DATE AND TIME: March 4, 2016 at 8:30 a.m.

PLACE: Town Hall

AGENDA: Abatements

| | |
|---|---|
| Masreal Company Inc | 44 Meetinghouse Lane |
| Joseph Federico | 1 Captains Row |
| Alla Owen | 8 Pinehurst Drive |
| Carl Harrison | 980 Sandwich Road |
| Thomas Chase | Bassetts Island |
| O. Stuart Chase | Bassetts Island |
| Michael Daley | 258 Main Street |
| Robert Smith | 191 Cranberry Highway |
| CC Ventures | 31 Jonathan Bourne Drive |
| Charles D'Olympia | 3 Hunters Ridge Road |
| Paul Lavache | 14 Hollyhock Knoll Ct |
| Steven Mele | 5 Otis Park Drive |
| RMP Warranty | 207 County Road |
| AJ Michael Realty | 20 Herring Pond Road |
| AJ Michael Realty | 20 Herring Pond Road |
| Irene Best | 1210 County Road |
| Frank Martinelli | 260 MacArthur Blvd |
| George Brandon | 10 Freeman |
| Joseph Piccolo | 5 Windsong Circle |
| Meredith Chase | 152 Clark Road |
| Ryan Buckley | 10 Vickerson Avenue |
| Cape Cod Burgers | 71 Main Street |
| Jake Pizza | 91 Main Street |
| Airserv | Various Locations |
| The Seaside Trolley | 4 Main Street |

# TOWN OF BOURNE
## Board of Assessors
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext. 1328 Fax (508) 759-8026

Anne Ekstrom,
Priscilla A. Koleshis
Michael Leitzel

Donna L. Barakauskas, MAA,
Director of Assessing


The Board of Assessors held their regularly scheduled meeting on March 4, 2016 at the Town Hall. Present were Chairman Anne Ekstrom, Clerk Priscilla Koleshis, member Michael Leitzel and Director of Assessing, Donna Barakauskas.

The Board reviewed the minutes of the January 29, 2016 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the January 29, 2016 meeting.

The Board reviewed, voted and signed fifty-seven (57) abatement applications. Attached is the record of the abatements and the action taken by the Assessors.

Respectfully submitted,

Donna L. Barakauskas

Donna L. Barakauskas
Director of Assessing


RECEIVED
2016 APR 15 AM 11:12
TOWN CLERK BOURNE

Extract: abatement date
Database: LIVE
Filter: AbatementsExist EXISTS
VoteDate = 03/04/2016
Sort:

Report #25: Abatements General Report
Fiscal Year 2016

Bourne, MA

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0024<br>14558 2.3-58-0 | BUCKLEY RYAN ETUX<br>MIRIAM EBLE | 10 VICKERSON AVE | 02/01/2016 | DB | S2016-0008 | 05/01/2016 | 03/04/2016 | Granted | 4,250.00 | 0.00 | 4,250.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0073<br>485 4.1-71-0 | BATSTONE MARY TR OF<br>C/O STONEBAT LLC | 510 WILLISTON RD | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 411,300.00 | 411,300.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0060<br>604 4.2-5-0 | DOYLE TERRENCE M ETUX ANN &<br>JEFFREY DOYLE | 225 STANDISH RD | 02/01/2016 | DB | R2016-0026 | 05/01/2016 | 03/04/2016 | Granted | 406,100.00 | 8,900.00 | 397,200.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0079<br>967 6.0-26-0 | CANALSIDE APARTMENTS LLC<br>C/O CORK MGMT CO | 7 SCOTCH PINE RD | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 5,189,300.00 | 5,189,300.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0039<br>1347 7.1-29-0 | ZAVRID JOHN W<br>C/O D'OLYMPIA CHARLES ETUX | 3 HUNTERS RIDGE RD | 01/29/2016 | DB | R2016-0014 | 04/29/2016 | 03/04/2016 | Granted | 233,900.00 | 227,400.00 | 6,500.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0035<br>1784 11.0-6-0 | A J MICHAEL REALTY LLC | 20 HERRING POND RD | 02/01/2016 | DB | R2016-0011 | 05/01/2016 | 03/04/2016 | Granted | 183,800.00 | 0.00 | 183,800.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0034<br>15670 11.0-6-0 | A J MICHAEL REALTY LLC | 20 HERRING POND RD | 02/01/2016 | DB | S2016-0012 | 05/01/2016 | 03/04/2016 | Granted | 640.00 | 0.00 | 640.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0053<br>1809 11.0-16-24 | MULLIGAN THOMAS ETUX<br>M GAIL MULLIGAN | 5-G5 BITTERSWEET LN | 02/01/2016 | DB | R2016-0021 | 05/01/2016 | 03/04/2016 | Granted | 431,400.00 | 376,500.00 | 54,900.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0072<br>1938 11.0-169-0 | ANGELIQUE STEPHEN TR<br>OF THE BRIGANTINE PASSAGE RT | 6 BRIGANTINE PASSAGE DR | 01/29/2016 | DB | R2016-0035 | 04/29/2016 | 03/04/2016 | Granted | 531,100.00 | 516,500.00 | 14,600.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0047<br>2077 12.1-1-0 | MASREAL CO INC<br>C/O BT-NEWYO LLC | 48 MEETINGHOUSE LN | 01/28/2016 | DB | | 04/28/2016 | 03/04/2016 | Denied | 1,063,700.00 | 1,063,700.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0044<br>2317 12.3-112-0 | HARRISON CARL L | 980 SANDWICH RD | 01/26/2016 | DB | | 04/26/2016 | 03/04/2016 | Denied | 308,700.00 | 308,700.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0040<br>2321 12.3-116-0 | SMITH ROBERT E JR | 191 CRANBERRY HWY | 02/01/2016 | DB | R2016-0015 | 05/01/2016 | 03/04/2016 | Granted | 431,000.00 | 387,200.00 | 43,800.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0081<br>2801 15.0-2-0 | GARLAND DAVID G TR<br>MEADOWBROOK TRUST | 21 OLD HEAD OF THE BAY RD | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 1,189,400.00 | 1,189,400.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0067<br>3072 16.0-30-0 | OLIVIA GRACE LLC | 16 HEATHER HILL RD | 01/29/2016 | DB | R2016-0033 | 04/29/2016 | 03/04/2016 | Granted | 127,700.00 | 6,000.00 | 121,700.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0048<br>17755 18.0-29-1 | SHULMAN DONALD B TR OF<br>CRANBERRY HWY RLTY TRUST | 152 CRANBERRY HGWY | 02/01/2016 | DB | R2016-0018 | 05/01/2016 | 03/04/2016 | Granted | 111,100.00 | 71,400.00 | 39,700.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0050<br>17758 18.0-29-4 | SHULMAN DONALD B TR OF<br>CRANBERRY HWY RLTY TRUST | 152 CRANBERRY HGWY | 02/01/2016 | DB | R2016-0020 | 05/01/2016 | 03/04/2016 | Granted | 117,000.00 | 75,200.00 | 41,800.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0049<br>17762 18.0-29-8 | SHULMAN DONALD B TR OF<br>CRANBERRY HWY RLTY TRUST | 152 CRANBERRY HGWY | 02/01/2016 | DB | R2016-0019 | 05/01/2016 | 03/04/2016 | Granted | 117,000.00 | 75,200.00 | 41,800.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0041<br>4229 20.3-157-3 | DALEY MICHAEL E ETUX<br>JUNE M DALEY | 258 MAIN ST | 01/25/2016 | DB | R2016-0016 | 04/25/2016 | 03/04/2016 | Granted | 49,800.00 | 45,200.00 | 4,600.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0075<br>4246 20.4-2-0 | CHRISCO REALTY OF BOURNE LLC | 343 SCENIC HIGHWAY | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 1,414,500.00 | 1,414,500.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0027<br>18954 2015-1-0 | AIRSERV | 0 VARIOUS LOCATIONS | 02/01/2016 | DB | P2016-0004 | 05/01/2016 | 03/04/2016 | Granted | 4,050.00 | 3,118.00 | 932.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0066<br>4501 23.1-129-0 | NORMANDIN JOANNE M TR<br>C/O HUEHMER PAUL A ETUX | 39 BUTTERMILK WAY | 01/27/2016 | DB | R2016-0032 | 04/27/2016 | 03/04/2016 | Granted | 554,600.00 | 543,500.00 | 11,100.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0068<br>4692 23.2-167-0 | DWYER JAMES E | 30 CANAL VIEW RD | 02/01/2016 | DB | R2016-0034 | 05/01/2016 | 03/04/2016 | Granted | 583,200.00 | 502,900.00 | 80,300.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0074<br>4709 23.2-185-0 | TOOMEY CAROL MARGRAF<br>C/O STONEBAT LLC | 18 TAYLOR RD | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 218,100.00 | 218,100.00 | |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0054<br>17653 24.1-44-1 | TOPHAM PAUL R ETUX<br>GAIL A TOPHAM | 1 HONORA CT | 01/12/2016 | DB | R2016-0022 | 04/12/2016 | 03/04/2016 | Granted | 214,300.00 | 186,600.00 | 27,700.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0031<br>19063 24.2-33-0 | GEORGE BRANDON C | 10 FREEMAN ST | 02/01/2016 | DB | S2016-0010 | 05/01/2016 | 03/04/2016 | Granted | 2,740.00 | 0.00 | 2,740.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0078<br>5040 24.3-7-1 | MICHAEL DAVID S ETUX<br>MARLENE MICHAEL | 1 SHIPS WAY | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 262,500.00 | 262,500.00 | |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0062<br>16845 25.0-15-0 | PAPPAS THOMAS C | 14 BOSUNS LN | 01/04/2016 | DB | R2016-0028 | 04/04/2016 | 03/04/2016 | Granted | 807,000.00 | 736,500.00 | 70,500.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0058<br>5257 26.1-16-0 | BIALAS WALTER J JR & PATRICIA<br>TR OF THE BIALAS NOM TRS | 130 JEFFERSON RD | 01/14/2016 | DB | R2016-0025 | 04/14/2016 | 03/04/2016 | Granted | 518,000.00 | 499,000.00 | 19,000.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0061<br>5528 26.2-111-0 | DENAPOLI THOMAS R ETUX<br>PAMELA DENAPOLI | 70 OLD DAM RD | 01/13/2016 | DB | R2016-0027 | 04/13/2016 | 03/04/2016 | Granted | 1,161,300.00 | 922,000.00 | 239,300.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0064<br>15808 27.0-54-44 | KEMPTON MARY ELLEN | 18 SEA KNOLL CT | 01/22/2016 | DB | R2016-0030 | 04/22/2016 | 03/04/2016 | Granted | 371,500.00 | 368,000.00 | 3,500.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0038<br>15839 27.0-54-75 | LAVACHE PAUL D &<br>ROBERTA A LAVACHE | 14 HOLLY HOCK KNOLL CT | 02/01/2016 | DB | R2016-0013 | 05/01/2016 | 03/04/2016 | Granted | 406,700.00 | 362,000.00 | 44,700.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0055<br>17905 27.0-54-90 | LUCCIARINI MARIO S ETUX<br>JEANNE M LUCCIARINI | 70 BROOKSIDE RD | 01/26/2016 | DB | R2016-0023 | 04/26/2016 | 03/04/2016 | Granted | 455,500.00 | 427,300.00 | 28,200.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0056<br>17904 27.0-54-91 | MACLEAY ROBERT E ETUX<br>BETTY CLARK MACLEAY | 68 BROOKSIDE RD | 01/19/2016 | DB | R2016-0024 | 04/19/2016 | 03/04/2016 | Granted | 426,400.00 | 400,100.00 | 26,300.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0046<br>5982 29.4-15-0 | FEDERICO JOSEPH JR | 1 CAPTAINS ROW | 01/27/2016 | DB | R2016-0017 | 04/27/2016 | 03/04/2016 | Granted | 2,105,400.00 | 1,984,400.00 | 121,000.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0037<br>7349 35.0-46-0 | MELE STEVEN M & NICOLE P TRS<br>OF GOLDEN APPLE REALTY TR | 5 OTIS PARK DR | 01/08/2016 | DB | R2016-0012 | 04/08/2016 | 03/04/2016 | Granted | 645,500.00 | 575,500.00 | 70,000.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0052<br>7372 35.0-93-0 | C C VENTURES INC | 31 JONATHAN BOURNE DR | 01/14/2016 | DB | | 04/14/2016 | 03/04/2016 | Denied | 2,220,500.00 | 2,220,500.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0045<br>7530 35.1-148-0 | OWEN ALLA P | 8 PINEHURST DR | 01/26/2016 | DB | | 04/26/2016 | 03/04/2016 | Denied | 236,300.00 | 236,300.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0076<br>7743 37.4-23-2 | RHATIGAN WILLIAM F &<br>EVELYN J RHATIGAN | 160 WINGS NECK RD | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 3,134,600.00 | 3,134,600.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0080<br>8205 38.3-235-3 | TOWNE WILLIAM C | 30 WINGS NECK RD | 01/27/2016 | DB | | 04/27/2016 | 03/04/2016 | Denied | 77,100.00 | 77,100.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0065<br>8229 38.3-256-1 | AUSTIN LILA S | 827 SHORE RD | 01/26/2016 | DB | R2016-0031 | 04/26/2016 | 03/04/2016 | Granted | 216,300.00 | 144,200.00 | 72,100.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0030<br>13746 43.2-54-0 | PICCOLO JOSEPH & COLLEEN TRS<br>OF PICCOLO REALTY TRUST | 5 WINDSONG CIR | 02/01/2016 | DB | S2016-0009 | 05/01/2016 | 03/04/2016 | Granted | 4,530.00 | 0.00 | 4,530.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0057<br>9788 44.1-88-0 | SANDERS BARBARA<br>TR OF SANDBAR REALTY TRUST | 30 RICE AVE | 01/22/2016 | DB | | 04/22/2016 | 03/04/2016 | Denied | 285,200.00 | 285,200.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0059<br>9884 44.2-42-0 | VENTURA WILLIAM JAMES TR OF<br>JUDITH ANN VENTURA TRUST | 15 ALBERT RD | 01/29/2016 | DB | | 04/29/2016 | 03/04/2016 | Denied | 215,500.00 | 215,500.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0043<br>10086 46.0-1-0 | CHASE O STUART | 0 BASSETTS ISLAND | 01/25/2016 | DB | | 04/25/2016 | 03/04/2016 | Denied | 1,807,190.00 | 1,807,190.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0077<br>10089 46.0-4-0 | PARTRIDGE JOAN K | 0 BASSETTS ISLAND | 02/01/2016 | DB | | 05/01/2016 | 03/04/2016 | Denied | 627,300.00 | 627,300.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0042<br>10092 46.0-7-0 | CHASE ANDREW C &<br>THOMAS S CHASE | 0 BASSETTS ISLAND | 01/25/2016 | DB | | 04/25/2016 | 03/04/2016 | Denied | 435,380.00 | 435,380.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0071<br>10731 51.0-17-0 | ANIMAL RESCUE LEAGUE OF BOSTOI | 55 MEGANSETT RD | 01/29/2016 | DB | | 04/29/2016 | 03/04/2016 | Denied | 2,003,000.00 | 2,003,000.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0063<br>10872 51.2-53-0 | COLEMAN MIRA TRS<br>POST OFFICE LANE NOMINEE TRUST | 5 POST OFFICE LN | 01/20/2016 | DB | R2016-0029 | 04/20/2016 | 03/04/2016 | Granted | 463,400.00 | 438,200.00 | 25,200.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0069<br>11209 54.0-15-0 | ANIMAL RESCUE LEAGUE OF BOSTOI | 96 MEGANSETT RD | 01/29/2016 | DB | | 04/29/2016 | 03/04/2016 | Denied | 1,707,200.00 | 1,707,200.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0070<br>11254 54.0-65-1 | ANIMAL RESCUE LEAGUE OF BOSTOI | 0 LAWRENCE ISLAND | 01/29/2016 | DB | | 04/29/2016 | 03/04/2016 | Denied | 553,100.00 | 553,100.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0051<br>15408 PP6.0-32-20 | AECOM TECHNICAL SERVICES INC | 95 STATE RD | 02/01/2016 | DB | P2016-0009 | 05/01/2016 | 03/04/2016 | Granted | 11,560.00 | 0.00 | 11,560.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0029<br>11418 PP04.1-180-0 | WIDOW'S WALK B&B<br>MEREDITH CHASE | 152 CLARK RD | 02/01/2016 | DB | P2016-0006 | 05/01/2016 | 03/04/2016 | Granted | 1,800.00 | 0.00 | 1,800.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0026<br>12093 PP23.1-43-1 | THE SEASIDE TROLLEY GOURMET<br>STEVEN HARRIS | 4 MAIN ST | 02/01/2016 | DB | P2016-0003 | 05/01/2016 | 03/04/2016 | Granted | 35,000.00 | 0.00 | 35,000.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0028<br>19108 PP23.2-67-B | JAKE'S PIZZA COMPANY | 91 MAIN ST | 02/01/2016 | DB | P2016-0005 | 05/01/2016 | 03/04/2016 | Granted | 14,750.00 | 0.00 | 14,750.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0025<br>19104 PP23.2-183-A | CAPE COD BURGERS & FRIES<br>BARBARA CONN | 71 MAIN ST | 02/01/2016 | DB | P2016-0002 | 05/01/2016 | 03/04/2016 | Granted | 10,370.00 | 0.00 | 10,370.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0036<br>16039 PP27.0-47-1 | RMP WARRANTY ADMINISTRATION<br>POIRIER RYAN | 207 COUNTY RD | 02/01/2016 | DB | P2016-0008 | 05/01/2016 | 03/04/2016 | Granted | 680.00 | 0.00 | 680.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0032<br>19068 PP31.0-37-292 | MARTINELLI FRANK | 260 MACARTHUR BLVD | 01/27/2016 | DB | P2016-0007 | 04/27/2016 | 03/04/2016 | Granted | 20,000.00 | 0.00 | 20,000.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

Grant Totals

| | # of Abatements | Value Adjusted |
|---|---|---|
| Totals for Granted: | 37 | 1,896,552.00 |
| Totals for Denied: | 20 | |

Total Number: 57

# TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

DATE AND TIME: April 15, 2016 at 8:30 a.m.

PLACE: Town Hall

AGENDA: Vote overlay surplus
Abatements

| | |
|---|---|
| Thomas Pappas | 14 Bosun Lane |
| Richard Natoli | 10 Carver Road |
| Richard O'Connor | 23 Robinson Road |
| Philip Micciche | 25 Peaked Cliff Road |
| Sunnova Lease | 45 Puritan Road |
| John MacNeil | 440 Barlows Landing Road |
| Domenic Peluso | 30 Cranberry Road |
| Fiddlers Green LTD | 53 MacArthur Blvd |
| Thomas Leblanc | 45-47 Cove Lane |
| David Michael | 1 Ships Way |
| Laura Scena | 37 Shaker Drive |
| John McMahon | 10 Morning Mist Lane |
| Richard Welan | 4 Naushon Road |
| Alan Roberts | 11 Elgin Road |

RECEIVED
2016 MAR 31 PM 12:05
TOWN CLERK BOURNE

# TOWN OF BOURNE MEETING NOTICE

BOARD: BOARD OF ASSESSORS

DATE AND TIME: April 15, 2016 at 8:30 a.m.

PLACE: Town Hall

AGENDA: Vote overlay surplus
Abatements
Taylors Point Improvement Association

| | |
|---|---|
| Thomas Pappas | 14 Bosun Lane |
| Richard Natoli | 10 Carver Road |
| Richard O'Connor | 23 Robinson Road |
| Philip Micciche | 25 Peaked Cliff Road |
| Sunnova Lease | 45 Puritan Road |
| John MacNeil | 440 Barlows Landing Road |
| Domenic Peluso | 30 Cranberry Road |
| Fiddlers Green LTD | 53 MacArthur Blvd |
| Thomas Leblanc | 45-47 Cove Lane |
| David Michael | 1 Ships Way |
| Laura Scena | 37 Shaker Drive |
| John McMahon | 10 Morning Mist Lane |
| Richard Welan | 4 Naushon Road |
| Alan Roberts | 11 Elgin Road |

RECEIVED
2016 APR -6 PM 12:07
TOWN CLERK BOURNE

# TOWN OF BOURNE
## Board of Assessors
**24 Perry Avenue**
**Buzzards Bay, MA 02532**
**(508) 759-0600 Ext. 1328 Fax (508) 759-8026**

Anne Ekstrom, Chairman,
Priscilla A. Koleshis, Clerk
Michael Leitzel. Member

Donna L. Barakauskas, MAA,
Director of Assessing


The Board of Assessors held their regularly scheduled meeting on April 15, 2016 at the Town Hall. Present were Chairman Anne Ekstrom, Clerk Priscilla Koleshis, member Michael Leitzel and Director of Assessing, Donna Barakauskas.

The Board reviewed the minutes of the March 4, 2016 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the March 4, 2016 meeting.

The Board received a letter from the Town Administrator requesting a transfer from the Overlay Reserve Account to the Overlay Surplus Account. The Board voted to transfer the sum of $123,850.95 from the Overlay Reserve to Overlay Surplus from fiscal years 2007, 2008 and 2009. Attached is the breakdown of those fiscal years.

The Board discussed the exempt status of the Taylors Point Association and voted the Association did not meet the requirements of Chapter 59 Section 5 Clause 3.

The Board reviewed, voted and signed fourteen (14) abatement applications. Attached is the record of the abatements and the action taken by the Assessors.

Respectfully submitted,

Donna L. Barakauskas

Donna L. Barakauskas
Director of Assessing


RECEIVED
2016 NOV 14 PM 3:56
TOWN CLERK BOURNE

Extract: ABATEMENTS
Database: LIVE
Filter: VoteDate = 04/15/2016
Sort: Key ASC

Report #25: Abatements General Report
Fiscal Year 2016

Bourne, MA

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0084<br>128 2.3-37-0 | MICCICHE PHILLIP J | 25 PEAKED CLIFF RD | 01/15/2016 | DB | R2016-0037 | 04/15/2016 | 04/15/2016 | Granted | 483,700.00 | 453,800.00 | 29,900.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0083<br>656 4.3-59-0 | OCONNOR RICHARD W AND MARLENE P OCONNOR | 23 ROBINSON RD | 01/29/2016 | DB | R2016-0036 | 04/29/2016 | 04/15/2016 | Granted | 319,700.00 | 301,200.00 | 18,500.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0090<br>691 4.3-100-0 | NATOLI RICHARD G & SHIRLEY L NATOLI | 10 CARVER RD | 01/28/2016 | DB | R2016-0045 | 04/28/2016 | 04/15/2016 | Granted | 339,700.00 | 285,000.00 | 54,700.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0095<br>1591 7.4-38-0 | WOLAN RICHARD R ETUX JEANETTE M WOLAN | 4 NAUSHON RD | 01/26/2016 | DB | | 04/26/2016 | 04/15/2016 | Denied | 317,800.00 | 317,800.00 | |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0094<br>2744 14.0-74-0 | MCMAHON JOHN T | 10 MORNING MIST LN | 02/01/2016 | DB | R2016-0044 | 05/01/2016 | 04/15/2016 | Granted | 430,100.00 | 392,800.00 | 37,300.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0085<br>3862 19.4-245-0 | PELUSO DOMINIC J | 30 CRANBERRY RD | 01/27/2016 | DB | R2016-0038 | 04/27/2016 | 04/15/2016 | Granted | 132,900.00 | 119,000.00 | 13,900.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0078<br>5040 24.3-7-1 | MICHAEL DAVID S ETUX MARLENE MICHAEL | 1 SHIPS WAY | 02/01/2016 | DB | R2016-0042 | 05/01/2016 | 04/15/2016 | Granted | 262,500.00 | 210,300.00 | 52,200.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0091<br>5201 25.0-6-0 | FIDDLERS GREEN LTD PARTNERSHIF | 53 MACARTHUR BLVD | 02/01/2016 | DB | R2016-0040 | 05/01/2016 | 04/15/2016 | Granted | 1,085,100.00 | 200,200.00 | 884,900.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0093<br>6707 31.0-61-0 | SCENA LAURA M & KAREN M GIAR | 37 SHAKER DR | 02/01/2016 | DB | R2016-0043 | 05/01/2016 | 04/15/2016 | Granted | 418,700.00 | 398,500.00 | 20,200.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |
| F2016-0092<br>8143 38.3-169-0 | LEBLANC THOMAS R | 45-47 COVE LN | 01/28/2016 | DB | R2016-0041 | 04/28/2016 | 04/15/2016 | Granted | 2,820,400.00 | 2,063,900.00 | 756,500.00 |
| | Review History: By Recommendation | | Date | | Due | | Rcv'd | Comment | | | |

| File # / Key / Parcel ID | Owner / Co-Owner | Location | Received Date | By | Certif. No / File No. | BOA Action Date | Vote Date | Result/ Comment | Committed Value | Adjusted Value | Change |
|---|---|---|---|---|---|---|---|---|---|---|---|
| F2016-0086<br>9023 43.1-12-0 | MACNEIL JOHN A TR OF THE BOXTREE NOMINEE TRUST | 440 BARLOWS LANDING RD | 01/29/2016 | DB | | 04/29/2016 | 04/15/2016 | Denied | 740,800.00 | 740,800.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0087<br>16845 25.0-15-0 | PAPPAS THOMAS C | 14 BOSUNS LN | 01/15/2016 | DB | R2016-0039 | 04/15/2016 | 04/15/2016 | Granted | 736,500.00 | 719,900.00 | 16,600.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0089<br>18989 47.2-79-0 | ROBERTS ALAN H &<br>NANCY D ROBERTS | 11 ELGIN RD | 01/15/2016 | DB | | 04/15/2016 | 04/15/2016 | Denied | 13,000.00 | 13,000.00 | |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |
| F2016-0088<br>19115 PP19.4-66-0 | SUNNOVA LEASE VEHICLE 3 LLC | 45 PURITAN RD | 02/01/2016 | DB | P2016-0010 | 05/01/2016 | 04/15/2016 | Granted | 60,030.00 | 0.00 | 60,030.00 |
| | Review History: By Recommendation | | Date | | Due | Rcv'd | Comment | | | | |

Grant Totals

| | # of Abatements | Value Adjusted |
|---|---|---|
| Totals for Granted: | 11 | 1,944,730.00 |
| Totals for Denied: | 3 | |
| Total Number: | 14 | |

**Assessors Office**
**Town of Bourne**
**24 Perry Avenue**
**Buzzards Bay, MA.**

# Memo

**To:** Thomas M. Guerino, Town Administrator

**From:** Donna Barakauskas, Director of Assessing

**cc:** Linda Marzelli, Finance Director

**Date:** 4/15/2016

**Re:** Overlay

---

The Board of Assessors voted on Friday, April 15, 2016 to transfer the sum of $123,850.95 from the Overlay Reserve to Overlay Surplus from the following fiscal years:

| | |
|---|---|
| FY07 | $ 30,533.11 |
| FY08 | $ 25,257.11 |
| FY09 | $ 68,060.73 |

TOWN OF BOURNE MEETING NOTICE

RECEIVED
2016 NOV -3 PM 4:31
TOWN CLERK BOURNE

BOARD: BOARD OF ASSESSORS

DATE AND TIME: Thursday, November 10, 2016 at 8:45 a.m.

PLACE: Town Hall

AGENDA: Classification and sign supporting documents for tax recap
Overlay surplus for North Sagamore Water District

# TOWN OF BOURNE
## Board of Assessors
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext. 1328 Fax (508) 759-8026

Anne Ekstrom, Chairman,
Priscilla A. Koleshis, Clerk
Michael Leitzel, Member

Donna L. Barakauskas, MAA,
Director of Assessing


The Board of Assessors held their regularly scheduled meeting on November 10, 2016 at the Town Hall. Present were Chairman Anne Ekstrom, Clerk Priscilla Koleshis, member Michael Leitzel and Director of Assessing, Donna Barakauskas.

The Board reviewed the minutes of the April 15, 2016 meeting. Upon motion, individually, by Ms. Koleshis and seconded by Ms. Ekstrom, the vote being unanimous to accept the minutes of the April 15, 2016 meeting.

The Board received a letter from the North Sagamore Water District requesting a transfer from the Overlay Reserve Account to the Overlay Surplus Account. The Board voted to transfer the sum of $32,842.17 from the Overlay Reserve to Overlay Surplus from fiscal years 1994, 1995, 1998, 1999, 2000, 2002, 2004, 2005, 2006, 2008, 2009, 2010, 2011 and 2012. Attached is the breakdown of those fiscal years.

The Board voted to retain one tax rate for all classes of property to be presented to the Board of Selectman on November 15, 2016.

The Board voted to release the Executive Session April 4, 2012 minutes.

Respectfully submitted,

Donna L. Barakauskas

Donna L. Barakauskas
Director of Assessing


RECEIVED
2017 FEB -2 AM 10:50
TOWN CLERK BOURNE

NORTH SAGAMORE WATER DISTRICT
14 SQUANTO ROAD, P.O. BOX 133
SAGAMORE BEACH, MA 02562

Tel. 508-888-1085
Fax 508-888-8951

September 30, 2016

Town of Bourne
Board of Assessors
24 Perry Avenue
Buzzards Bay, MA 02532

Dear Board Members:

At the recommendation of our auditor the North Sagamore Water District would like to formally request that the Town of Bourne Board of Assessors vote to release the excess overlay accounts for the years 1994-2012.

Enclosed are the current receivable and overlay balances as of June 30, 2016. If you have any questions, please contact Maureen Fruci, Treasurer for the District.

Thank you for your consideration.

Sincerely,

George Sala, Chairperson
Board of Water Commissioners
North Sagamore Water District

**Barakauskas, Donna**

**From:** Maureen Fruci <maureen-nswd@comcast.net>
**Sent:** Thursday, October 13, 2016 2:56 PM
**To:** Barakauskas, Donna
**Subject:** Overlay Accounts

Hi Donna,

Sorry for the delay in getting the overlay account information. It is as follows:

| | |
|---|---|
| 1994 | $ 148.53 |
| 1995 | 28.04 |
| 1998 | 2262.19 |
| 1999 | 1141.94 |
| 2000 | 3053.26 |
| 2002 | 1315.00 |
| 2004 | 2061.99 |
| 2005 | 2971.36 |
| 2006 | 2150.06 |
| 2008 | 2482.56 |
| 2009 | 5562.57 |
| 2010 | 1205.13 |
| 2011 | 6079.76 |
| 2012 | 2379.78 |
| Total | $32,842.17 |

Also, the Board of Water Commissioners is considering placing water liens on some of our delinquent accounts. If they decide to do this when do I need to have that information to you?

Thank you.

Maureen

*Maureen Fruci*

Maureen Fruci
Treasurer
North Sagamore Water District
(508) 888-1085
maureen-nswd@comcast.net

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk* (508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM January 8, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 15-12

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 15-12

Thank you.

2016 JAN 10 PM 11 38
TOWN CLERK'S OFFICE
BOURNE, MASS

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 15-12: To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making supplemental appropriations for the Fiscal Year two-thousand and sixteen.

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: January 13, 2016

2016 JAN 10 PM 11 38
TOWN CLERK'S OFFICE
BOURNE, MASS

**BARNSTABLE COUNTY**

In the Year Two Thousand and Fifteen

**Ordinance 15 - 12**

To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making supplemental appropriations for the Fiscal Year two-thousand and sixteen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of September 1, 2015, the sums set forth in section one, for the purposes set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 15-02, are hereby appropriated from the General Fund as supplemental appropriations for Barnstable County for the fiscal year ending June thirtieth, two-thousand and sixteen. Said funds shall be derived from the Statutory Reserve Funds set aside at the close of FY 2015.

Section 1:

| Budget # | Sub-Program | Group | $ Amount | Total |
|---|---|---|---|---|
| | GENERAL GOVERNMENT | | | |
| | FINANCE DEPARTMENT | | | |
| 0011411 | Salary and Wages | 1 | $51,000. | $51,000. |
| | TOTAL SUPPLEMENTAL APPROPRIATION | | | $ 51,000. |

Adopted by the Assembly of Delegates on December 16, 2015

Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of Regional Commissioners 1-6-2016 (Date) at 12:30 PM (Time)

Sheila Lyons, Chair

Leo G. Cakounes

Mary Pat Flynn

2016 JAN 10 PM 11 38
TOWN CLERK'S OFFICE
BOURNE, MASS

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk* (508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM January 15, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 16-01

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 16-01

Thank you.

2016 JAN 14 PM 10 30
TOWN CLERK'S OFFICE
BOURNE, MASS

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 16-01: To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making supplemental appropriations for the Fiscal Year two-thousand and sixteen.

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: January 20, 2016

2016 JAN 14 PM 10 30
TOWN CLERK'S OFFICE
BOURNE, MASS

BARNSTABLE COUNTY

In the Year Two Thousand Sixteen

Ordinance 16- 01

To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making supplemental appropriations for the Fiscal Year two-thousand and sixteen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of September 30, 2015, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 15-02, are hereby appropriated from the Vehicle Replacement Stabilization Fund as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and sixteen. Said funds shall be derived from the Vehicle Replacement Stabilization Fund for FY2016.

| Budget # | Sub-Program | Group | $ Amount |
|---|---|---|---|
| 0012045 | Facilities- New Vehicle | 5 | 39,946 |
| | TOTAL SUPPLEMENTAL APPROPRIATION | | $ 39,946 |

Adopted by the Assembly of Delegates on January 6, 2016

2016 JAN 14 P 12:30
TOWN CLERK'S OFFICE
BOURNE, MA

Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of Regional Commissioners 1-13-2016 at 3:30 PM
Date Time

Mary Pat Flynn, Chair

Leo G. Cakounes

Sheila Lyons

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk*** **(508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM February 12, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 16-02

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 16-02

Thank you.

2016 FEB 16 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

**Johnson, Barry**

**From:** Janice O'Connell <joconnell@barnstablecounty.org>
**Sent:** Tuesday, February 16, 2016 8:00 AM
**To:** Anita Doucette (adoucette@town.harwich.ma.us); Ann Quirk (ann.quirk@town.barnstable.ma.us); Johnson, Barry; Collette Williams (townclerk@town.brewster.ma.us); Cynthia May (cmay@town.orleans.ma.us); Cynthia Slade; Deborah Dami (ddami@mashpeema.gov); Douglas Johnstone (djohnstone@provincetown-ma.gov); Joseph Powers (Joseph.powers@wellfleet-ma.gov); Julie Smith; Meier, Marie; Michael Palmer (mpalmer@falmouthmass.us); Philip Gaudet (pgaudet@yarmouth.ma.us); Susan Lundquist (slundquist@townofsandwich.net); Susanne Fischer (townclerk@eastham-ma.gov); Taylor White (twhite@townofsandwich.net); Terri Bunce (tbunce@town.dennis.ma.us)
**Subject:** Barnstable County Enacted Ordinance 16-02
**Attachments:** Ordinance 16-02 CLKS.doc; Ordinance 16-02 Amend Ord 15-05 Complex Design to Const .pdf

As attached...

- Memo and enactment notice to Town Clerk
- Digital copy of signed Ordinance 16-02

*Janice O'Connell*
Assembly of Delegates Clerk
County Clerk

2016 FEB 16 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 16-02: To amend a portion of Ordinance 15-05 adopted by a vote of the Assembly of Delegates on June 17, 2015 and approved by the Board of Regional Commissioners on June 24, 2015, which amended Ordinance 15-02 adopted by a vote of the Assembly of Delegates on April 22, 2015 by deleting the phrase "County Complex Design" in Section 1(d) and inserting in its place "County Complex Construction", so that the amended vote reads in its entirety as follows:

To authorize the County to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County and to borrow money to pay therefore;

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: February 17, 2016

2016 FEB 16 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

2016 FEB 16 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

In the Year Two Thousand Sixteen

**Ordinance 16-02**

To amend a portion of Ordinance 15-05 adopted by a vote of the Assembly of Delegates on June 17, 2015 and approved by the Board of Regional Commissioners on June 24, 2015, which amended Ordinance 15-02 adopted by a vote of the Assembly of Delegates on April 22, 2015 by deleting the phrase "County Complex Design" in Section 1(d) and inserting in its place "County Complex Construction", so that the amended vote reads in its entirety as follows:

To authorize the County to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County and to borrow money to pay therefore;

*Barnstable County hereby ordains:*

Section 1. The Board of County Commissioners is hereby authorized to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County as follows:

a.) Purchase the following equipment for the Health and Environment Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

| | | *Finance Account Number* |
|---|---|---|
| Replacement of Gas Chromatograph Mass Spectrophotometer (GCMS) | $89,000 | 0053028 5838 |
| Replacement of small equipment | $8,000 | 0053028 5839 |
| Total cost | $97,000 | |

b.) Purchase a conservation restriction by Barnstable County for use in conducting specific services of the Barnstable County Commissioners.

| | | *Finance Account Number* |
|---|---|---|
| ARC Conservation Restriction Purchase | $250,000 | 0052308 5864 |
| Total cost | $250,000 | |

c.) Purchase the following equipment for the Information Technology Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

| | | *Finance Account Number* |
|---|---|---|
| Software licensing | $325,000 | 0051058 5849 |
| Total cost | $325,000 | |

d.) Implement the following capital improvements for the Facilities Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

| | | *Finance Account Number* |
|---|---|---|
| First District window Replacement | $60,000 | 0052018 5817 |

| | | *Finance Account Number* |
|---|---|---|
| County Complex Construction | $250,000 | 00520485829 |
| Superior Courthouse heating | $269,000 | 00520385802 |
| Registry of Deeds windows | $150,000 | 00520585817 |
| Registry of Deeds epoxy | $15,000 | 00520585830 |
| Children's Cove addition | $72,500 | 0052088 5808 |
| Children 's cove security gate | $12,000 | 0052088 5812 |
| County Complex paving and new drains | $165,000 | 0052048 5815 |
| Fire Academy HVAC Replacement | $30,000 | 0052168 5802 |
| Fire Academy new roof | $60,000 | 0052168 5802 |
| Total cost | $1,083,500 | |

2016 FEB 16 PM 2 41
TOWN CLERK'S OFFICE
BOURNE, MASS

Total cost of equipment, improvements, and projects = $ 1,755,500 -and;

Section 2. For the purposes set forth in Section 1, the County Treasurer, with the approval of the County Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary, and may issue bonds or notes of the County therefore;

Section 3. All bonds or notes issued pursuant to this proposed ordinance shall be signed by the County Treasurer and countersigned by a majority of the County Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the County Commissioners may deem proper but not at a price of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to chapter thirty-five of the Massachusetts General Laws.

Adopted by the Assembly of Delegates on January 20, 2016

Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of Regional Commissioners 2-10-2016 at 1:00 pm
Date Time

Mary Pat Flynn, Chair

Leo G. Cakounes

Sheila R. Lyons

**CAPE COD REGIONAL GOVERNMENT**
**ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk*** **(508) 375-6761 Fax: (508) 362-6530**
**E-Mail: aofd@barnstablecounty.org**

**MEMORANDUM** April 7, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk of the Assembly of Delegates

Subject: Proposed Ordinance No. 16-02 and 16-03

Email attachments as follows....

- Public Hearing Notice for Proposed Ordinance No.16-02 and 16-03
- Copy of Proposed Ordinance No.16-02 and Proposed Ordinance 16-03

Please post a copy of the Public Hearing Notice on your town bulletin board by April 13, 2016 or sooner and keep the proposed ordinance available at your office for anyone who may wish to see or obtain a copy.

Thank you.

RECEIVED
2016 APR -7 AM 10:59
TOWN CLERK BOURNE

CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
Notice of Public Hearing on
Barnstable County Proposed Ordinance 16-02 and 16-03

**On April 20, 2016,** at 2:15 p.m., the Standing Committee on Finance will hold a public hearing on Proposed Ordinance 16-02: To make appropriations for Barnstable County's proposed operating budget for fiscal year 2017 of $27,733,930 and on Proposed Ordinance 16-03: To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay a total of $850,000. The public hearing will be held in the Chamber of the Assembly of Delegates, First District Courthouse, Route 6A, Barnstable, MA.

Anyone wishing to testify orally will be welcome to do so. Written comments may also be submitted at the hearing, faxed to the Assembly office (508) 362-6530, e-mailed to the office (aofd@barnstablecounty.org), or delivered or mailed for receipt by Noon on or before the date of the hearing to the office of the Assembly at the First District Courthouse, Route 6A, Barnstable, MA 02630.

The full text of Proposed Ordinance 16-02 And 16-03 has been distributed to the Town Clerk of each town in Barnstable County, is accessible on the County website at www.barnstablecounty.org, and is also available from the office of the Assembly of Delegates, First District Courthouse, and the Board of County Commissioners, Superior Courthouse, Route 6A, Barnstable, MA.

For further information call the Clerk of the Assembly: (508) 375-6761.

Janice O'Connell, Clerk
Assembly of Delegates

04-07-16 A09:57 IN

Publication Date: April 13, 2016

RECEIVED
2016 APR -7 AM 11:00
TOWN CLERK BOURNE

**BARNSTABLE COUNTY**

**In the Year Two Thousand and Sixteen**

**Proposed Ordinance 16-02**

# AN ORDINANCE FOR THE COUNTY OF BARNSTABLE, MASACHUSETTS, ADOPTING A BUDGET FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017.

***BE ORDAINED BY THE COUNTY OF BARNSTABLE, MASSACHUSETTS, AS FOLLOWS...***

**SECTION 1.** A budget consisting of the appropriations listed in SECTION 2 below be adopted for the Fiscal Year July 1, 2016 through June 30, 2017.

**SECTION 2.** Appropriations for said budget are as follows:

| | | |
|---|---|---|
| **GENERAL GOVERNMENT** | | |
| County Commissioners | $ 499,598 | |
| Assembly of Delegates | 318,605 | |
| Resource Development Office | 922,587 | |
| Information Technology | 1,300,365 | |
| Department of Finance | 755,303 | |
| Water Quality Initiatives | 352,000 | |
| **Total General Government** | | **$4,148,458** |
| **COUNTY SERVICES** | | |
| Department of Facilities | $2,442,257 | |
| Cooperative Extension | 2,050,708 | |
| Registry of Deeds | 2,628,385 | |
| County Dredge | 1,697,504 | |
| **Total County Services** | | **$8,818,854** |
| **HEALTH & HUMAN SERVICES** | | |
| Health & Environment Department | $3,114,111 | |
| Human Services | 1,121,854 | |
| Children's Cove | 737,799 | |
| Grants to Human Service Providers | 40,000 | |
| **Total Health & Human Services** | | **$5,013,764** |

RECEIVED
2016 APR -7 AM 11:00
TOWN CLERK BOURNE

| | | |
|---|---|---|
| **PUBLIC SAFETY** | | |
| Sheriff's Dept. Retirement Contrib. | $1,334,120 | |
| Fire Rescue Training Academy | 443,555 | |
| **Total Public Safety** | | **$1,777,675** |
| **PLANNING & DEVELOPMENT** | | |
| Cape Cod Commission | $5,340,260 | |
| CCC Joint Initiatives | 720,575 | |
| **Total Planning & Development** | | **$6,060,835** |
| **SHARED COSTS & DEBT SERVICE** | | |
| Fringe Benefits | $1,161,044 | |
| Miscellaneous & Contingency | 438,300 | |
| Debt Service | 315,000 | |
| **Total Shared Costs & Debt Service** | | **$1,914,344** |
| **Total FY 2017 Budget** | | **$27,733,930** |

**SECTION 3.** No appropriation listed above may be exceeded without appropriate ordinance action to amend budget.

**SECTION 4.** The public notice for this proposed ordinance was published at least 48 hours prior to the February 17, 2016 meeting of the Board of Regional Commissioners.

**SECTION 5.** This ordinance shall take effect July 1, 2016.

**[Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates on February 17, 2016]**

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**

**In the Year Two Thousand Sixteen**

**Proposed Ordinance 16-03**

To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay, therefore;

**Barnstable County hereby ordains:**

The Board of Commissioners is hereby authorized to purchase capital equipment, and implement capital improvements for use in conducting the business of the County as follows:

*Section 1.*

**a.** Purchase the following equipment for the Health and Environment Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| *Item* | *Cost* | *Finance Account Number* |
|---|---|---|
| Replacement of Ion Chromatograph: | $60,000.00 | 0053028 5837 |
| **Total Cost** | **$60,000.00** | |

**b.** Purchase the following equipment for the Information Technology Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| *Item* | *Cost* | *Finance Account Number* |
|---|---|---|
| Software Licensing | $325,000.00 | 0051058 5849 |
| **Total Cost:** | **$325,000.00** | |

**c.** Implement the following capital improvements for the Facilities Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners:

| *Item* | *Cost* | *Finance Account Number* |
|---|---|---|
| Second District Roof Replacement | $170,000.00 | 0052028 5801 |
| Building Renovations – Former House of Corrections | $150,000.00 | 0052138 5804 |
| Superior Courthouse Ancient Wall Repair and Ground Repair | $ 75,000.00 | 0052038 5860 |
| Sound Wall Construction – Health Lab | $ 70,000.00 | 0053028 5860 |
| **Total Cost:** | **$465,000.00** | |

**The total cost of equipment, improvements and projects equals (=) $850,000.00.**

*Section 2.*

For the purposes set forth in Section 1, the County Treasurer, with the approval of the County Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary, and may issue bonds or notes of the County therefore;

*Section 3.*

All bonds or notes issued pursuant to this proposed ordinance shall be signed by the County Treasurer and countersigned by a majority of the County Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the County Commissioners may deem proper but not at a prices of less than par value. Indebtedness incurred under this proposed ordinance shall, except as herein provided, be subject to Chapter 35 of the Massachusetts General laws.

**[Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates on February 17, 2016]**

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk* (508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM April 8, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 16-03

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 16-03

Thank you.

RECEIVED
2016 APR -8 AM 10:20
TOWN CLERK BOURNE

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 16-03: To Amend Barnstable County Ordinance 06-16 to establish the timeline for the Assembly of Delegates' review and vote on the County Commissioners' proposed fiscal budgets for all Fiscal Years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: April 13, 2016

RECEIVED
2016 APR -8 AM 10: 20
TOWN CLERK BOURNE

RECEIVED
2016 APR -8 AM 10: 20
TOWN CLERK BOURNE

# Barnstable County

## In the Year Two Thousand and Sixteen

## Ordinance 16-03

To Amend Barnstable County Ordinance 06-16 to establish the timeline for the Assembly of Delegates' review and vote on the County Commissioners' proposed fiscal budgets for all Fiscal Years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.

***NOW THEREFORE,***

***BARNSTABLE COUNTY hereby ordains:***

1. The submission of the annual budget shall be not later than the second meeting of the Assembly of Delegates meeting in February.

2. The Standing Committee on Finance shall meet with Chairs of the Standing Committees of the Assembly no later than the first Wednesday in April for discussion and verbal report on their review of the proposed fiscal year budget as of that date.

3. No later than the first Wednesday in May, the Assembly debates and votes on the annual budget as recommended by the Standing Committee on Finance and others. When voting on the annual budget, Robert's Rules governing parliamentary procedure of the Assembly shall be waived allowing for more than two amendments to the main motion. If a majority of the Delegates vote in favor of an amended budget, the budget is immediately forwarded to the County Commissioners for consideration.

4. No later than one week after the Assembly of Delegates votes in favor of an amended budget, the County Commissioners shall either sign the amended budget or request that a Reconciliation Committee be established.

5. If a Reconciliation Committee is requested, the County Commissioners shall immediately notify the Speaker of the Assembly of Delegates of their request for the Reconciliation Committee and inform the Speaker as to who will represent the Board of County Commissioners on the Committee.

6. The Speaker of the Assembly of Delegates shall forthwith appoint members from the Assembly of Delegates to the Reconciliation Committee. The membership of the

Reconciliation Committee shall not include Delegates from the Assembly of Delegates that represent a majority of the whole population of Barnstable County.

7. The Reconciliation Committee shall consist of three Delegates representing a majority vote on the budget ordinance, one Delegate representing a minority vote on the budget ordinance and one County Commissioner, and consistent with all other Committees, each member has an equal vote.

8. No later than the third week in May, the Reconciliation Committee shall convene in public session to facilitate the differences between the budget ordinance proposed by the County Commissioners and the budget ordinance voted by the Assembly of Delegates. The Reconciliation Committee can make adjustments to the budget ordinance as necessary to recommend a compromise.

9. The Reconciliation Committee shall submit its recommendations in writing to the County Commissioners and the Assembly of Delegates no later than noon on Friday of the third week in May. A majority vote of the Committee is required to recommend changes. The recommendation(s) shall show the signatures and vote of each member of the Committee.

10. If there is a positive recommendation for the amendments to the budget ordinance from the Reconciliation Committee, the Assembly of Delegates shall convene at a special meeting the following week to vote on the recommended amendments. No further amendments to the proposed budget ordinance recommended by the Reconciliation Committee are allowed.

11. If approved by the Assembly of Delegates, the amended budget ordinance as recommended by the Reconciliation Committee is forthwith returned to the County Commissioners for signature.

12. If there is no agreement on the budget ordinance by the Reconciliation Committee or it is not approved by the Assembly of Delegates, the budget ordinance as voted in May shall be the budget ordinance under consideration by the County Commissioners.

13. The Clerk shall forthwith notify the County Commissioners that there was no agreement on the budget ordinance by the Reconciliation Committee or that the amendments recommended by the Reconciliation Committee were not approved by the Assembly of Delegates.

14. The County Commissioners shall forthwith approve the budget ordinance voted by the Assembly of Delegates or veto the budget ordinance. If vetoed, the County Commissioners shall within seven days following the date of the approved copy of the amended ordinance is filed in its office return the measure to the Assembly of Delegates with specific reasons for such disapproval, in writing, attached thereto.

15. If the County Commissioners veto the budget ordinance as amended by the Assembly on or before June 1st, the Assembly of Delegates shall take a vote of the Assembly of Delegates on the veto by the County Commissioners. If the measure is passed by a vote representing two-thirds of the population of Barnstable County, the amended budget ordinance shall be deemed to be in effect.

16. If the Assembly of Delegates fails to override the County Commissioners by a vote representing two-thirds of the population of Barnstable County, the County Commissioners budget, as originally submitted, is deemed to be in effect.

Adopted by the Assembly of Delegates on March 16, 2016

Ronald Bergstrom, Speaker
Assembly of Delegates

Board of County Commissioners failed to act on Ordinance 16-03 within the 10 days as referenced in the County Charter Section 3-8 . Therefore, Ordinance 16-03 enacted on April 13, 2016.

**Johnson, Barry**

**From:** Janice O'Connell <joconnell@barnstablecounty.org>
**Sent:** Friday, April 8, 2016 11:06 AM
**To:** Anita Doucette (adoucette@town.harwich.ma.us); Ann Quirk (ann.quirk@town.barnstable.ma.us); Johnson, Barry; Collette Williams (townclerk@town.brewster.ma.us); Cynthia May (cmay@town.orleans.ma.us); Cynthia Slade; Deborah Dami (ddami@mashpeema.gov); Douglas Johnstone (djohnstone@provincetown-ma.gov); Joseph Powers (Joseph.powers@wellfleet-ma.gov); Julie Smith; Meier, Marie; Michael Palmer (mpalmer@falmouthmass.us); Philip Gaudet (pgaudet@yarmouth.ma.us); Susan Lundquist (slundquist@townofsandwich.net); Susanne Fischer (townclerk@eastham-ma.gov); Taylor White (twhite@townofsandwich.net); Terri Bunce (tbunce@town.dennis.ma.us)
**Subject:** Barnstable County Proposed Ordinance 16-07 Public Hearing Notice
**Attachments:** CLKS Public Hearing Notice PO 16-07 Legal.pdf; 4-20-16 Signed Public Hearing Notice P.O. 16-07 Legal Services.pdf; Proposed Ordinance 16-07 Legal Services.pdf

As attached...

- Memo to Town Clerk regarding Proposed Ordinance 16-07
- Public Hearing Notice Proposed Ordinance 16-07
- Copy of Proposed Ordinance 16-07

*Janice O'Connell*
Assembly of Delegates Clerk
County Clerk

RECEIVED
2016 APR -8 PM 1:03
TOWN CLERK BOURNE

**CAPE COD REGIONAL GOVERNMENT**
**ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk*** **(508) 375-6761 Fax: (508) 362-6530**
**E-Mail: aofd@barnstablecounty.org**

**MEMORANDUM** April 8, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk of the Assembly of Delegates

Subject: Proposed Ordinance No. 16-07

The following documents included as a separate attachment to this emailed memo as follows:

- Public Hearing Notice for Proposed Ordinance No. 16-07; and
- Copy of Proposed Ordinance No. 16-07

Please post a copy of the Public Hearing Notice on your town bulletin board no later than Wednesday, April 13, 2016 and keep the copy of Proposed Ordinance 16-07 available at your office for anyone who may wish to see or obtain a copy.

Thank you.

RECEIVED
2016 APR -8 PM 1:03
TOWN CLERK BOURNE

CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
Notice of Public Hearing on
Proposed Barnstable County Ordinance No. 16-07

**On April 20, 2016,** at 2:00 p.m., the Standing Committee on Finance will hold a public hearing on Proposed County Ordinance 16-07: To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance 15-02, by making a supplemental appropriation of $50,000 for legal expenses, appropriated from the Statutory Reserve for the Fiscal Year two-thousand and sixteen. Said funds shall be derived from the Legal Reserve Fund.

The public hearing will be held in the Chamber of the Assembly of Delegates, First District Courthouse, Route 6A, Barnstable, MA.

Anyone wishing to testify orally will be welcome to do so. Written comments may also be submitted at the hearing, faxed to the Assembly office (508) 362-6530, e-mailed to the office (aofd@barnstablecounty.org), or delivered or mailed for receipt by Noon on or before the date of the hearing to the office of the Assembly of Delegates, First District Courthouse, Route 6A, Barnstable, MA 02630.

The full text of Proposed Ordinance 16-07 has been distributed to the Town Clerk of each town in Barnstable County and is also available from the office of the Assembly of Delegates, First District Courthouse, Route 6A, Barnstable, MA., and on line at http://www.barnstablecounty.org/regional-government/assembly-of-delegates/committees/standing-committee-agendas-minutes/

For further information call the Clerk of the Assembly: (508) 375-6761.

Janice O'Connell, Clerk
Assembly of Delegates

04-07-16 A10:16 IN

Publication Date: April 13, 2016

RECEIVED
2016 APR -8 PM 1:03
TOWN CLERK BOURNE

BARNSTABLE COUNTY

In the Year Two Thousand Sixteen

**Proposed Ordinance 16-07**

To add to the County's operating budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making a supplemental appropriation for legal expenses for the Fiscal Year two-thousand and sixteen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 25, 2016, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections five through twelve of the Barnstable County Ordinance 15-02, is hereby appropriated from the Statutory Reserve amounts for FY2016 as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and sixteen. Said funds shall be derived from the Legal Reserve Fund.

| Budget # | Sub-Program | Group | $ Amount |
|---|---|---|---|
| 0019102 | Legal Services | 2 | $50,000 |
| | TOTAL SUPPLEMENTAL APPROPRIATION | | $ 50,000 |

**(Submitted by the Board of Regional Commissioners at a regular meeting of the Assembly of Delegates held on April 6, 2016)**

RECEIVED
2016 APR -8 PM 1:03
TOWN CLERK BOURNE

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk* (508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM December 22, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 16-09

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 16-09

Thank you.

RECEIVED
2016 DEC 22 PM 12:20
TOWN CLERK BOURNE

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 16-09: Appropriate and transfer the sum of $185,000.00 from the "Salary Reserve" account to the FY2017 Operating Budget for the purpose of implementing a 2% Cost of Living Adjustment (COLA), to current employees who have not received a COLA for FY2017, including those union members who may negotiate a COLA for FY2017 and retroactive for all current employees meeting these criteria to July 1,2016.

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: December 28, 2016

**BARNSTABLE COUNTY**
**In the Year Two Thousand and Sixteen**
**Ordinance 16-09**

The Cape Cod Regional Government, known as Barnstable County hereby ordains;

That Barnstable County's operating Budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, be increased by making the following supplemental appropriation;

Appropriate and transfer the sum of $185,000.00 from the "Salary Reserve" account to the FY2017 Operating Budget for the purpose of implementing a 2% Cost of Living Adjustment (COLA), to current employees who have not received a COLA for FY2017, including those union members who may negotiate a COLA for FY2017 and retroactive for all current employees meeting these criteria to July 1,2016.

| Budget# | Sub-Program | Group | $ Amount |
|---|---|---|---|
| 0019301 | Shared Costs | 1 | $185,000.00 |
| Total Supplemental Appropriation | | | $185,000.00 |

Adopted by the Assembly of Delegates on December 21, 2016

Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of County Commissioners 12/21/16 (date), at 5:20pm (time).

Mary Pat Flynn
Chairman

Sheila Lyons
Vice Chairman

Leo Cakounes
Commissioner

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**
**First District Courthouse - Route 6A**
**Barnstable, Massachusetts 02630**
***Office of the Clerk* (508) 375-6761** **Fax: (508) 362-6530**

MEMORANDUM December 22, 2016

To: Town Clerks of Barnstable County

From: Janice O'Connell, Clerk for the Assembly of Delegates

Subject: Enacted Ordinance No. 16-10

Attached to this memo and email please find the following documents:

- Enactment Notice
- Signed Ordinance 16-10

Thank you.

LEGAL NOTICE

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

Notice of Enactment of County Ordinances

The following Ordinance has been enacted by Barnstable County:

Enacted Ordinance No. 16-10: The Cape Cod Regional Government, known as Barnstable County hereby ordains: The Clerk of the Regional Cape Cod Government is hereby authorized to swear into office any and all elected or appointed officials of the Cape Cod Regional Government.

Janice O'Connell, Clerk
Assembly of Delegates

Publication Date: December 28, 2016

**BARNSTABLE COUNTY**

**In the Year Two Thousand and Sixteen**

**Ordinance 16-10**

The Cape Cod Regional Government,
**known as Barnstable County hereby ordains:**

The Clerk of the Regional Cape Cod Government is hereby authorized to swear into office any and all elected or appointed officials of the Cape Cod Regional Government.

Adopted by the Assembly of Delegates on December 21, 2016

Ronald Bergstrom, Speaker
Assembly of Delegates

Approved by the Board of County Commissioners 12/21/16 (date), at 5:20pm (time).

Mary Pat Flynn
Chairman

Sheila Lyons
Vice Chairman

Leo Cakounes
Commissioner

# BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 226, 3225 MAIN STREET
BARNSTABLE, MASSACHUSETTS
02630
(508) 362-3828 • FAX (508) 362-3136
E-mail: mspringer@barnstablecounty.org

## NOTICE OF PUBLIC HEARING

The **Barnstable County HOME Consortium** has completed its 2015 Fiscal Year (July 1, 2015- June 30, 2016) utilizing U.S. Department of Housing and Urban Development's (HUD) Federal Fiscal Year 2015 HOME Program funds. The HOME Program was awarded $359,324 to carry out the goals and objectives set forth in the 2015- 2019 Consolidated Plan and Annual Action Plan for this period. A draft **Consolidated Annual Performance Evaluation Report (CAPER)**, outlining the year's accomplishments and challenges is available for public comment.

RECEIVED
2016 AUG -4 AM 9:38
TOWN CLERK BOURNE

The Consortium will conduct a public hearing on:

**Thursday, August 18, 2016 - 8:30 AM**
**Innovation Room**
**Open Cape Building**
**3195 Main Street**
**Barnstable, MA 02630**

The purpose of the hearing is to obtain from citizens, public agencies, community organizations, and interested parties oral and/or written testimony relative to the 2015 CAPER as well as housing needs and HOME Consortium program performance.

The 2015 CAPER will be available for review online at http://www.bchumanservices.net or at the Barnstable County Human Services Dept., 3195 Main Street, Barnstable, MA. Requests for hard copies of the CAPER and any questions should be directed to Michelle Springer at (508) 744-1224 or mspringer@barnstablecounty.org.

If you are deaf or hard of hearing or a person with a disability who requires an accommodation, please contact the Barnstable County Department of Human Services at 508-375-6628 or TTY 508-362-5885. Requests for sign language interpreter must be made at least 2 weeks prior to the meeting date.

# BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 427, 3195 MAIN STREET
BARNSTABLE, MASSACHUSETTS
02630
(508) 362-6628 • FAX (508) 362-0290
E-mail: mspringer@ barnstablecounty.org

NOTA DE AUDIÊNCIA PÚBLICA

O **Consórcio de Casas do Município de Barnstable** completou o ano fiscal de 2015 (1° de Julho de 2015 – 30 de junho de 2016) utilizando o ano fiscal federal de 2015 do Programa de fundos de CASAS do Departamento de Moradias e Desenvolvimento Urbano (HUD). Ao Programa de CASAS, foi concedido $359.324 para realizar os objetivos apresentados no Plano Consolidado e no Plano de Ação para 2015-2019. Um rascunho do Relatório Anual da Avaliação do Desempenho (CAPER), traçando as realizações e desafios do ano está disponível para comentários públicos.

RECEIVED
2016 AUG -4 AM 9:38
TOWN CLERK BOURNE

Uma audiência pública será conduzida pelo Consórcio em:

18 de Agosto de 2016, quinta-feira – 8h30min
**Innovation Room**
**Open Cape Building**
**3195 Main Street**
**Barnstable, MA 02630**

Referida reunião tem como objetivo obter comentários e opiniões, oral ou por escrito, dos cidadãos, agências públicas, organizações comunitárias e de outras partes interessadas; relativo ao CAPER 2015, assim como as necessidades de moradia e o Programa de Desempenho do Consórcio de CASAS.

O CAPER de 2015 estará disponível para revisão online no http://www.bchumanservices.net ou no Departamento de Serviços Humanos do Município de Barnstable -3195 Main Street, Barnstable, MA. Solicitação ao CAPER por impresso e quaisquer outras perguntas deverão ser direcionadas à Michelle Springer (508) 744-1224 or mspringer@barnstablecounty.org

Cabe ressaltar que o local possui acesso para portadores de necessidades especiais, caso você necessite de uma acomodação adequada, favor contactar o Departamento de Serviços Humanos do Município de Barnstable: (508) 375-6628 ou TTY 508.362.5885, solicitações para serviços de intérpretes deverão ser feitas com duas semanas de antecedência.

# BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 427, 3195 MAIN STREET
BARNSTABLE, MASSACHUSETTS
02630
(508) 362-6628 • FAX (508) 362-0290
E-mail: mspringer@ barnstablecounty.org

## AVISO DE AUDIENCIA PÚBLICA

El consorcio de Barnstable County HOME ha completado su año Fiscal de 2015 (1 de julio, 2015-junio 30, 2016) utilizando los fondos del Departamento de vivienda y desarrollo urbano de los Estados Unidos (HUD) del Programa Federal Año Fiscal 2015. El programa recibió $359.324 para llevar a cabo las metas y objetivos establecidos en el Plan consolidado y Plan de acción anual 2015-2019 para este período. Un borrador del informe consolidado anual de rendimiento y evaluación (CAPER), exponiendo los logros y desafíos el año está disponible para comentarios públicos.

El consorcio realizará una audiencia pública en:

RECEIVED
2016 AUG -4 AM 9:38
TOWN CLERK BOURNE

Jueves, Agosto 18, 2016 - 8:30 AM
**Innovation Room**
**Open Cape Building**
**3195 Main Street**
**Barnstable, MA 02630**

El propósito de la audiencia es en obtener de los ciudadanos, entidades públicas, organizaciones de la comunidad y testimonios de personas interesadas verbalmente o por escrito en relación con CAPER 2015 así como las necesidades de vivienda y resultados del programa consorcio HOGAR (HOME).

CAPER 2015 está disponible para revisión en línea en http://www.bchumanservices.net o en el Departamento de Servicios Humanos 3195 Main Street, Barnstable, MA. Las solicitudes de copias impresas de CAPER y preguntas deben hacerse a Michelle Springer al (508) 744-1224 o mspringer@barnstablecounty.org.

Si usted es sordo o con dificultades auditivas o una persona con una discapacidad que necesita un acomodo especial, póngase en contacto con el Departamento de servicios humanos del Condado de Barnstable en 508-375-6628 o 508-362-5885 TTY. Las peticiones de intérprete de lenguaje de signos deben hacerse al menos 2 semanas antes de la fecha de la reunión.

**BFDC**
**Bourne Financial**
**Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 2/5/16 3:20 pm

**Proposed Agenda – Meeting of Board of Directors**

2016 FEB 5 PM 3 19

Date: February 10. 2016
Time: 8 am **Please note different location and new starting time**
Location: National Marine Life Center, 120 Main Street, MASS

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Call to order — President D. Doucette

Review and VOTE on Minutes from the December 9, 2015 meeting

Treasurer's Report — Asst. Treasurer M. Giancola
*Review report and VOTE on acceptance*
*Review bills due for authorization and VOTE on acceptance*

Executive Director's updates — S. Riggs
*Wastewater Advisory Committee*
*Main Street Steering Committee*
*Main Street developments*
*Bourne Development Campus*
*Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Executive Session – if needed

Adjourn

Sallie K. Riggs
Executive Director

To Clerk's office 2/10/15 2:50 pm

BFDC
Bourne Financial
Development Corporation

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

TOWN CLERK'S OFFICE
BOURNE, MASS.
2016 FEB 10 PM 2:34

**Minutes of the meeting of the Board of Directors** **DRAFT - DRAFT**
**February 10, 2016**
**National Marine Life Center**

Attending: Jeanne Azarovitz, Dan Doucette, Michael Giancola, Marie Oliva, Dave Peterson, Lou Wilson, Kathy Zagzebski. Sallie Riggs, Executive Director.

President Dan Doucette opened the meeting at 8:15 am.

Executive Director's Report:
*Wastewater Advisory Committee*: Sallie reported on the Committee's progress toward both near-term and longer-term solutions to the challenge of limited wastewater treatment capacity for Buzzards Bay. Both plans are moving along. The Wastewater Planning Coordinator, Wesley Ewell, reported on the plan to the Board of Sewer Commissioners on January 19. The Commissioners voted unanimously to endorse what was presented and to encourage continuing forward movement.

At that meeting on January 19, the developer of a proposed hotel/conference center/restaurant complex informed the Sewer Commissioners that the closing on the property did not go through - due to a decision by one of the six selling family members. After considerable discussion, the Commissioners voted 4-1 to affirm the extension for wastewater allocation to the April meeting.

*Main Street Steering Committee*: A landscape architect/engineer team has been selected and has begun working on a design for the park on Main Street. Schematic Design is expected by the end of March. The MSSC has submitted a request for $500,000 to the Community Preservation Committee to continue the park project. Now the task will be to rally support for the request.

There was a brief discussion about the hoped-for demolition of the deteriorated buildings at the west end of Main Street. The Building Inspector would like to see them come down, as would many other people.

*Transportation Advisory Committee*: Sallie deferred a report on transportation to Marie Oliva, the new chair of the Town's Transportation Advisory Committee. Marie said that the committee has had no meetings due to her incapacity with a broken wrist.

The presence of a quorum was noted.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of December 9, 2015. There being none, it was MOVED, SECONDED and VOTED unanimously to accept the Minutes as circulated.

Treasurer's Report: Assistant Treasurer Mike Giancola reported that as of January 31, 2016, the BFDC had cash assets totaling $2,297 and that both revenue and expenses are running pretty close to the budget. Another $500 has come in in February for the Sponsored Links

program. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated.

President's Updates: Dan noted that the Town Meeting next week includes an article to change the zoning on the former Cubellis property at the rotary to all B-3 and to provide height relief. He also noted that the By-laws working group will meet soon to continue its mandated review of the By-laws.

Reports/Updates from Directors: There were none.

Public Comment: There was none.

Adjourn: The meeting adjourned at 9:00 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 3/3/16 9:30 am

**Proposed Agenda – Meeting of Board of Directors**

Date: March 16. 2016
Time: 8 am
Location: National Marine Life Center, 120 Main Street

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Call to order — President D. Doucette

Review and VOTE on Minutes from the February 10, 2016 meeting

Treasurer's Report — Asst. Treasurer M. Giancola
- *Review report and VOTE on acceptance*
- *Review bills due for authorization and VOTE on acceptance*

Executive Director's updates — S. Riggs
- *Wastewater Advisory Committee*
- *Main Street Steering Committee*
- *Main Street developments*
- *Bourne Development Campus*
- *Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette
- *By-laws committee*

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Adjourn

2016 MAR 3 AM 10 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Sallie K. Riggs
Executive Director

BFDC
Bourne Financial
Development Corporation

2016 MAR 22 PM 3 33
TOWN CLERK'S OFFICE
BOURNE, MASS

To Clerk's office 3/22/16 3:35 pm

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

**Minutes of the meeting of the Board of Directors** **DRAFT - DRAFT**
**March 16, 2016**
**National Marine Life Center**

Attending: Richard S. Carlson, Robert A. Dutch, Joseph E. Longo, Jr, Kelly Maroimo. Sallie Riggs, Executive Director. Guests: Alison Leschen, Vice Chair of the Falmouth Aquatics Board and Board members: Rob Thieler and Mark Solomon, Cape Cod Swim Club.

Vice President Bob Dutch opened the meeting and noted the absence of a quorum

Mark Solomon, Alison Leschen and Rob Thieler made a presentation about the Falmouth Aquatics project. It would be a wellness and athletics center with three pools, about 50,000 square feet and carrying a price tag of $16 million. They have done their feasibility study and are going to launch a campaign as soon as they have a site. They are looking for about seven acres of land and would prefer to be in southern Bourne or in the North Falmouth area. They referred people to their website: falmouthaquatics.org for more information. BFDC Board members were enthusiastic about the project.

Sallie noted that a report by the Pinnacle Advisory Group has stated that there are enough hotel rooms in the Upper Cape area, a finding that she and others disagree with. She questioned whether the report takes into account the quality of rooms. She will get a copy of the report and Bob agreed to review it.

Adjourn: The meeting dispersed about 8:50 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial**
**Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 4//16 11 20 am

**Proposed Agenda – Meeting of Board of Directors**

Date: April 13, 2016
Time: 8 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Call to order — President D. Doucette

Election of Officers — Nominating Committee Chair Rick Carlson

Review and VOTE on Minutes from the February 10, 2016 meeting

Treasurer's Report — Asst. Treasurer M. Giancola
*Review report and* VOTE *on acceptance*
*Review bills due for authorization and* VOTE *on acceptance*

Executive Director's updates — S. Riggs
*Wastewater Advisory Committee*
*Main Street Steering Committee*
*Main Street developments*
*Bourne Development Campus*
*Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette
*By-laws committee*

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Adjourn

RECEIVED
2016 APR -7 AM 11:20
TOWN CLERK BOURNE

Sallie K. Riggs
Executive Director

To Clerk's office 4/13/16 5:30 pm

BFDC
Bourne Financial
Development Corporation

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

RECEIVED
2016 APR 14 AM 8:23
TOWN CLERK BOURNE

**Minutes of the meeting of the Board of Directors DRAFT - DRAFT**
**April 13, 2016**
**Upper Cape Cod Regional Technical School**

Attending: Rick Carlson, Dan Doucette, Robert Dutch, Michael Giancola, Marie Oliva, Lou Wilson, Kathy Zagzebski. Sallie Riggs, Executive Director.

President Dan Doucette opened the meeting at 8:08 am.

He noted that with the new location for meetings, the Directors could go back to their 7:45 am start time, giving the Board an extra 15 minutes with a 9 am adjournment. There appeared to be a consensus to do so.

Nominating Committee: Chair Rick Carlson presented nominees for officer positions:
President: Dan Doucette
Vice President: Bob Dutch
Treasurer: Mike Giancola
Executive Committee member at-large: Joe Longo

It was MOVED, SECONDED and VOTED unanimously to election the officers as presented.

Dan reported that Liz Dean would not be returning to the Board. She is preparing to resign from her position at the bank and to move to Florida. Dan asked Rick to have the Nominating Committee recommend a replacement, preferably someone in the banking industry.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of February 10, 2016. There being none, it was MOVED, SECONDED and VOTED with one abstention to accept the Minutes as circulated.

Treasurer's Report: Treasurer Mike Giancola reported that as of March 31, 2016, the BFDC had cash assets totaling $2,797.70 and that both revenue and expenses are running pretty close to the budget. There were no expenditures in March. The sponsored links are about $400 short of the amount budgeted. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated.

Executive Director's Report:
*Wastewater Advisory Committee*: Sallie reported that the Board of Sewer Commissioners is scheduled to meet on April 26 with an agenda item pertaining to the sewer allocation granted to the potential hotel developer. There has been some sentiment within the BoSC to withdraw the allocation if the developer has not closed on the property by that date. Sallie asked if the BFDC Board wanted to be in the position of making a statement if it looked like the Commissioners were going to revoke the allocation. There followed a discussion with the result that Sallie will monitor the situation and if it looks as if the developer will be unable to meet the deadline, she will consult with the Executive Committee on whether or not to make a statement

and the content of any such statement. She was also asked to be in touch directly with the developer.

*Main Street Steering Committee*: The MSSC has submitted an application to the Town's Community Preservation Committee (CPC) for an additional $425,000 for park upgrade and restoration. The CPC has voted to endorse the application and will be sponsoring an article at Town Meeting to that effect. The MSSC is scheduled to meet with the consultants later in April to hear their design recommendations.

*Transportation Advisory Committee*: Sallie noted that there will be a public forum on the extension of the commuter train to Buzzards Bay tomorrow evening. While no details have been released, it is anticipated that the state will propose a pilot project. Sallie and others expressed concerns that the pilot is destined to fail. She asked the Board to reaffirm its previous position in favor of the commuter rail extension – there was consensus that the previous position in favor still stands and that such can be publicly stated.

*Main Street*: Sallie referred to a report by the Pinnacle Advisory Group which she had circulated earlier to the Board members. She noted concerns in the group's research and recommendations concerning Bourne and its need for hotel rooms. Marie Oliva concurred noting that the report states that she was interviewed when she was not. Sallie questioned whether the Board wanted to take a position on the report. After a discussion there was consensus that Sallie and others would look for some real data to back up a position that there is a need for more hotel rooms, and that the existing room inventory is sub-par. She agreed to do some research and make a recommendation to the Board at its next meeting.

President's Updates: Dan expanded on the Main Street Steering Committee report by noting that the MSSC needs more CPA funds because the Town has been unable to update its *Open Spaced and Recreation Plan*, a plan that must be certified by the state in order for the Town to be eligible to apply for any state or federal grants. He also noted that another group is requesting CPA funds for an "inclusive playground" for people with disabilities. It is likely to be located on Town property next to Keystone.

He also reported that the By-laws Committee will meet before the next Board meeting.

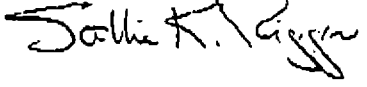
Reports/Updates from Directors: A question was asked about Keystone enrollments. Apparently the independent living units are 100% booked, assisted living is about 60% capacity and Memory Care is filling more slowly.

Bob Dutch reported that a Northeastern University study has projected that over the next six years, 1.6 million jobs that don't require a college education will become available. But the technical schools are unable to keep up with that demand. He is looking for businesses that can partner with the school to provide real workplace experiences for the UCT students.

Public Comment: There was none.

Adjourn: The meeting adjourned at 9:00 am.

Respectfully submitted,



Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial Development Corporation**

508-457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 5/4/16 5:20 pm

RECEIVED
2016 MAY -5 AM 8:22
TOWN CLERK BOURNE

**Proposed Agenda – Meeting of Board of Directors**

Date: May 11. 2016
Time: 7:45 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Call to order — President D. Doucette

Review and VOTE on Minutes from the April 13, 2016 meeting

Treasurer's Report — Asst. Treasurer M. Giancola
*Review report and VOTE on acceptance*
*Review bills due for authorization and VOTE on acceptance*

Executive Director's updates — S. Riggs
*Wastewater Advisory Committee*
*Main Street Steering Committee*
*Main Street developments*
*Bourne Development Campus*
*Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette
*By-laws committee*

Nominating Committee report — R. Carlson

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Adjourn

Sallie K. Riggs
Executive Director

**BFDC**
**Bourne Financial**
**Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 6/1/16 3:50 pm

**Proposed Agenda – Meeting of Board of Directors**

2016 JUN 1 P 3:18

TOWN CLERK'S OFFICE
BOURNE, MASS

Date: June 8, 2016
Time: 7:45 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Call to order — President D. Doucette

Review and VOTE on Minutes from the May 11, 2016 meeting

Treasurer's Report — Treasurer M. Giancola
- *Review report and VOTE on acceptance*
- *Review bills due for authorization and VOTE on acceptance*

Executive Director's updates — S. Riggs
- *Wastewater Advisory Committee*
- *Main Street Steering Committee*
- *Main Street developments*
- *Bourne Development Campus*
- *Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette
- *Meetings in summer months*
- *Update on potential by-law for October Town Meeting*

Nominating Committee report — R. Carlson

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Adjourn

Sallie K. Riggs
Executive Director

To Clerk's office 6/16/16 9:00 am

BFDC
Bourne Financial
Development Corporation

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

RECEIVED
2016 JUN 16 AM 9:16
TOWN CLERK BOURNE

**Minutes of the meeting of the Board of Directors** **DRAFT - DRAFT**
**June 8, 2016**
**Upper Cape Cod Regional Technical School**

Attending: Jeanne Azarovitch, Rick Carlson, Dan Doucette, Robert Dutch, Michael Giancola, Joe Longo, Kelly Marcimo. Sallie Riggs, Executive Director.

President Dan Doucette opened the meeting at 7:52 am. He noted the absence of a quorum and asked Sallie to begin the meeting with reports.

Executive Director's reports:

*Wastewater Advisory Committee*: The Environmental Notification Form for the proposed treatment plant has been filed and an official from MEPA will be conducting a site visit this afternoon. This is an important step in the permitting process. A ruling will be made by the end of the month. Dan reported that Peter Meier was elected chair of the Board of Sewer Commissioners last night.

The presence of a quorum was noted.

Sallie participated in a meeting with the Committee's engineers, several members of the police department, including the Chief, and the police's engineers. The topic was to understand how the Queen Sewell Park site could be shared between the treatment plant and a new police station. No decision has been made on the police station site, but there are some critical points that their engineers need to understand about the positioning of the treatment plant and subsurface disposal fields.

*Main Street Steering Committee*: The Schematic Design phase of the park planning is complete and the contract with Brown Richardson has ended. The construction phase is being developed by Weston & Sampson in a design/build manner. Construction Phase One – infrastructure, walkways, gateway – is targeted to begin in early August. These engineers/landscape architects are open to having some of the work done by Town staff, some by contract, and some by the UCT students or sheriff's crew. That will save significant amounts of money.

*Main Street developments*: The potential hotel developer and Joe Longo as project engineer met with the Wastewater Advisory Committee and shared their plans. They also discussed the court date on June 9 when the resolution of the Byron property sale is expected.

President's Updates: Dan suggested that the Board not meet during the summer months unless something urgent requires action. There was agreement on that point. Also, the starting time can be shifted back to 8 am. So the next meeting would be September 14 at 8 am, unless Board members are otherwise notified.

He also expanded on the proposed By-law to go before Town Meeting in October defining the B3 zoning. He has a copy of another town's by-law and is working with Coreen to draft one for Bourne.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of May 11, 2016. There being none, it was MOVED, SECONDED and VOTED with one abstention to accept the Minutes as circulated.

Treasurer's Report: Treasurer Mike Giancola reported that as of Mat 31, 2016, the BFDC had cash assets totaling $1,604.36, including the $1,007.09 in the restricted housing escrow account. That leaves $578.77 available for BFDC expenses. There are no outstanding bills. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated. During the discussion it was noted that restricted housing escrow funds belong to one of the renters in the former housing subsidy program. Sallie was asked to contact the condo unit's owner and see if he would be willing to donate those funds.

Nominating Committee: Rick Carlson reported that he had not been able to finalize an agreement with anyone to be proposed as a Director. Sallie noted that the next election of Directors will take place in the fall, so that if there are no summer meetings, nominations should be developed over the summer. That led to a discussion of what to do about the Annual Meeting. Kelly volunteered the Keystone location, in October, for a breakfast meeting. Jeanne, Rick, and Dan agreed to work with Sallie on planning the Annual Meeting.

Public Comment: There was none.

Adjourn: The meeting adjourned at 8:50 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 9/9/16 8:15 am

**Proposed Agenda – Meeting of Board of Directors**

Date: September 14. 2016
Time: 8:00 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

RECEIVED
2016 SEP -8 AM 9:14
TOWN CLERK BOURNE

Call to order — President D. Doucette

Review and VOTE on Minutes from the June 8, 2016 meeting

Treasurer's Report — Treasurer M. Giancola
- *Review year-end report and VOTE on acceptance*
- *Review proposed FY17 budget and VOTE on acceptance*
- *Review bills due for authorization and VOTE on acceptance*

Executive Director's updates — S. Riggs
- *Wastewater Advisory Committee*
- *Main Street Steering Committee*
- *Main Street developments*
- *Bourne Development Campus*
- *Transportation Advisory Committee - Marie Oliva*

President's updates — D. Doucette
- *Meeting schedule*
- *By-laws working group recommendation and VOTE*
- *Update on potential by-law for October Town Meeting*

Nominating Committee report — R. Carleon
- *Discussion and VOTE on nominations*

Reports/Updates from Directors (for information only, no deliberation)

Topics for Future Discussion (for information only, no deliberation)

Public Comment – non-agenda items (for information only, no deliberation)

Adjourn

Sallie K. Riggs
Executive Director

To Clerk's office 10/18/16 2:00 pm

BFDC
Bourne Financial
Development Corporation

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

RECEIVED
2016 OCT 18 PM 2:39
TOWN CLERK BOURNE

**Minutes of the meeting of the Board of Directors**
**September 14, 2016**
**Upper Cape Cod Regional Technical School**

**DRAFT - DRAFT**

Attending: Jeanne Azarovitch, Rick Carlson, Dan Doucette, Robert Dutch, Michael Giancola, Joe Longo, Marie Oliva, David Peterson, Lou Wilson, Kathy Zagzebski. Sallie Riggs, Executive Director.

President Dan Doucette opened the meeting at 8:03 am. He noted the presence of a quorum.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of June 8, 2016. There being none, it was MOVED, SECONDED and VOTED unanimously to accept the Minutes as circulated.

Treasurer's Report: Treasurer Mike Giancola reported that as of June 30, 2016, the BFDC had cash assets totaling $1,586.33, including the $1,007.52 in the restricted housing escrow account. That left $578.81 available for BFDC expenses. He noted that the year ended with a $447.96 deficit which was covered by the funds carried forward from the prior year. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated.

Mike then presented the proposed budget for FY17. As proposed, including sponsored links revenue of $1,700 and a donation of $250 (as had been received in FY16), the budget shows a $219.42 deficit which could be met if the sponsored links revenue increased another $250. A brief discussion about sponsored links followed. It was then MOVED, SECONDED and VOTED unanimously to accept the FY17 budget as proposed.

There were no outstanding bills.

Executive Director's reports:

*Wastewater Advisory Committee*: Sallie reported that the Town has submitted a grant application to the MassWorks Infrastructure program to pay for designing, permitting, purchasing, and installing a package wastewater treatment plant on Queen Sewell Park. Sallie and Project Coordinator Wes Ewell had met with the MassWorks program administrator during the summer and believe there is a good match between the Town's needs and the program's goals. Notification should come in early November. An additional application is being prepared for the federal Economic Development Administration to pay for the required mitigation. If the MassWorks grant is awarded, those funds would serve as a match for the EDA grant.

Developer Ryan Correia has finally closed on the Byron property and is planning to begin permitting this fall. He was very helpful in providing the developer information that is required in the MassWorks grant application.

*Main Street Steering Committee*: Sallie noted that on Monday there was a brief ground-breaking ceremony for the park. The Phase One work this fall will include the infrastructure and two entrances. Plantings and landscaping are on hold until the spring. The Community Preservation Committee decided not to have another round of applications this fall, so there is no more potential funding for the park until May Town Meeting.

*Main Street developments*: Dan reported that the blighted buildings on Main Street are due for demolition within the next two weeks.

*Bourne Development Campus*: Sallie reported no progress.

*Transportation Advisory Committee*: Committee Chair Marie Oliva reminded Directors of the meeting scheduled for September 21 on the potential of commuter rail coming to Buzzards Bay. She reported that the Committee is looking at ways to extend Falmouth's Shining Sea Bikeway to the Cape Cod Canal.

President's Updates: Dan introduced a discussion of Board meetings, particularly their frequency. After a brief discussion it was MOVED, SECONDED and VOTED to that Directors should keep the dates on their calendars and that meetings would be cancelled no less than one week before a scheduled meeting if there is no pressing business.

Dan then reported that the By-Laws Working Group had met and developed a recommendation for vote by the Directors concerning Directors who have potentially exceeded their three three-year terms. The recommendation had been circulated on September 6. After a brief discussion it was MOVED, SECONDED and VOTED unanimously to add a new paragraph (E.) to Article V of the BFDC By-laws:

*Article V - Board of Directors, Section 4. Terms*

*E. Any person who has completed three three-year terms may be invited to serve an additional three-year term. That person must accept the invitation and notice of the nomination of that person must be sent to Directors at least ten days in advance of the meeting that will consider the action. At the meeting, vote will be by secret ballot and a simple majority of the Directors present shall determine the outcome of the vote.*

Dan also reported that he continues to work on a proposed Town by-law change that would create a B3 district. It should be ready for consideration at the May Town Meeting.

Nominating Committee: Rick Carlson proposed the nomination of Patricia Piva as Director - her resume had been circulated in advance of the meeting with advance notice of the nomination. It was MOVED, SECONDED and VOTED unanimously to elect Ms. Piva as a Director to fill Liz Dean's spot.

Public Comment: There was none.

Adjourn: The meeting adjourned at 9:03 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial**
**Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 11/4/16 11:10 am

**Proposed Agenda – Meeting of Board of Directors and Annual Meeting of the Corporation**

Date: November 9, 2016
Time: 8:00 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

Meeting of the Board of Directors - Call to order — President D. Doucette

Report from the Nominating Committee — Chair Rick Carlson
Action: VOTE on nominees (circulated in advance) for Director and to forward to Annual Meeting for election

VOTE to suspend regular Board Meeting and Open Annual Meeting — D. Doucette

Treasurer's Report — Treasurer Michael Giancola
Minutes of last Annual Meeting — D. Doucette
Election of Directors — D. Doucette
Action: VOTE on candidates for Director
Other Business

VOTE to adjourn Annual Meeting and re-open Meeting of Board of Directors — D. Doucette

Review and VOTE on Minutes from the September 14, 2016 meeting

Treasurer's Report — Treasurer M. Giancola
*Review report and VOTE on acceptance*
*Review bills due for authorization and/or ratification and VOTE on acceptance*

Executive Director's updates — S. Riggs

President's updates — D. Doucette

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Public Comment – non-agenda items

Adjourn

Sallie K. Riggs
Executive Director

RECEIVED
2016 NOV -4 AM 11:12
TOWN CLERK BOURNE

To Clerk's office 12/9/16 1:15 pm

BFDC
Bourne Financial
Development Corporation

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

RECEIVED
TOWN CLERK BOURNE
2016 DEC -9 PM 1:37

**Minutes of the meeting of the Board of Directors** **DRAFT - DRAFT**
**November 9, 2016**
**Upper Cape Cod Regional Technical School**

Attending: Jeanne Azarovitch, Rick Carlson, Dan Doucette, Robert Dutch, Michael Giancola, Holly Knight, Joe Longo, Marie Oliva, David Peterson, Patricia Piva, Lou Wilson, Kathy Zagzebski. Sallie Riggs, Executive Director. Member: Barbara DeCicco Lawrence.

President Dan Doucette opened the meeting at 8:05 am. He noted the presence of a quorum and introduced the new Board member Patty Piva.

Nominating Committee: Rick Carlson introduced the nominees for Director: Joe Longo, Rick Carlson, Dave Peterson and Patty Piva as was circulated in advance of the meeting. It was MOVED, SECONDED and VOTED unanimously by secret ballot to forward the names of Joe Longo and Rick Carlson to the Annual Meeting for a vote. It was MOVED, SECONDED and VOTED unanimously to forward the names of Dave Peterson and Patty Piva to the Annual Meeting for a vote.

Dan then asked for a vote to suspend the Directors meeting and open the Annual Meeting. It was so MOVED, SECONDED and VOTED unanimously at 8:10 am.

At 8:18 am the Directors meeting was re-opened.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of September 14, 2016. There being none, it was MOVED, SECONDED and VOTED unanimously to accept the Minutes as circulated.

Treasurer's Report: Treasurer Mike Giancola reported that as of October 31, 2016, the BFDC had cash assets totaling $2,837.21, including the $1,008.16 in the restricted housing escrow account. That left $1,829.05 available for BFDC expenses. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated.

Mike then presented the bills for authorization. After a brief discussion it was MOVED, SECONDED and VOTED unanimously to approve payment of the bills as presented.

Executive Director's reports:

Sallie updated the Directors on several projects, including the restoration and upgrade of the Town park on Main Street and the wastewater treatment plant project at Queen Sewell Park.

President's Updates: Dan reported that he is still working on revised B3 Zoning language for the May Town Meeting. He also noted that the same Town Meeting will review and authorize additional funding for CPA projects. The Cumberland Farms project plans are still under review by the Planning Board and the hotel proposed for the Byron property should be submitting plans to the Planning Board in the next few weeks. There was a discussion about the long lead time required for projects going before the Planning Board.

Directors' Updates: Holly Knight referred to an article in the *Bourne Courier* where the MMA head had made some uncomfortable comments about Main Street and the redevelopment work. She suggested that he be invited to the next meeting. There was consensus to do so.

She also reported that the MMA enrollment is increasing and the school needs to build a new academic building and more dormitory space. This year they had 2000 applications for 485 spaces. Enrollment is now 1,650. Cadets are living on the ship and at the Bay Motor Inn.

Bob Dutch reported that the solar canopies at the parking lot are just about complete. Fifty percent of the power will go to the Bourne Recreation Authority. He also noted that the school is in the permitting process for a new building that would house an HVAC technical program – the only one in the region – to meet a need for trained service personnel.

Public Comment: There was none.

Adjourn: The meeting adjourned at 8:50 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director

**BFDC**
**Bourne Financial**
**Development Corporation**

508 457-5305 www.bfdconline.org
P.O. Box 289, Buzzards Bay, MA 02532-0289

To Clerk's office 12/9/16 9:20 am

**Proposed Agenda – Meeting of Board of Directors**

Date: December 14, 2016
Time: 8:00 am
Location: Upper Cape Cod Regional Technical School

***NOTE: Any item specifically listed on this agenda may be subject to a vote.***

RECEIVED
2016 DEC -9 AM 9:20
TOWN CLERK BOURNE

Call to order — President D. Doucette

Discussion with Adm. Francis McDonald, Massachusetts Maritime Academy

Report from the Nominating Committee — Chair Rick Carlson
Action: VOTE on nominees for Officers of the Board

Review and VOTE on Minutes from the November 9, 2016 meeting

Treasurer's Report — Treasurer M. Giancola
*Review report and* VOTE *on acceptance*
*Review bills due for authorization and/or ratification and* VOTE *on acceptance*

Executive Director's updates — S. Riggs

President's updates — D. Doucette

Reports/Updates from Directors

Topics for Future Discussion (for information only)

Public Comment – non-agenda items

Adjourn

Sallie K. Riggs
Executive Director

To Clerk's office 12/16/16 1:45 pm

BFDC
Bourne Financial
Development Corporation

RECEIVED

508 457-5305 www.bfdconline.org
P. O. Box 289, Buzzards Bay, MA 02532-0289

2016 DEC 16 PM 2:16
TOWN CLERK BOURNE

**Minutes of the meeting of the Board of Directors** **DRAFT - DRAFT**
**December 14, 2016**
**Upper Cape Cod Regional Technical School**

Attending: Jeanne Azarovitch, Rick Carlson, Dan Doucette, Robert Dutch, Chris Farrell, Michael Giancola, Holly Knight, Joe Longo, Kelly Marcimo, Marie Oliva, Patricia Piva, Kathy Zagzebski. Sallie Riggs, Executive Director.

President Dan Doucette opened the meeting at 8:03 am. He noted the presence of a quorum. He introduced Admiral Francis McDonald, President of the Massachusetts Maritime Academy. Adm. McDonald discussed his vision of Buzzards Bay as a "thriving college town" and noted that the school needs to add about 200 beds. He has asked the state college building authority to do a study of how to meet that need. His suggestion is to build a building downtown that would house college students in suites, four to a suite, two in each of two rooms with a central space. With that configuration, the rooms could be rented in the summer months as tourist suites. He also thinks a sports complex would be a draw, as would a sports bar/restaurant.

Nominating Committee: Nominating Committee Chair Rick Carlson put into nomination the following slate of officers:

President: Dan Doucette
Vice President: Bob Dutch
Treasurer: Michael Giancola
Executive Committee member at-large: Joe Longo

There being no nominations from the floor, the slate of officers was MOVED, SECONDED and VOTED unanimously as presented.

Minutes: Dan asked for any additions or changes to the Minutes of the meeting of November 9, 2016. There being none, it was MOVED, SECONDED and VOTED unanimously to accept the Minutes as circulated.

Treasurer's Report: Treasurer Mike Giancola reported that the year-to-date actual is running ahead of the year-to-date budget. And that, as of November 30, 2016, the BFDC had cash assets totaling $2752.22, including the $1,008.36 in the restricted housing escrow account. That left $1,744.195 available for BFDC expenses. It was then MOVED, SECONDED and VOTED unanimously to accept the Treasurer's report as circulated. There were no bills for authorization.

Executive Director's reports:

*Wastewater Advisory Committee*: Sallie reported that, due to the choice of Queen Sewell Park for the new police station and the fact that the consultants have raised the costs associated with building the treatment plant, the construction schedule will have to be pushed back 6-12 months. In addition, a Town Meeting vote will be required to authorize a bond to make up the difference between grants and actual costs. The Committee will sponsor a workshop on the District Improvement Finance program sometime after the first of the year. The Cape Cod Commission has agreed to prepare a municipal impact study so that the Committee will have data on the benefits of building the new facility.

*Main Street Steering Committee*: At the park on Main Street, the General Contractor has completed the work for this season. He will resume in the spring – mid-March if the weather is

good, or April. Even after the contractor's work is done, the project will still be a "work in progress" and more funds will be needed to complete the restoration and upgrade project. The park project will be requesting more CPA funds and has been invited to meet with the Capital Outlay Committee to discuss possible Town funding. Additionally, the park project will require a Town Meeting vote to authorize spending in order to qualify for a state grant.

President's Updates: Dan reported that he is still working on revised B3 Zoning language for the May Town Meeting The Cumberland Farms project plans are still under review by the Planning Board.

Directors' Updates: Marie Oliva noted that the third bridge concept is off the table based on a report by state transportation planners. Dan reported that the resort proposed for the Bourne Rotary area will not go forward - the company did not want to go through Commission review.

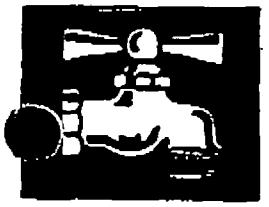
Public Comment: There was none.

Adjourn: The meeting adjourned at 9:05 am.

Respectfully submitted,

Sallie K. Riggs

Sallie K. Riggs, Executive Director



# BOURNE WATER DISTRICT

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

2016 JAN 7 PM 3 08

TOWN CLERK'S OFFICE
BOURNE, MASS

## MEETING NOTICE
## BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## January 13, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the December 9, 2015 meeting
DECEMBER Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Water Main Installation – Arbutus rd.
2. Request for Merit Raise – Shayne Lydon
3. Preliminary Budget discussion

SUPERINTENDENT'S REPORT

Immediately following the Commissioner's meeting there will be a meeting of the Bourne Water District OPEB Trustees

To Town Clerk Please Post: Faxed1/7/2016 at 3:10 PM

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
## JANUARY 13, 2016

GOING TO BE 4 DAYS BUT DUE TO SOME COMPLICATIONS IT WAS TWO WEEKS RIGHT IN THE MIDDLE OF BILLING AND THE TAX RATE RECAP. WHEN THE BILLING CLERK IS OUT THE TREASURER HAS TO DO ALL THE DAY TO DAY WORK THE BILLING CLERK WOULD NORMALLY DO AND THERE IS VERY LITTLE TIME TO DO THE TREASURER WORK, WHICH YOU NEED TO BE ABLE TO CONCENTRATE ON WITHOUT CONSTANT INTERUPTION. WHEN THE TREASURER IS OUT THEN YOU ONLY HAVE ONE PERSON TO ANSWER PHONES, DO TRANSFERS, METER CHANGES AND DEAL WITH ANY ISSUES REGARDING BILLING QUESTIONS, EMERGENCIES AND CUSTOMER WALK-INS WITH NO SECOND PERSON TO BACK HER UP WHEN IT IS BUSY. HAVING ONLY ONE PERSON IN THE OFFICE AT TIMES IS VERY INEFFICIENT AND LEADS TO MISTAKES.

2016 FEB 11 AM 9 49
TOWN CLERK'S OFFICE
BOURNE, MASS

SHE STATED THAT THE PRELIMINARY BUDGET INCLUDES A NEW PERSON AND SHE WOULD LIKE THE BOARD TO CONSIDER APPROVING THAT BEFORE THE BUDGET IS FINALIZED. THE BOARD STATED THAT THEY WOULD CONSIDER HER REQUEST AND DISCUSS IT AT THE NEXT MEETING. SHE STATED THAT THE COST OF LIVING HAS NOT RISEN IN 2015 ACCORDING TO THE BUREAU OF LABOR STANDARDS AND SHE HAD ILLUSTRATED THE PAYROLL BUDGET WITH NO INCREASE AS WELL AS WITH A 1% INCREASE.

SHE STATED THAT IN THE OFFICE BUDGET SHE WOULD REQUEST AND INCREASE IN THE EQUIPMENT LINE FROM 5K TO 8K BECAUSE THE COPY MACHINE NEEDS TO BE REPLACED. IT WAS PURCHASED IN 2005 AND WE CAN NO LONGER GET IT SERVICED AS PARTS ARE NO LONGER AVAILABLE. WE HAVE BEEN HAVING ISSUES WITH IT OVER THE PAST YEAR BUT HAVE BEEN HOLDING OFF AS LONG AS POSSIBLE TO REPLACE IT. SHE HAS ALSO INCREASED THE DOT TESTING/PHTSICAL LINE FROM 1K TO 2K AS WE HAVE MORE CDL CERTIFIED DRIVERS.

IN THE PUMPING STATION BUDGET THE ONLY INCREASE WOULD BE IN THE BUILDING MAINTENANCE BUDGET FROM 6K TO 10K IN ORDER TO DO A REWIRE AT THE BACK GARAGE AT STATION 1AS THE SERVICE NEEDS TO BE UPGRADED BECAUSE WHEN YOU TURN ON THE LIGHT THEN TURN ON THE WELDER IT BLOWS THE CIRCUIT.

MR. PROPHETT WOULD LIKE TO DOUBLE THE HYDRANT PARTS BUDGET FROM 15K TO 30K AS WE HAVE COMPLETED 300 HYDRANTS BUT HAVE 700 YET TO BE SERVICED. HE IS REQUESTING 35K FOR A NEW TRUCK TO REPLACE THE 2004 TRUCK. AS DISCUSSED PREVIOUSLY THE VDF MOTORS NEED TO BE REPLACED AND HE HAS BUDGETED 25k FOR THAT PURPOSE. THIS YEAR WE HAVE THE PUMP INSPECTION AND REPAIR AT STATION 3 AND HE WOULD LIKE THE PUT THE SAME AMOUNT, 15K, TO INSPECT AND REPAIR STATION 4 PUMP IN FY17.

MRS. WARD STATED THAT THE RATES FOR THE INSURANCES HAVE NOT COME OUT YET.

THE DISCUSSION WAS TABLED UNTIL THE NEXT MEETING WHEN MORE FINALIZED NUMBERS ARE AVAILABLE.

Superintendents Report - 13 January 2016

We have had the h2o software cloud reporter for almost 2 months and my feelings are that I cannot justify to myself and especially to the board the cost of $2900.00 a year. The biggest problem I have is not everyone tried or even weighed an opinion. I feel like if everyone had used it and said we could benefit from it's uses then I would be at a different place.

2016 FEB 11 AM 9 49
TOWN CLERK'S OFFICE
BOURNE, MASS

The Board suggested he insist on the men using the software for the remainder of the trial period to get a better picture of it's benefits, if any.

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
# JANUARY 13, 2016

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE COMMISSIONERS APPROVED AND SIGNED THE MINUTES OF THE DECEMBER 9, 2015 MEETING AND THE DECEMBRR COMITTMENT, THE ABATEMENT LIST AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT IT WAS HIS INTENTION TO REPLACE THE 2" MAIN ON ARBUTUS ST. WITH A 6" MAIN. THERE ARE TWO HOUSES ON ARBUTUS ST. SERVED OFF OF A SINGLE 2" SERVICE LINE. THERE IS A 6" GATE AND AND 8" GATE ON HIGHLAND AVE. WE CAN CONNECT TO. THE DISTANCE IS 370' AND WE HAVE THE MAJORITY OF PIPE IN STOCK, CLEANED AND READY FOR INTALLATION. WE WOULD ONLY NEED TO BUY 90' AT 3.25/FOOT SO WE COULD DO THE JOB FOR $300.00 THIS WOULD CREATE A MUCH BETTER FLOW FROM BEACH TO BURTONWOOD TO HIGHLAND. HE WANTED THE BOARD INVOLVED IN THE DECISION BECAUSE HE OWNS ONE OF THE HOUSES ON ARBUTUS ST. AND DOES NOT WANT IT TO APPEAR THAT HE IS DOING THIS FOR HIS OWN BENEFIT.

MR. WAY ASKED WHAT CAUSED HIM TO DECIDE TO DO THIS. MR. PROPHETT STATED THAT THIS IS ONE OF THE JOBS ALONG WITH MARJORIE RD. AND MYSTERY LANE THAT HAVE BEEN ON THE BACK BURNER FOR A LONG TIME. THE 2' SERVICE LINE RESTRICTS THE FLOW TO THE OTHER ROADS IN THE AREA AND THEY WOULD ALL BENEFIT WITH BETTER FLOW AND WATER QUALITY WITH AN INCREASE IN SIZE ON ARBUTUS.

MR. LYONS ASKED ABOUT THE LOCATIONS OF HYDRANTS IN THE AREA AS WELL AS THE DISTANCES BETWEEN THEM AND STATED HE FELT MR. PROPHETT SHOULD DO A SURVEY OF THAT BEFORE THEY STARTED TO INCREASE THE SIZE ON ARBUTUS. THAT WAY WE CAN INCORPORATE THE INCREASE IN FIRE FLOW AT THE SAME TIME.

AFTER SOME DISCUSSION THE BOARD DECIDED TO HAVE MR. PROPHETT DO A SURVEY OF THE AREA AND HYDRANTS AND PRESENT A MAP OF THE AREA SHOWING THE BENEFITS OF DOING THE MAIN REPLACEMENT AT THE NEXT MEETING.

MR. PROPHETT ASKED THE BOARD TO CONSIDER A .50 PER HOUR RAISE FOR SHAYNE LYDON. HE HAS NOT RECEIVED A MERIT INCREASE IN OVER A YEAR AND IN THAT TIME HAS PASSED HIS D-2 CLASS. HE HAS USED HIS ELECTRICAL KNOWLEDGE TO WIRE THE NEW GENERATOR AND HAS REPLACED ALMOST ALL THE OLD WIRING IN THE OFFICE WITH ONLY SEVERAL HOURS TO COMPLETION. HE HAS BEEN DOING A LOT OF WORK AT THE STATIONS DOING PROJECTS THAT HAVE FALLEN BEHIND.

THE BOARD VOTED UNANIMOUSLY TO ALLOW THE .50/HOUR RAISE FOR MR. LYDON.

MRS. WARD GAVE THE BOARD A COPY OF THE PRELIMINARY BUDGET AND ASKED THEM TO RE-VISIT HER REQUEST FOR A NEW FULL TIME EMPLOYEE IN THE OFFICE. SHE STATED THAT ALTHOUGH SHE PRESENTED THE REQUEST LAST MONTH , CITING THAT FACT THAT WE NEEDED TO TRAIN PEOPLE BEFORE SHE AND KATHY RETIRED THERE IS MUCH MORE TO THE ISSUE THAN THAT. SHE STATED THAT SET UP WE HAVE NOW WITH 2 FULL TIME EMPLOYEES AND A 9 HOUR A WEEK EMPLOYEE WAS STARTED IN THE 1980'S WHEN WE HAD 3,000 ACCOUNTS. WE NOW HAVE OVER 6,000 ACCOUNTS AND THE WORK LOAD HAS INCREASED. WE DO NOT HAVE THE PROPER COVERAGE IN THE OFFICE IN THAT WHEN 1 FULL TIME PERSON IS OUT ON VACATION OR EXTENDED SICK LEAVE IT LEAVES THE OTHER FULL TIME EMPLOYEE TO DO BOTH JOBS AND IT IS WAY TOO MUCH FOR ONE PERSON. WHEN KATHY WAS OUT FOR HER SURGERY WE THOUGHT IT WAS

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
JANUARY 13, 2016

I am in the process of working on the ASR and the CCR for this year so it has been hectic but in A good way. I have one part of the ASR left I am just waiting on some numbers from the fire dept. and the town. The CCR I am just starting but I don't see any problems with being done in a timely manner.

Just an update on solar they have completed the tree and site work they are getting ready to start installing the racking, hopefully by weeks end.

We have monies left in the tool line item. I would like to buy a hydraulic seat wrench for fire hydrants it should run around $9000 to $10,000. We over the course of the 300 hydrants repaired this year came across 6 that we replaced because we could not get them apart to repair. Just a cost analysis that cost was $12,000 in hydrants. We had Stanley out last week to demo the hydraulic wrench on a hydrant we could not get apart with two guys. In just over 1/2 an hour the hydrant was repaired and back in service. This tool would be a big benefit and time saver.

After some discussion the Board agreed to let him purchase the tool.

MR. HANDY MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 10:00 AM.

MR. HANDY CALLED THE BOURNE WATER DISTRICT OPEB TRUSTEES MEETING TO ORDER. PRESENT, TRUSTEES BRIAN HANDY PETER WAY AND NANCY WARD.

MRS. WARD GAVE THE REST OF THE BOARD A BREAKDOWN IN ACTIVITY SINCE THE INCEPTION OF THE TRUST IN APRIL, 2014. THE TOTAL VALUE OF THE TRUST AS OF 12/31/2015 IS $125,901.44 WHICH REFLECTS A GAIN OF $ 901.44 AFTER PRINCIPAL INCREASES. SHE STATED THAT ALTHOUGH SHE WAS HOPING THE VALUE WOULD BE HIGHER WE JUST HAD A MAJOR HIT IN THE MARKET AND IF IT WAS IN A REGULAR ACCOUNT RATHER THAN THE TRUST THE INTEREST WOULD HAVE BEEN ROUGHLY HALF OF WHAT THE TRUST HAS REALIZED.

MR. HANDY MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 10:10 AM.

RESPECTFULLY SUBMITTED,

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

# BOURNE WATER DISTRICT

2016 FEB 11 AM 8 24
TOWN CLERK'S OFFICE
BOURNE, MASS

**NOTICE TO THE REGISTERED VOTERS OF THE TOWN OF BOURNE RESIDING WITHIN THE BOUNDARIES OF THE BOURNE WATER DISTRICT**

NOMINATION PAPERS ARE AVAILABLE AT THE OFFICE OF THE BOURNE WATER DISTRICT:

BOURNE WATER DISTRICT
211 BARLOWS LANDING RD.
P.O. BOX 1447
POCASSET, MA 02559-1447
508-563-2294

FOR THE OFFICE OF:

**WATER COMMISSIONER FOR A THREE YEAR TERM**

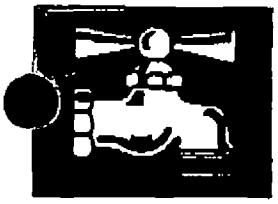
**ELECTION TO BE HELD ON MONDAY, APRIL 25, 2016 AT THE JAMES F. PEEBLES ELEMENTARY SCHOOL, 70 TROWBRIDGE ROAD, BOURNE, MA FROM 5:00PM TO 7:00 PM**

LAST DAY TO OBTAIN NOMINATION PAPERS IS MARCH 4, 2016.

LAST DAY TO SUBMIT NOMINATION PAPERS WITH THE BOURNE WATER DISTRICT CLERK FOR CERTIFICATION OF VOTER REGISTRATION IS MARCH 7, 2016.

LAST DAY TO REGISTER TO VOTE WITH THE BOURNE TOWN CLERK FOR PARTICIPATION IN THIS ELECTION IS APRIL 5, 2016.

ABSENTEE BALLOT APPLICATIONS ARE AVAILABLE AT THE BOURNE WATER DISTRICT OFFICE



# BOURNE WATER DISTRICT

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

## MEETING NOTICE
## BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## February 11, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the January 13, 2016 meeting
JANUARY Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS
1. Request for abatement – Gomes 49 Lake Dr.
2. Budget discussion

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 2/5/2016 at 10:15 AM

2016 FEB 5 AM 11 35
TOWN CLERK'S OFFICE
BOURNE, MASS

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
# FEBRUARY9, 2016

THE MEETING WAS DULY POSTED

2016 MAR 9 AM 11 28
BOURNE, MASS

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT COMMISSIONERS BRIANCE HANDY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT

MR. PROPHETT GAVE THE BOARD A LETTER FROM DARREN GOMES (attached) REQUESTING AN ABATEMENT OF A $60.00 FROZEN METER CHARGE. HE STATED THAT MR. GOMES HAD COME IN AFTER HE HAD GOTTEN THE INVOICE TO EXPLAIN THE SITUATION. WE HAD CHANGED HIS METER FOR REGULAR METER MAINTENANCE THE END OF SEPTEMBER AND HE STATED AT THAT TIME HE WAS TOLD BY THE SERVICEMEN NOT TO USE THE FIBERGLASS INSULATION TO PROTECT HIS METER WHICH HE HAD ALWAYS DONE IN THE PAST WITH NO ISSUES. AFTER SPEAKING TO THE MEN THEY SAID THEY TOLD HIM TO USE HEAT TAPE BUT DID NOT SAY NOT TO USE INSULATION. I THINK IT WAS A MISUNDERSTANDING AND WE SHOULD ABATE THE CHARGE. MRS. WARD STATED HT WE WENT TO READ THE METER AFTER THE LEAK AND ONLY 252 GALLONS WAS REGISTERED BY THE METER.

AFTER SOME DISCUSSION THE BOARD VOTED UNANUMOUSLY TO ABATE THE FROZEN METER FEE AS WELL AS ANY CHARGE FOR THE WATER. THE BOARD DID ASK MRS. WARD TO UPDATE THE RULES AND REGULATIONS UNDER THE METER PIT SECTION TO STATE THAT FOR PROPERTIES BUILT BEFORE THE ABOVE REGULATIONS WENT INTO EFFECT, WHERE THE METER IS NOT WELL PROTECTED, IT IS THE OWNERS RESPONSIBILITY TO PROTECT THE METER AND HEAD FROM FREEZING. SHOULD THE METER BREAK DUE TO FREEZING IT WILL BE REPAIRED OR REPLACED AT THE OWNER'S EXPENSE.

MRS. WARD GAVE THE BOARD COPIES OF THE BUDGET REVISED SINCE THE LAST MEETING AND STATED THAT THE NEW RATES FOR MEDICAL INSURANCE WERE SET AND REFLECTED IN THE BUDGET. SHE EXPLAINED THE CHANGES IN THE PRELIMINARY BUDGET SINCE THE LAST MEETING. SHE INCREASED THE OFFICE EQUIPMENT FROM 8K TO 9K BECAUSE AS WELL AS A NEW COPY MACHINE SHE NEEDS TO REPLACE A PORTION OF HER DESK FURNITURE BROKEN WHEN ELECTRICAL WORK WAS BEING DONE. SHE STATED THAT THE GENERAL FIRE AND LIABILITY INSURANCE WAS INCREASE FROM 30K TO 31.5K WHICH WAS THE PROPOSED 5% INCREASE AND THE VEHICLES WAS INCRESED 5% AS WELL FROM 15K TO 16K. THE WORKERS COMP HAS GONE DOWN THIS YEAR WITH A DROP FROM 28K TO 17K DUE TO A BETTER EXPERIENCE MODIFICATION NOW THAT THE TIME PERIOD WE WERE CHARGED FOR THE MCCLAIN INCIDENT IS OVER.

SHE STATED THAT WITH THESE CHANGES AND INCLUDING THE NEW EMPLOYEE THE BUDGET WAS AT $2,075,900. LEAVING $210,818. UNEXPENDED. SHE STAED THAT SHE FELT WE SHOULD ADD $25K TO THE METER BUDGET, WHICH ACCORDING TO MR. PROPHETT WOULD BRING US VERY CLOSE TO A COMPLETE CHANGEOVER, AND $15K TO THE ALREADY INCREASED HYDRANT BUDGET AS WELL AS INCREASE THE BUDGET AMOUNT GOING INTO STABILIZATION FUND FROM $45K TO $145K WHICH WOULD BRING US BACK TO WHERE WE WERE BEFORE THE SALTMARSH LANE PROJECT. THIS WOULD LEAVE $70,818. UNEXPENDED.

MRS. WARD STATED THE BOARD NEEDED TO DECIDE IF WE COULD HIRE A NEW OFFICE PERSON AND WHAT IF ANY COST OF LIVING THEY WERE WILLING TO APPROVE.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO GO ALONG WITH HER RECOMMENDATIONS AND ALLOW THE CHANGES TO THE PRELIMINARY BUDGET AS WELL AS HIRE A NEW OFFICE PERSON AND ALLOW A 1% COST OF LIVING. THEY RESERVED FINAL APPROVAL OF THE BUDGET UNTIL NEXT MONTH WHEN THE WHOLE BOARD WAS PRESENT.

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
# FEBRUARY9, 2016

**SUPERINTENDENTS REPORT**

I was asked at the last meeting to look into hydrant placement around the area in Monument Beach we took some time to look at this area we found that from Brooks Rd. fire hydrant to the next hydrant on Water St. is 495' and from that hydrant to the last one in the area on North Beach Blvd. is under 400'. I still believe that this is a necessary upgrade to our system and to the question of fire flow in this area by connecting any two mains together that are not already connected you will increase fire flow. This street is short and worth the time and will benefit all in this area. The Board agreed.

I on Monday followed the guidance of the state and the town and gave the guys the day off because of the blizzard that hit on Monday morning. It appears that I might have made the wrong call in some people's minds. I stand by what I did and would like to ask what you think protocol should be in these instances so we can be on the same page. I have always said that I will be honest about the going-ons here. My decision was based on safety for the men and the district so I believe I was justified in calling the day.

After some discussion on the issue the Board left the decision up to Mr. Prophett in regards to closing for weather events that would put our employee's safety at risk by being out on the roads.

Mr. Prophett stated that he had met with Ben Gregson and several other from the military group and DEP regarding perchlorate sampling and the military monitoring wells. They presented maps of the western boundary and graphs showing test results. They stated that they have had no positive hits of perchlorate since 2008 and would like to discontinue sampling the 800 monitoring wells in the area as of the last test in June, 2015. DEP is agreeable to that but looking at the graphs I noticed a up kick of perchlorate from .001ppb to .01 ppb in one area and asked for 1 more round of samples on the monitoring wells around stations 1,3,4 and 6.

They have asked if we wanted to keep any of the wells at no cost. DEP stated that even if we kept some of them they would not require us to test them or report results. They also stated that if they turned the wells over it would not take responsibility for remediation away from the military if there were hits in the future.

They will do one more round in that area in June, 2016 and I told them when we got the results I would bring the issue before the Board.

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
# FEBRUARY9, 2016

THE MEETING ADJOURNED AT 9:40 A.M.

RESPECTFULLY SUBMITTED

NANCY WARD
DISTRICT CLERK

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

Documents:

LETTER FROM DARREN GOMES

**BOURNE WATER DISTRICT**

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

2016 MAR 3 AM 9 06
TOWN CLERK'S OFFICE
BOURNE, MASS

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## March 09, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the February 11, 2016 meeting
FEBRUARY Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS
1. Policy for Main and House Service Installation
2. Budget approval
3. Solar update

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 3/3/2016 at 9:00 AM

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
MARCH 9, 2016

RECEIVED

2016 APR 12 AM 11:01

TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT COMMISSIONERS BRIAN HANDY,PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE BOARD APPROVED THE FEBRUARY COMMITMENT AND ABATEMENT LIST AND SIGNED THE WEEKLY WARRANT.

MR. PROPHETT GAVE THE BOARD COPIES OF THE OLD POLICY FOR MAIN AND HOUSE SERVICE INSTALLATION MARKED UP WITH THE CHANGES HE FELT WERE NECESSARY TO UPDATE THE POLICY. HE STATED THAT WE HAVE SEVERAL NEW PROJECTS GOING FORWARD AND WOULD LIKE TO HAVE THE POLICY IN PLACE BEFORE THEY APPLY FOR SERVICE.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO APPROVE THE CHANGES BUT WOULD LIKE TO SEE THE REVISED POLICY AT THE NEXT MEETING AT WHICH TIME THEY WILL VOTE ON APPROVAL.

MRS. WARD GAVE THE BOARD COPIES OF THE BUDGET REVISED SINCE THE LAST MEETING. SHE EXPLAINED TO MR. WAY, WHO WAS NOT PRESENT AT THE LAST MEETING THAT THE BOARD HAD DECIDED TO ALLOW HER TO HIRE A NEW OFFICE EMPLOYEE. THE BOARD ALSO DECIDED TO ADD 25K TO THE METER BUDGET AND 15K TO THE ALREADY INCREASED HYDRANT BUDGET AS WELL AS INCREASE THE STABILIZATION APPROPRIATION TO 145K.. THE COST OF LIVING WAS APPROVED AT 1%. THIS WOULD LEAVE $65,818. UNEXPENDED.

MRS. WARD STATED THE BOARD WANTED TO WAIT UNTIL THE FULL BOARD WAS PRESENT TO VOTE ON ACCEPTING THE BUDGET FOR FY17.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO APPROVE THE BUDGET AS PRESENTED AND SIGNED THE ANNUAL MEETING WARRANT.

MR. PROPHETT STATED THAT THE SOLAR ARRAY IS MOVING FORWARD SLOWLY. THE SCREWS ARE IN THE GROUND BUT NOTHING MORE HAD BEEN ACCOMPLISHED SINCE THEN. THERE WAS A PROBLEM WITH NSTAR IN THAT THEY WOULD NOT ALLOW BEAUMONT TO USE THE POLE OWNED BY BOURNE WATER DISTRICT TO GET POWER TO THE SITE, BUT INSISTED THAT 13 MORE POLES BE INSTALLED TO GET POWER TO THE 3 PHASE LEG.

## SUPERINTENDENTS REPORT

I have submitted the 2015 CCR and posted it to all locations. The only bad point in the CCR was the copper level, everything else in the report is showing that the system is working very well. On the copper issue we have been looking into fixes for the problem and it seems that the fix will be to increase lime to raise the Ph of the water. This in turn should cure the high copper readings and put us back in good shape. I will keep you informed of the new results as soon as I do the next round of testing.

The crew is working very hard at getting all the equipment and grounds cleaned up and back to Bourne Water standards. All the equipment has been serviced and is working like the day we got it which has been a big problem in the past. I take this side of the job very seriously because in the past it has been, when it breaks now lets fix it mentality, which was sent down from the top and I believe that we purchase nice equipment and I would like it to stay that

way. Nothing is more aggravating or time consuming as to show up to a job and not have what you need to do the work.

I just want you to know that this week has been a mess for me. I have been in and out all week because I lost my father last Friday after a long battle with his heart problems and failing health. He had been in 4 hospitals and 3 rehabs. He ended up at Royal Megansset and passed on Friday morning. I am trying to keep a cool head and I am still attending to all my duties but I have taken a few days to try to grieve this loss. I am still checking in and everything is going well.

THE MEETING ADJOURNED AT 9:10 A.M.

RESPECTFULLY SUBMITTED

Nancy Ward

NANCY WARD
DISTRICT CLERK

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

RECEIVED
2016 APR -5 PM 4:10
TOWN CLERK BOURNE

**BOURNE WATER DISTRICT**

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## April 12, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the March 09, 2016 meeting
MARCH Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Final Approval - Policy for Main and House Service Installation
2. Request for abatement – Noble 7 Sherry Ln After hours service
3. Request for Abatement – Young 7 Agawam Point Rd. Broken Pipe
4. Solar update - Eversource easement
5. Possible Land Purchase – Special District Meeting

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 4/5/2016 at 4:00 PM

RECEIVED
2016 MAY 10 AM 10: 15
TOWN CLERK BOURNE

# BOURNE WATER DISTRICT
# COMMISSIONERS MEETING APRIL 12, 2015

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT: COMMISSIONERS PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE BOARD SIGNED THE MINUTES OF THE MARCH 9, 2016 COMMISSIONERS MEETING, MARCH COMITTMENT AND ABATEMENT LIST AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT HE HAD MADE THE CHANGES TO THE BWD REQUIREMENTS AND SPECIFICATIONS FOR WATER MAIN INSTALLATION AND HOUSE SERVICE INSTALLATION THAT THE BOARD HAD REQUESTED AT THE LAST MEETING AND WAS ASKING THE BOARD TO APPOVE THE NEW SPECS.

MR. LYONS SUGGESTED THAT ON PAGE 4 THE SECOND SECTION BE CHAGED TO SINGLE HOMES OVER 100 FEET AND THAT IT BE DETAILED THAT IT BE DETAILED THAT THE PROPERTY OWNER WOULD BE RESPONSIBLE TO PURCHASE THE METER PIT REQUIRED FOR A 1 ½" METER. HE SAID HE FELT ON PAGE 6 IT SHOULD BE ADDED TO THE DISINFECTION SECTION THAT ANY CONTRACTOR PERFORMING THE DISINFECTION OF NEW MAINS BE APPROVED BY THE BOURNE WATER DISTRICT. MR. WAY AGREED WITH THE CHANGES AND THE BOARD DECIDED TO WAIT UNTIL THE NEXT MEETING, AFTER THE CHANGES WERE MADE, TO APPROVE THE SPECIFICATIONS.

MRS. WARD PRESENTED A LETTER FROM DAVID YOUNG (attached) OF 7 AGAWAM POINT RD. MR. YOUNG HAD A BROKEN PIPE AT THE PROPERTY, WHICH AFTER PROFILING THE METER, USED 140,000 GALLONS OF THE 166,000 GALLONS HE WAS CHARGES FOR HIS MARCH, 2016 BILL. HE WAS REQUESTING THE BOARD CONSIDER AN ABATEMENT FOR THE WATER USED DUE TO THE LEAK.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ABATE ½ OF THE WATER USED OR 70,000 GALLONS WHICH GAVE HIM AN ABATEMENT OF $192.50.

MRS. WARD GAVE THE BOARD A LETTER FROM JACK NOBLE (attached) REQUESTING AN ABATEMENT OF THE AFTER HOURS SERVICE CHARGE HE WAS INVOICED AFTER HE CALLED THE ANSWERING SERVICE ON SATURDAY, DEC. 5, 2015 FOR SERVICE WHEN HE NOTICED HIS CURBSTOP WAS LEAKING. HE FELT HE SHOULD HAVE BEEN TOLD THERE WAS A CHARGE FOR THE SERVICE AND THOUGHT THE CURBSTOP WAS THE DISTRICT'S RESPONSIBILITY.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ALLOW A ONE TIME ABATEMENT OF ½ OF THE SERVICE CHARGE REPRESENTING $65.00AND EXPLAIN THAT EVERYTHING INCLUDING THE CURBSTOP AND THE SERVICE LINE INTO THE HOUSE IS THE HOMEOWNER'S RESPONSIBILITY. THE BOARD ALSO ASKED MR. PROPHETT TO MAKE SURE THE ON CALL SERVICE PERSON MAKE THE CUSTOMER AWARE THERE WOULD BE A CHARGE FOR SERVICE.

MR. PROPHETT STATED THAT APPROX. 1,000 PANELS OF THE 2,100 HAD BEEN INSTALLED AT THE ARRAY. THEY ARE WORKING ON THE TRENCHING AND THE CONDUIT. HE STATED THE PROJECT MANAGER FROM IGS CONTACTED HIM ABOUT GETTING THE FENCE INSTALLED AS SOME EXPENSIVE EQUIPMENT WOULD BE INSTALLED SOON. I CALLED DICK CONCANNON AND HE CONTACTED IGS TO SET UP THE PLANS FOR THE FENCE INSTALLATION.

MRS. WARD STATED THAT NSTAR SENT AN EASEMENT THAT THE BOARD HAS TO DECIDE WHETHER TO GRANT FOR ACCESS TO THE SOLAR ARRAY AREA. ATTORNEY O'CONNOR SAID THE EASEMENT WAS STANDARD AND THE BOARD SHOULD GO FORWARD.

BOURNE WATER DISTRICT
COMMISSIONERS MEETING APRIL 12, 2015

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO GRANT AND SIGN THE EASEMENT.

MRS. WARD STATED THAT THE LAST ITEM ON THE AGENDA WAS THE POSSIBLE LAND PURCHACE FOR WELL FIELD PROTECTION. MR. LYONS MADE A MOTION THAT THE MEETING CONTINUE IN EXECUTIVE SESSION CITING THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE NEGOTIATION POSITION OF THE BOURNE WATER DISTRICT. A ROLL CALL VOTE WAS CALLED AND BOTH MR. LYONS AND MR. WAY VOTED TO GO FORWARD IN ECECUTIVE SESSION AND THE MEETING WOULD RECONVENE IN OPEN SESSION AT THE END OF THE EXECUTIVE SESSION.

THE EXECUTIVE SEESION ENDED AT 10AM AND THE OPEN SESSION RECONVENED.

SUPERINTENDENTS REPORT

Superintendents Report - 12 April 2016

Nancy and I had a joint meeting with the crew in regards to a few different items. Nancy told them about retirement and went over the chart and also AFLAC and the 457 plans. I went over some of the issues I could see becoming a problem and this meeting I believe went very well.

Just to update the Board I went and met with the Wings Neck Trust on Saturday informally to answer some questions about if the District would possibly allow water to be brought out to the neck. I told them that this is a Board decision and I would not speak for the Board. I told them also that this would be all on them they if approval was given, they would have to hire a contractor to do all the installation and we would work with them on what we would like to see.

Thank you for all your support.

MR. LYONS MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 10:30 AM.

RESPECTFULLY SUBMITTED,

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

MICHAEL R. LYONS

PETER R. WAY

RECEIVED
2016 APR 20 PM 2:50
TOWN CLERK BOURNE

**BOURNE WATER DISTRICT**
211 Burlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## April 25, 2016
## 6:45 P.M.

J.F. Pebbles School
70 Trowbridge Rd. Bourne, MA

AGENDA

NEW BUSINESS

1. Possible Land Purchase

To Town Clerk Please Post: Faxed 4/20/2016 at 3:00 PM
posted on website

# BOURNE WATER DISTRICT
# COMMISSIONERS MEETING APRIL 25, 2016

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 6:45 PM. PRESENT: COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD, SUPERINTENDENT ROBERT PROPHETT AND ATTORNEY FORD O'CONNOR.

MRS. WARD STATED THAT THE ONLY ITEM ON THE AGENDA WAS THE POSSIBLE LAND PURCHACE FOR WELL FIELD PROTECTION.

MR. HANDY MADE A MOTION THAT THE MEETING CONTINUE IN EXECUTIVE SESSION CITING THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE NEGOTIATING POSITION OF THE BOURNE WATER DISTRICT. A ROLL CALL VOTE WAS CALLED AND MR. HANDY, MR. LYONS AND MR. WAY VOTED TO GO FORWARD IN ECECUTIVE SESSION AND THE MEETING WOULD RECONVENE IN OPEN SESSION AT THE END OF THE EXECUTIVE SESSION.

THE MEETING RECONVENED IN REGULAR SESSION.

MR. HANDY MADE A MOTION TO ADJOURN, MR. LYONS SECONDED THE MOTION AND THE MEETING ADJOURNED AT 7:00 PM.

RESPECTFULLY SUBMITTED,

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

# BOURNE WATER DISTRICT
# ANNUAL DISTRICT MEETING WARRANT, APRIL 25, 2016

TO ONE OF THE CONSTABLES OF THE TOWN OF BOURNE, COUNTY OF BARNSTABLE:

GREETINGS:

YOU ARE HEREBY REQUIRED AND DIRECTED TO NOTIFY AND WARN THE VOTERS OF THE TOWN OF BOURNE, RESIDING WITHIN THE TERRITORY COMPRISING THE BOURNE WATER DISTRICT TO MEET AT THE :

JAMES F. PEEBLES ELEMENTARY SCHOOL
APRIL 25, 2016
WHERE POLLS WILL OPEN AT 5:00 P.M. AND CLOSE AT 7:00 P.M. AND THEN AND THERE TO VOTE FOR THE FOLLOWING OFFICER TO WIT:

ONE WATER COMMISSIONER FOR THREE YEARS

AND TO MEET ON MONDAY APRIL 25, 2016 AT 7:00 P.M. AT

JAMES F. PEEBLES SCHOOL
70 TROWBRIDGE ROAD, BOURNE MASSACHUSETTS

THEN AND THERE TO ACT UPON THE FOLLOWING ARTICLES:

ARTICLE 1. TO SEE WHAT SUM OF MONEY THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, TO DEFRAY THE REGULAR EXPENSES OF THE DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2016; INCLUDING SALARIES AND WAGES, OFFICE EXPENSE, STOCK AND EQUIPMENT, OPERATION AND MAINTENANCE, GROUP HEALTH, LIFE AND DENTAL INSURANCE, TRAVEL EXPENSES IN AND OUT OF STATE, LEGAL AND ENGINEERING EXPENSES AND SUCH OTHER EXPENSES AS MAY BE DEEMED NECESSARY BY THE BOARD OF WATER COMMISSIONERS, OR ACT ANYTHING THEREON.

ARTICLE 2. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY FOR COSTS ON ANY NEW FUNDED DEBT OR TEMPORARY LOANS, OR ACT ANYTHING THEREON.

ARTICLE 3. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, A SUM OF MONEY TO PAY TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW CHAPTER 21A, SECTION 18A, OR ACT ANYTHING THEREON.

ARTICLE 4. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, A SUM OF MONEY TO BE USED BY THE BOARD OF WATER COMMISSIONERS AS A RESERVE FUND AS AUTHORIZED UNDER CHAPTER 40 SECTION 5C OR ACT ANYTHING THEREON.

ARTICLE 5. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO PURCHASE WATER METERS AND METER READING EQUIPMENT, OR ACT ANYTHING THEREON.

2016 APR 15 AM 9 00
TOWN CLERK'S OFFICE
BOURNE, MASS

BOURNE WATER DISTRICT
ANNUAL DISTRICT MEETING WARRANT, APRIL 25, 2016

ARTICLE 6. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO PAY THE TREASURER OF THE BARNSTABLE COUNTY RETIREMENT SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF GENERAL LAWS CHAPTER 32 SECTION 22 D OR ACT ANYTHING THEREON.

ARTICLE 7. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY FOR AN AUDIT OF THE DISTRICTS BOOKS AND RECORDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016 OR ACT ANYTHING THEREON.

ARTICLE 8. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR PAINT, REPAIR AND INSPECTION OF WATER TANKS AND TO PURCHASE TANK MIXERS OR ACT ANYTHING THEREON.

ARTICLE 9. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR THE TESTING OF WATER SAMPLES, OR ACT ANYTHING THEREON.

ARTICLE 10. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR UPGRADES TO THE SCADA SYSTEM, OR ACT ANYTHING THEREON.

ARTICLE 11. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE ADDED TO THE BOURNE WATER DISTRICT OPEB TRUST FUND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 32B, SECTION 20, OR ACT ANYTHING THEREON.

ARTICLE 12. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE ADDED TO THE STABILIZATION FUND IN ACCORDANCE WITH THE VOTE OF THE DISTRICT AT A SPECIAL DISTRICT MEETING DATED NOVEMBER 18, 2009 ARTICLE 1. TO INCLUDE FUNDS COLLECTED IN FY14 FROM THE BETTERMENTS ASSESSED ON SALTMARSH LANE OR ACT ANYTHING THEREON.

ARTICLE 13. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO PURCHASE AND INSTALL VDF MOTORS FOR THE STATIONS, OR ACT ANYTHING THEREON.

ARTICLE 14. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO PURCHASE WATER, OR ACT ANYTHING THEREON.

ARTICLE 15. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO USED TO PURCHASE ONE WORK TRUCK AND SELL OR TRADE ONE WORK TRUCK, OR ACT ANYTHING THEREON.

ARTICLE 16. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO INSPECT, REPAIR OR REPLACE THE PUMP AT STATION 4, OR ACT ANYTHING THEREON.

BOURNE WATER DISTRICT
ANNUAL DISTRICT MEETING WARRANT, APRIL 25, 2016

ARTICLE 17. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO PURCHASE UNIFORMS FOR THE CREW, OR ACT ANYTHING THEREON.

ARTICLE 18. TO SEE IF THE DISTRICT WILL VOTE TO ACCEPT THE ANNUAL REPORT OF THE DISTRICT FOR FY15, OR ACT ANYTHING THEREON.

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING TRUE AND ATTESTED COPIES THEREOF IN THE POST OFFICES OF SAID DISTRICT, (7) SEVEN DAYS, AT LEAST, BEFORE THE TIME OF SAID MEETING.

GIVEN UNDER OUR HANDS THIS 9 TH DAY OF MARCH, 2016

SIGNED:
THE BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY 2018

MICHAEL R. LYONS 2016

PETER R. WAY 2017

BARNSTABLE SS APRIL 14, 2016. I HEREBY CERTIFY THAT I HAVE PUBLISHED THE WARRANT BY POSTING ATTESTED TRUE COPIES IN THE BOURNE TOWN HALL AND IN THE POST OFFICES OF BOURNE, MONUMENT BEACH, POCASSET, CATAUMET, AND SOUTH SAGAMORE, MASSACHUSETTS.

CONSTABLE, RICHARD F. WHITE

I certify this to be a true
and attested copy

Nancy Ward
District Clerk

REPORT OF THE ANNUAL DISTRICT MEETING APRIL 25, 2016

**REPORT OF THE ANNUAL DISTRICT MEETING HELD ON APRIL 25, 2016 AT THE JAMES F. PEEBLES SCHOOL**

**CLERK, NANCY WARD GAVE OATH TO THE TELLER AND BALLOT CLERK KATHLEEN DRAKE. THE POLLS WERE OPEN FROM 5 P.M. TO 7 P.M.**

**THE BOARD OF WATER COMMISSIONERS, BRIAN S. HANDY, MICHAEL R. LYONS AND PETER R. WAY WERE PRESENT.**

**THE BOARD OF WATER COMMISSIONERS APPOINTED WILLIAM HICKEY MODERATOR FOR THE ENSUING YEAR. CLERK, NANCY WARD ADMINISTERED THE OATH OF OFFICE TO MR. HICKEY.**

**THE BOARD OF WATER COMMISSIONERS APPOINTED NANCY WARD AS DISTRICT CLERK FOR THE ENSUING YEAR. MR. HICKEY ADMINISTERED THE OATH OF OFFICE TO MRS. WARD.**

**THE MEETING WAS CALLED TO ORDER AT 7:00 PM BY MODERATOR WILLIAM HICKEY.**

**MR. HICKEY READ THE GREETING OF THE WARRANT AND NOTED THAT THE WARRANT WAS SIGNED BY THE BOARD OF WATER COMMISSIONERS, CERTIFIED BY THE DISTRICT CLERK AND DULY POSTED IN ACCORDANCE WITH THE DISTRICT BYLAWS BY CONSTABLE RICHARD F. WHITE. MR. HICKEY NOTED THAT A QUORUM WAS PRESENT.**

**MR. HANDY MADE A MOTION TO DISPENSE WITH THE READING OF THE ARTICLES, IT WAS SECONDED AND THE MOTION CARRIED. THE MODERATOR ASKED THE VOTERS TO RESPOND BY SAYING HOLD TO ANY ARTICLE THEY WOULD LIKE TO DISCUSS. THE ARTICLES NUMBERS WERE READ. THERE WAS NO CALL FOR DISCUSSION AND THE FOLLOWING MOTIONS WERE MADE.**

**ARTICLE 1. TO SEE WHAT SUM OF MONEY THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, TO DEFRAY THE REGULAR EXPENSES OP THE DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2016; INCLUDING SALARIES AND WAGES,OFFICE EXPENSE. STOCK AND EQUIPMENT, OPERATION AND MAINTENANCE, GROUP HEALTH, LIFE AND DENTAL INSURANCE, TRAVEL EXPENSES IN AND OUT OF STATE, LEGAL AND ENGINEERING EXPENSES AND SUCH OTHER EXPENSES AS MAY BE DEEMED NECESSARY BY THE BOARD OF WATER COMMISSIONERS, OR ACT ANYTHING THEREON.**

**MOTION 1. MR. HANDY MOVED THE DISTRICT VOTE TO RAISE AND APPROPRIATE THE SUM OF $1,360,000.00 AND TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $120,700.00 FOR A TOTAL OF $1,480,700.00 FOR THE REGULAR EXPENSES OF THE DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO INCLUDE SALARIES AND WAGES, OFFICE EXPENSE,STOCK AND EQUIPMENT, OPERATION AND MAINTENANCE, GROUP HEALTH, LIFE AND DENTAL INSURANCE, TRAVEL EXPENSES, LEGAL AND ENGINEERING EXPENSES AND SUCH OTHER EXPENSES DEEMED NECESSARY BY THE BOARD OF WATER COMMISSIONERS. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 2. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY FOR COSTS ON ANY NEW FUNDED DEBT OR TEMPORARY LOANS, OR ACT ANYTHING THEREON.**

**MOTION 2. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $2,000.00 FOR COSTS ON ANY NEW FUNDED DEBT OR TEMPORARY LOANS. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 3. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, A SUM OF MONEY TO PAY TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW CHAPTER 21A, SECTION 18A, OR ACT ANYTHING THEREON.**

**MOTION 3. MR. WAY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $5,000.00 TO PAY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS CHAPTER 21A, SECTION 18A. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 4. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS, A SUM OF MONEY TO BE USED BY THE BOARD OF WATER COMMISSIONERS AS A RESERVE FUND AS AUTHORIZED UNDER CHAPTER 40 SECTION 5C OR ACT ANYTHING THEREON.**

**MOTION 4. MR. HANDY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $25,000.00 TO BE USED BY THE BOARD OF WATER COMMISSIONERS AS A RESERVE FUND AS AUTHORIZED UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 40, SECTION 5C. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 5. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO PURCHASE WATER METERS AND METER READING EQUIPMENT, OR ACT ANYTHING THEREON.**

**MOTION 5. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $125,000.00 TO PURCHASE WATER METERS AND METER READING EQUIPMENT. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 6. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO PAY THE TREASURER OF THE BARNSTABLE COUNTY RETIREMENT SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 32 SECTION 22 D, AS AMENDED, OF THE MASSACHUSETTS GENERAL LAWS, OR ACT ANYTHING THEREON.**

**MOTION 6. MR. WAY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $119,000.00 TO PAY THE TREASURER OF THE BARNSTABLE COUNTY RETIREMENT ASSOCIATION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 32, SECTION 22D, AS AMENDED, OF THE MASSACHUSETTS GENERAL LAWS. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

REPORT OF THE ANNUAL DISTRICT MEETING APRIL 25, 2016

**ARTICLE 7. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY FOR AN AUDIT OF THE DISTRICT'S BOOKS AND RECORDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016 OR ACT ANYTHING THEREON.**

**MOTION 7. MR. HANDY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $7,000.00 FOR AN AUDIT OF THE DISTRICT'S BOOKS AND RECORDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 8. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR TANK MIXERS AND FOR PAINTING, REPAIR AND INSPECTION OF THE WATER TANKS, OR ACT ANYTHING THEREON.**

**MOTION 8. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $125,000.00 TO BE USED TO PURCHASE TANK MIXERS AND FOR PAINTING, REPAIRS AND INSPECTIONS OF THE WATER TANKS. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 9. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR THE TESTING OF WATER SAMPLES, OR ACT ANYTHING THEREON.**

**MOTION 9. MR. WAY MOVED THE DISTRICT VOTE TO VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $21,000.00 FOR TESTING OF WATER SAMPLES. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 10. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR UPGRADES TO THE SCADA SYSTEM, OR ACT ANYTHING THEREON.**

**MOTION 10. MR. HANDY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $5,000.00 TO BE USED FOR UPGRAGES TO THE SCADA SYSTEM. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 11. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE ADDED TO THE BOURNE WATER DISTRICT OPEB TRUST FUND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 32B, SECTION 20, OR ACT ANYTHING THEREON.**

**MOTION 11. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $10,000.00 TO BE ADDED TO THE BOURNE WATER DISTRICT OPEB TRUST FUND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 32B, SECTION 20, THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 12. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE ADDED TO THE STABILIZATION FUND OR ACT ANYTHING THEREON.**

**MOTION 12. MR. WAY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $145,000.00 TO BE ADDED TO THE STABILIZATION FUND IN ACCORDANCE WITH THE VOTE AT A SPECIAL DISTRICT MEETING ON NOVEMBER 18, 2009, (ARTICLE 1: TO INCLUDE FUNDS COLLECTED IN FY2013 (THE PRIOR YEAR)FROM THE BETTERMENTS ASSESSED ON THE SALTMARSH LANE WATER MAIN EXTENSION. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 13. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED PURCHASE VFD MOTORS FOR THE STATIONS OR ACT ANYTHING THEREON.**

**MOTION 13. MR. HANDY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $25,000.00 TO BE USED TO PURCHASE AND INSTALL VFD MOTORS FOR THE STATIONS. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 14. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED FOR THE PURCHASE OF WATER FROM THE UPPER CAPE REGIONAL WATER SUPPLY COOPERATIVE, OR ACT ANYTHING THEREON.**

**MOTION 14. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) THE SUM OF $57,000.00 TO BE USED FOR THE PURCHASE OF WATER FROM THE UPPER CAPE REGIONAL WATER SUPPLY COOPERATIVE. THE MOTION WAS SECONDED. THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE. A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY**

**ARTICLE 15. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO PURCHASE ONE WORK TRUCK AND SELL OR TRADE ONE WORK TRUCK, OR ACT ANYTHING THEREON.**

**MOTION 15. MR. WAY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $50,000.00 TO BE USED TO PURCHASE ONE WORK TRUCK AND SELL OR TRADE ONE WORK TRUCK, THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 16. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO INSPECT, REPAIR OR REPLACE THE PUMP AT STATION 4, OR ACT ANYTHING THEREON.**

**MOTION 16. MR. HANDY MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $15,000.00 TO BE USED TO INSPECT, REPAIR OR REPLACE THE PUMP AT STATION 4. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE. A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

REPORT OF THE ANNUAL DISTRICT MEETING APRIL 25, 2016

**ARTICLE 17. TO SEE IF THE DISTRICT WILL VOTE TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM OF MONEY TO BE USED TO PURCHASE UNIFORMS FOR THE CREW, OR ACT ANYTHING THEREON.**

**MOTION 17. MR. LYONS MOVED THE DISTRICT VOTE TO TRANSFER FROM AVAILABLE FUNDS (FREE CASH) $4,200.00 TO BE USED TO PURCHASE UNIFORMS FOR THE CREW, THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**ARTICLE 18. TO SEE IF THE DISTRICT WILL VOTE TO APPROVE THE ANNUAL REPORT OF THE DISTRICT FOR FY14, OR ACT ANYTHING THEREON**

**MOTION 18. MR. WAY MOVED THE DISTRICT VOTE TO APPROVE THE ANNUAL REPORT OF THE DISTRICT FOR FY2015. THE MOTION WAS SECONDED, THE MODERATOR ASKED FOR DISCUSSION, THERE WAS NONE, A VOTE WAS CALLED AND THE ARTICLE PASSED UNANIMOUSLY.**

**THE MODERATOR ASKED THE CLERK TO COME FORWARD WITH THE RESULTS OF THE ELECTION. THE BALLOT COUNT WAS 16 BALLOTS CAST, 16 VOTES FOR MICHAEL R. LYONS. THE CLERK DECLARED MICHAEL R. LYONS HAS BEEN ELECTED AS WATER COMMISSIONER FOR A THREE YEAR TERM. MRS. WARD ADMINISTERED THE OATH OF OFFICE TO MR. LYONS.**

**MR. HANDY MADE A MOTION TO ADJOURN THE MEETING, MR. WAY SECONDED THE MOTION AND THE MODERATOR ADJOURNED THE MEETING AT 7:12 PM.**

**RESPECTFULLY SUBMITTED,**
Nancy Ward
**NANCY WARD**
**DISTRICT CLERK**

**APPROVED:**
**BOARD OF WATER COMMISSIONERS**

**BRIAN S. HANDY, CHAIRMAN 2018**

**MICHAEL R. LYONS 2019**

**PETER R. WAY 2017**

REPORT OF THE SPECIAL DISTRICT MEETING ON APRIL 25, 2016 7:15PM
J.F. PEEBLES SCHOOL

THE MEETING WAS CALLED TO ORDER AT 7:15 PM BY MODERATOR WILLIAM HICKEY.

MR. HICKEY READ THE GREETING OF THE WARRANT AND NOTED THAT THE WARRANT WAS SIGNED BY THE BOARD OF WATER COMMISSIONERS, CERTIFIED BY THE DISTRICT CLERK AND DULY POSTED IN ACCORDANCE WITH THE DISTRICT BYLAWS BY CONSTABLE RICHARD F. WHITE. MR. HICKEY NOTED THAT A QUORUM WAS PRESENT.

MR. HANDY MADE A MOTION TO ADJOURN THE MEETING IT WAS SECONDED AND THE MEETING ADJOURNED AT 7:15.

RESPECTFULLY SUBMITTED,

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

RECEIVED
2016 MAY -4 PM 4:28
TOWN CLERK BOURNE

**BOURNE WATER DISTRICT**
211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
# May 10, 2016
# 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the April 12, 2016 commissioner's meeting
Minutes of the April 25, 2016 commissioner's meeting
The report of the April 25, 2016 Annual meeting
The report of the April 25, 2016 special district meeting
APRILCommitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Final Approval - Policy for Main and House Service Installation
2. Elect an Assistant Treasurer
3. Solar update
4. Correspondence from Bourne Conservation Trust – 1077 County Road Horse Farm

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 5/4/2016 at 4:00 PM
POSTED TO WEBSITE

BOURNE WATER DISTRICT
COMMISSIONERS MEETING MAY 10, 2016

RECEIVED
2016 JUN 14 PM 4:01
TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS. CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE BOARD SIGNED THE MINUTES OF THE APRIL 12, 2016 COMMISSIONERS MEETING, THE APRIL 25, 2016 COMISSIONERS MEETING, THE REPORT OF THE ANNUAL DISTRICT MEETING ON APRIL 25, 2016, THE REPORT OF THE SPECIAL DISTRICT MEETING, APRIL COMITTMENT AND ABATEMENT LIST AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT ALL OF THE CHANGES TO THE POLICY FOR WATER MAIN AND HOUSE SERVICE INSTALLATION REQUESTED AT THE LAST MEETING HAVE BEEN PUT IN PLACE. HE ASKED THE BOARD TO APPROVE THE POLICY.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO APPROVE THE POLICY AS WRITTEN.

MRS. WARD STATED THAT THE BOARD NEED TO ELECT AN ASSISTANT TREASURER.

MR. LYONS NOMINATED MR. HANDY, MR. WAY SECONDED THE NOMINATIONAND THE BOARD VOTED UNANIMOUSLY TO ELECT BRIAN HANDY AS ASSISTANT TREASURER FOR THE UPCOMING YEAR.

MR. PROPHETT STATED THAT BEAUMONT IS STILL WORKING ON INSTALLING THE CONDUIT BEFORE THE LAST SECTION OF PANELS CAN BE INSTALLED. MR. LYONS ASKED IF THE AREA HAD BEEN FENCED OFF. MR. PROPHETT STATED THAT IGS HAS CONTACTED DICK CONCANNON BUT NO FENCE HAS GONE UP YET.

MRS. WARD GAVE THE BOARD A LETTER (attached) FROM ALEXANDER JOYCE WHO IS THE ATTORNEY FOR THE BOURNE CONSERVATION TRUST. IT STATED THAT THE KAZARYN'S, OWNER OF 1077 COUNTY ROAD WHICH RESTS ENTIRELY IN THE WATER RESOURCE DISTRICT RECEIVED A VARIANCE FROM THE BOARD OF HEALTH TO INCREASE THE NUMBER OF HORSES ON SIT FROM 2 TO 5 AND ALSO OBTAINED A BUILDING PERMIT TO CONSTRUCT A 120' X 75' INDOOR RIDING ARENA MADE OF STEEL 16' HIGH AND CONTAINING 9,000 SQUARE FEET. THE OWNER HAS STRIPPED MOST OF THE TOPSOIL FROM THE REAR OF THE PROPERTY AND REMOVED OVER 70% OF THE GROUNDCOVER FROM THE PROPERTY. THEY THEN GRADED AND FILLED IN THE REAR OF THE PROPERTY WITH UNSUITABLE FILL, CLAY-SILT AND NON-PERMEABLE MATERIAL RAISING THE LOT ELEVATION BY SIX FEET IN SOME AREAS, THEY HAD NO ENGINEERING PLANS OR TOWN OVERSIGHT.

ATTORNEY JOYCE CITED THE TOWN BY-LAWS REGARDING SPECIAL PERMITS IN A WATER RESOURCE DISTRICT. THE TOWN HAS GIVEN THE KOZARYN'S A CEASE AND DESIST ORDER (attached) UNTIL SUCH TIME AS THE BUILDING INSPECTOR FEELS THEY ARE IN COMPLIANCE, BUT ATTY. JOYCE FELT IT WAS IMPORTANT FOR THE BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS TO EXPRESS THEIR OPINION ON THE SITUATION. MR. WAY STATED HE FELT THERE WAS AN ERROR ON THE TOWN'S PART WITH THE PROCESS. THEY SHOULD HAVE NOT BEEN ABLE TO GET A BUILDING PERMIT OR VARIANCE ACCORDING THE THE BY-LAWS APPLICABLE TO A ZONE 2 AREA.

BOURNE WATER DISTRICT
COMMISSIONERS MEETING MAY 10, 2016

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO HAVE MRS. WARD CONTACT ATTORNEY O'CONNOR FOR HELP IN WRITING AN EFFECTIVE LETTER TO THE TOWN.

MRS. WARD STATED THAT SHE WOULD BE ADVERTISING FOR THE BILLING CLERK II JOB AND ASKED THE BOARD IF ANY OF THEM WOULD LIKE TO BE INVOLVED IN THE HIRING PROCESS.

AFTER SOME DISCUSSION THE BOARD GAVE HER THE GO AHEAD TO HIRE WHO SHE FELT WOULD BE THE BEST FIT FOR THE POSITION.

Superintendents Report - 10 May 2016

In the last meeting the Board asked me to look into the effects of the new subdivision impact on our water management permit with Wings Neck and Pocasset Trailer park coming on. The findings would not allow us to use that as grounds to hold up the new subdivision. I base this on Wings neck could have up to 200 services and the park could double from 80 to 160. The figures I used were off the ASR of 2015 68 gallons per person per house per day. The town's average when calculating households is 2.5 people per house. That total is 170 gallons per house per day. This totals out to 12,410,000 gallons per year for Wings Neck and 4,964,000 for the park. Total: 17,374,000 gallon per year. Then I took the amount of our permit which is 1.52 million gallons per day multiply that by 365 days gives us 554,800,000 gallons per year available. On 2015 ASR we reported using 461,163,430 which gives us 93,636,570 as a buffer. 2014 ASR was 419,424,010 gallons. The subdivision is 8 houses which would only add 496,400 gallons per year that brings us to 17,870,400 additional gallons per year.

I just want to inform the Board that Chris did in fact step down as foreman and with the crew that we have I have taken those duties upon myself and will be acting as foreman as well as Superintendent until a later date. My plan is to include starting next week to each day pick a facet of the daily duties and ride and perform those duties along with the crew.

Thank you for all your support.

MR. HANDY MADE A MOTION TO ADJOURN, MR. LYONS SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:30 AM.

RESPECTFULLY SUBMITTED,

Nancy Ward

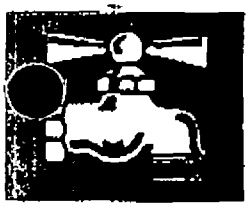
NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY



RECEIVED
2016 JUN -8 AM 11:42
TOWN CLERK BOURNE

**BOURNE WATER DISTRICT**
211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## June 14, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the May 10, 2016 Commissioner's meeting
MAY Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Request for abatement Fitzmaurice - C340 - 69 Claypond Rd
2. Request for abatement McCarter – H 0071 – 34 Kenwood Rd.
3. Request for abatement Schrager – E 1254 – 720 Shore Rd.
4. Possible Land Purchase

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 6/8/2016 at 9:30 AM

POSTED ON WEBSITE

# BOURNE WATER DISTRICT
# COMMISSIONERS MEETING JUNE 14, 2016

RECEIVED
2016 JUL 13 PM 4:11
TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE BOARD SIGNED THE MINUTES OF THE MAY 10, 2016 COMMISSIONERS MEETING, MAY COMITTMENT AND ABATEMENT LIST AND THE WEEKLY WARRANT.

MRS. WARD GAVE THE BOARD A LETTER (attached) FROM DON MCCARTER OF 34 KENWOOD ROAD REQUESTING AN ABATEMENT OF WATER REGISTERED AFTER WE TURNED THE WATER ON APRIL 8. THIS IS A SEASONAL PROPERTY AND THEY ARE ONLY HERE IN THE SUMMER. THEIR NORMAL CONSUMTION FROM NOVEMBER TO MAY IS ZERO AND THEY WERE BILLED FOR22,000 GALLONS WHICH IS $60.50. MR. PROPHET EXPLAINED THAT WHEN THE MEN TURNED THE WATER ON THE CONNECTION ON THE HOUSE SIDE OF THE METER WASN'T TIGHTENED, WATER WAS LEAKING. THEY DO NOT GO INTO THE PIT TO TURN THE WATER ON THEY TURN IT ON AT THE CURBSTOP, I FEEL IF THE MEN HAD TAKEN THE TIME TO LISTEN TO MAKE SURE NO WATER WAS RUNNING , WHICH IS THE PROTOCALTHEY WOULD HAVE FOUND THE ISSUE AT THE TIME OF THE TURN ON RATHER THAN A MONTH LATER WHEN THE OWNERS CALLED ABOUT THEIR HIGH BILL AND WE DID A PROFILE ON THE METER. IT'S POSSIBLE THEY JUST DIDN'T HEAR IT. I SUGGEST WE ABATE SOME OR ALL OF THE CONSUMPTION CHARGE.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ABATE ½ THE CONSUMPTION CHARGES AS THEY FELT WE SHOULKD TAKE SOME RESPONSIBILITY BUT THE PLUMBER WAS ALSO INVOLVED IN THE TURN ON AT THE PEOPERTY.

MRS. WARD GAVE THE BOARD A LETTER (attached) FROM BARBARA FITZMAURICE OF 69 CLAYPOND RD REQUESTIN CONSIDERATION FOR AN ABATEMENT. THE LAST TWO BILLING CYCLES SHE HAS HAD MUCH HIGHER CONSUPTION THAN NORMAL, HER AVERAGE IS 17,000 IN THE WINTER AND 26,000 IN THE SUMMER SHE WAS BILLED 71,000 FOR THE SUMMER AND 73,000 FOR THE WINTER. SHE HAD BEEN NOTIFIED IN Oct., 2015 THAT HER CONSUMPTION INCREASED. HE WAS UNAWARE SHE HAD A BROKEN PIPE UNDER HER HOUSE WHICH WAS LEAKING ALL THAT TIME.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ABATE 1/2 THE CONSUMPTION CHARGES FOR THE LATEST BILLING CYCLE.

MRS. WARD GAVE THE BOARD A LETTER (attached) FROM HARRY SCHRAGER OF 69 CLAYPOND RD REQUESTING CONSIDERATION FOR AN ABATEMENT FOR WATER USED AS A RESULT OF A BREAK IN HIS SPRINKLER SYSTEM. HIS AVERAGE USAGE FOR THE WINTER MONTHS IS 3,000 GALLONS AND HE WAS BILLED 183,000 GALLONS, WHICH WAS USED ACCORDING TO THE PROFILE FROM OCTOBER 29TH TO NOVEMBER 7TH UNTIL THE SPRINKLER SYSTEM WAS WINTERIZED AT WHICH TIME THE CONSUMPTION STOPPED.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ABATE 1/2 THE CONSUMPTION CHARGES.

MRS. WARD STATED THAT SHE HAD SPOKEN WITH ATTORNEY O'CONNOR AND HE IS IN THE PROCESS OF GETTING AN APPRAISAL FOR THE LAND.

BOURNE WATER DISTRICT
COMMISSIONERS MEETING JUNE 14, 2016

## Superintendent's report

On Saturday we had a leak reported by Laura Murphy of Cataumet. The leak was at the intersection of Longhill and County Rd. She requested that we install a spigot, at no charge, to service the triangle of flowers. Mrs. Ward stated that the only spigot the we have installed at no charge was for the school's girls softball field. Any private area was paid for by the Associations.

After some discussion Board denied the request.

MR. HANDY MADE A MOTION TO ADJOURN, MR. LYONS SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:30 AM.

RESPECTFULLY SUBMITTED.

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

# BOURNE WATER DISTRICT

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661


# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## July 13, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the June 14, 2016 Commissioner's meeting
JUNE Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Request for abatement Sharek- N126 – 545 Scraggy Neck Rd.
2. Review plans for Cody School
3. Review plans for Pocasset Mobile Home Park.
4. Request for merit raise Ryan MacDonald
5. Review Foreman position

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 7/6/2016 at 1:00 PM posted to website

RECEIVED
2016 JUL -6 PM 2:23
TOWN CLERK BOURNE

BOURNE WATER DISTRICT
COMMISSIONERS MEETING JULY 13, 2016

RECEIVED
2016 AUG 29 AM 11:11
TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE BOARD SIGNED THE MINUTES OF THE JUNE 14, 2016 COMMISSIONERS MEETING, JUNE COMITTMENT AND ABATEMENT LIST AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT WE RECEIVED A LETTER REQUESTING AN ABATEMENT OF AN OVERTIME SERVICE CHARGE FROM SCOTT SHAREK OF 545 SCRAGGY NECK RD. IN HIS LETTER HE STATES THAT HE CALLED ON A STAURDAY ASKING FOR A CALL BACK FROM THE ONCALL PERSON TO ASK ABOUT A PIT COVER THAT WAS AJAR. WHEN THE ANSWERING SERVICE CALLED THE TECHNICIAN THEY STATED THAT THE MAN REQUESTED AN IMMEDIATE PHYSICAL RESPONSE AND WANTED THE PROBLEM RECTIFIED THAT DAY. THE TECNICIAN DID NOT CALL HIM FIRST AS IS THE POLICY TO SEE IF THE PROBLEM COULD WAIT UNTIL MONDAY WHEN THERE WOULD BE NO OVERTIME CHARGE FOR THE SERVICE. MR. PROPHETT STATED THAT IF HE RECEIVED A CALL LIKE THAT FROM THE SERVICE HE WOULD HAVE REACTED THE SAME AND HEADED OUT TO THE JOB.

AFTER SOME DISCUSSION THE BOARD DECIDED THAT NO MATTER WHAT THE ANSWERING SERVICE RELAYED, A CALL SHOULD HAVE BEEN MADE TO THE HOMEOWNER TO ASSESS THE PROBLEM AND EXPLAIN THAT THERE WOULD BE A CHARGE FOR THE SERVICE. THE BOARD VOTED UNANIMOUSLY TO ABATE THE CHARGE.

MR. PROPHETT SHOWED THE BOARD PLANS FOR THE PROPSED RENOVATION AND ADDITION TO THE CODY SCHOOL WHICH IS BEING TURNED INTO SENIOR RESIDENCES. HE STATED THAT ALL OF THE PLANS AND SPECS FOR THE WATER WERE ACCEPTABLE BY OUR STANDARDS. HE SAID HE FELT THERE WAS AN ISSUE THAT THE FIRE DEPT NEEDED TO ADDRESS IN THAT THERE WAS NOT TOTAL ACCESS AROUND THE BUILDING SHOULD THERE BE A FIRE BUT STATED THAT HE HAD CALLED AND E-MAILED NUMEROUS TIME TO SPEAK TO THE CHIEF AND NO CALLS OR E-MAILS WERE RETURNED. WE REALLY HAVE NO SAY AS TO FIRE ACCESS

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE WATER MAIN INSTALLATION IN THE AREA AS PROPOSED BY THE SUBMITTED PLANS.

MR. PROPHETT SHOWED THE BOARD A PLAN FOR WATER MAIN INSTALLATION SUBMITTED BY THE ENGINEERS FOR POCASSET TRAILER PARK. HE STATED THAT HE HAD TOLD ALL INVOLVED THAT EACH SERVICE WOULD NEED A TAP AND METER PIT AS THERE WAS NO OTHER PLACE TO INSTALL A METER WHERE IT WOULD NOT FREEZE. THE PLANS SUBMITTED SHOW NO PITS AND DO NOT HAVE EXCLUSIVE TAPS TO THE MAIN FOR EACH SERVICE. MR. LYONS ASKED IF WE WOULD BE TAKING OVER THE MAINS WHEN THE PROJECT WAS FINISHED. MR, PROPHETT STATED THAT WE WOULD.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO REJECT THE PLANS AND INSIST ON SEPARATE TAPS AND METER PITS FOR EACH ACCOUNT BEFORE THEY WOULD GIVE THEIR APPROVAL.

MR. PROPHETT STATED THAT HE WOULD LIKE THE BOARD TO CONSIDER A MERIT RAISE OF $1.00 FOR RYAN MCDONALD. HE IS OUR NEWEST AND ALSO LOWEST PAID EMPLOYEE. HE HAD ASKED ABOUT A RAISE SEVERAL MONTHS AGO AND I TOLD HIME HE WOULD HAVE TO INCREASE PRODUCTIVITY IN ORDER FOR ME TO MAKE THAT REQUEST. HE HAS DONE JUST THAT, HE HAS GOTTEN HIS D-1 AND T-1 LICENSE AND HAS MADE GREAT STRIDES IN BECOMING A LEADER NOT JUST A FOLLOWER IN THE FIELD.

# BOURNE WATER DISTRICT
# COMMISSIONERS MEETING JULY 13, 2016

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ALLOW THE $1.00 RAISE.

MR. PROPHETT STATED HE NEED SOME GUIDANCE FROM THE BOARD IS SETTING THE PARAMETERS OF THE FOREMAN'S POSITION. IN THE PAST WE GAVE A ONE DOLLAR RAISE WHEN SOMEONE TOOK THE JOB THEN ANOTHER DOLLAR AFTER SIX MONTHS. THIS IS NOT ENOUGH INCENTIVE TO STAY WITH THE JOB AND ACCEPT ALL THE RESPONSIBILTY THAT COME'S WITH IT, WHEN OTHER MEMBERS OF THE CREW ARE MAKING THE SAME MONEY IF NOT MORE. MR. PROPHETT ASKED WHAT THE BOARD FELT THE JOB WAS WORTH. MR. WAY STATED THAT HE FELT THE POSITION SHOULD BE THE HIGHEST PAID ON THE CREW, BUT SHOULD BE ADDRESSED ON A CASE BY CASE BASIS.

AFTER SOME DISCUSSION THE BOARD'S DECISION WAS TO START THE JOB AT $28.00 PER HOUR WITH A REVIEW IN SIX MONTH.

MRS. WARD STATED SHE NEED THE BOARD TO DECIDE WHETHER THEY WOULD GIVE HER PERMISSION TO SIGN FOR THE BOARD ON THE FREE CASH AND TAXRATE RECAP FORMS IN DOR'S GATEWAY.

THE BOARD VOTED TO ALLOW HER TO SIGN FOR THEM AND SIGNED THE APPROPRIATE PAPERWORK GIVING HER PERMISSION.

Superintendents Report - 13 July 2016

We have completed the first round of Lead & Copper sampling. We got 61 sites to participate and with 6 results left to get back from the lab we are looking like we will be in compliance. Only 1 site so far was above the action level.

Just a comparison between last year and this year. Last year at the same time we pumped 188,936,260 gallons and this year for the same period we pumped 216,875,540 for an increase of 27,939,280 gallons to date. This over a 6 month period is an increase of 4,656,547 gallons per month. I just wanted you to know where we are at with pump age because if it continues at this rate we will be close to our permitted volume at the end of the year.

The meter program is coming along as of 7/12/2016 we have 496 left to be changed and last year July 1st 2015 to June 30th 2016 we changed 471 with a little left in the FY2016 budget. I am thinking with this new budget and what was left we should be on pace to finish the Orion's by June 2017.

MR. LYONS MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 10:15 AM.

RESPECTFULLY SUBMITTED,

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY

MICHAEL R. LYONS

PETER R. WAY

RECEIVED
2016 AUG 3 AM 9:37
TOWN CLERK BOURNE

BOURNE WATER DISTRICT
211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
# August 9, 2016
# 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the July 13, 2016 Commissioner's meeting
JULY Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Insurance claim – Ford O'Connor
2. Insurance renewal
3. Review plans for Pocasset Mobile Home Park.
4. Review Foreman position

SUPERINTENDENT'S REPORT
Immediately following Commissioner's meeting:
Bourne Water District Opeb Trustee Meeting

To Town Clerk Please Post: Faxed 8/3/2016 at 10:00 AM
Posted n website 8/32016

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
AUGUST 09, 2016

RECEIVED
2016 OCT 13 PM 12: 12
TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD, SUPERINTENDENT ROBERT PROPHETT AND THE DISTRICT'S ATTORNEY FORD O'CONNOR.

THE COMMISSIONERS APPROVED AND SIGNED THE MINUTES OF THE JULY13, 2016 MEETING AND THE JULY COMITTMENT, THE ABATEMENT LIST AND THE WEEKLY WARRANT.

MRS. WARD STATED THAT ATTORNEY O'CONNOR IS HERE TO DISCUSS A CLAIM THAT WAS SENT IN REGARDS TO THE WATER MAIN BREAK ON 28A WHICH CAUSED DAMAGE TO A CAR THAT WAS LEFT OVERNIGHT IN THE PARROT PARKING LOT AND WHEN ROCKS WERE BLOWING OUT OF THE GROUND FROM THE MAIN BREAK WAS DAMAGED BY THE FALLING ROCKS. HE STATED THAT HE FELT THE NOTICE WAS DEFECTIVE AND WE SHOULD IGNORE IT. THIS IS THE OWNER'S INSURANCE CO. SUBROGATING THE CLAIM THROUGH OURS. THE AMOUNT IS BELOW OUR DEDUCTIBLE AND DOES NOT HAVE MERIT.

THE BOARD VOTED NOT TO TAKE ANY ACTION AT THIS TIME.

MR. WARD STATED THAT THE GENERAL INSURANCE POLICY FOR THE DISTRICT FOR FY17 WENT DOWN BY SEVERAL HUNDRED DOLLARS. OUR AGENT SUGGESTED THAT I CHECK WITH THE BOARD AS TO INSURING THE TANKS. IT HAS ALWAYS BEEN THE BOARDS DECISION NOT TO SPEND THE MONEY BUT I DID GET A QUOTE OF $7,415. TO INSURE THE 4 TANKS.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY NOT TO INSURE THE TANKS AS THEY DID NOT FEEL IT NECESSARY..

MR. PROPHETT STATED THAT PHIL AUSTIN FROM THE POCASSET MOBILE HOME PARK CAME IN WITH REVISED PLANS AFTER I TOLD HIM IT WAS THE BOARDS DECISION LAST MONTH THAT EACH TRAILER HAVE METER PIT AND A DESIGNATED LINE. HE SAID HE FELT WE COULD LIVE WITH THE DESIGN BUT THAT THE PROJECT HAS BEEN PUT ON HOLD.

THE BOARD TABLED THE DISCUSSION UNTIL THE PROJECT WAS BACK ON TRACK.

MR. PROPHETT STATED THAT THE JOB DESCRIPTION FOR THE FOREMAN POSITION HAS BEEN UPDATED AND HE HAS DISCUSSED THE POSITION'S DUTIES AND RESPONSIBILITIES WITH CHRIS SPARADEO. HE IS INTERESTED IN TAKING THE POITION AND HE ASKED THE BOARD FOR PERMISSION TO OFFER HIM THE JOB.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO OFFER THE POSITION TO MR. SPARADEO, STARTING AT $28.00 PER HOUR.

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
AUGUST 09, 2016

Superintendents Report - 9 August 2016

Last Monday we sampled all our stations and residence and our tanks. Tuesday Envirotech called to let us know that the samples from the South Sagamore tanks did not look so good. Wednesday Envirotech confirmed that the samples were positive for coliform but EColi negative I called Karen Dube at Mass DEP and informed her. The process we are following is by DEP guidelines and we will take care of this problem. Just for you to know we are not at notification or boil orders this is just a monitor and figure out how to clean situation. My though is to take one of the Sagamore tanks offline in order to turn the water over in the other tank. We are in the process of flowing hydrants in order to reduce the temperature of the water due to lack of use which is creating the problem.

The FY 17 Meter bids came in end of July and once again Stiles was the only bid the prices went up a few dollars for each product we use. I still have hopes of finishing the replacements this year.

MR. HANDY MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:30 AM.

RESPECTFULLY SUBMITTED,

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY

MICHAEL R. LYONS

PETER R. WAY

EIVED
2016 SEP -7 AM 9:51
TOWN CLERK BOURNE

**BOURNE WATER DISTRICT**
211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
## September 13, 2016
## 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

THE REGULARLY SCHEDULED MEETING OF THE BOARD OF WATER COMMISSIONERS FOR THE MONTH OF SEPTEMBER,2016 HAS BEEN CANCELLED THE NEXT BOARD MEETING WILL BE IN OCTOBER, 2016.

To Town Clerk Please Post: Faxed 9/7/2016 at 10:00 AM
Posted On website 9/7/2016

Cancelled

BOURNE WATER DISTRICT
P.O. BOX 1447
211 BARLOWS LANDING RD.
POCASSET, MA 02559-1447
508-563-2294

The Bourne Water District Commissioner's Meeting for October, 2016 will be held on Thursday, October 13, 2016 at 8:30 A.M. at the Bourne Water District office.

The Commissioners to approve SEPTEMBER and OCTOBER commitments and abatements.

AGENDA

1. Valley Bars Road gates.
2. Generator Station 1
3. Superintendent – Two Year Review

Superintendent's report

To Town Clerk: Please post, faxed 10/4/16 at 12:15PM.

RECEIVED
2016 OCT -4 PM 12: 14
TOWN CLERK BOURNE

BOURNE WATER DISTRICT
COMMISSIONERS MEETING OCTOBER 13, 2016

RECEIVED
2016 NOV -9 AM 10: 41
TOWN CLERK BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD, SUPERINTENDENT ROBERT PROPHETT AND ATTORNEY J. FORD O'CONNOR.

THE BOARD SIGNED THE MINUTES OF THE AUGUST 9, 2016 COMMISSIONERS MEETING, AUGUST AND SEPTEMBER COMITTMENTS AND ABATEMENT LISTS AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT HE HAD RECEIVED A PHONE CALL FROM A CUSTOMER OF THE DISTRICT WHO WAS VERY IRATE OVER THE INSTALLATION OF GATES ON VALLEY BARS RD AS HE USED THAT ROAD AS A SHORTCUT FROM THE WEARY TRAVELERS END TO COUNTY RD. HE EXPLAINED TO HIM THAT THE GATES WERE INSTALLLED TO PREVENT ILLEGAL DUMPING OF HAZARDOUS MATERIALS IN THE AREA SURROUNDING OUR MONUMENT BEACH WELL FIELD. THE GENTLEMAN CALLED SEVERAL TIMES AND WAS INCREASINGLY IRATE AT WHICH TIME I GAVE HIM ATTORNEY O'CONNOR'S NUMBER AND TOLD HIM THAT FUTURE CONVERSATIONS SHOULD BE THOUGH THE DISTRICT'S ATTORNEY.

ATTORNEY O'CONNOR STATED THAT HE HAD HEARD FROM HIM AND FELT IT WAS UP TO THE BOARD AS TO HOW WE PROCEED.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO KEEP THE ROAD GATED AS IT IS IMPORTANT FOR WELL FIELD PROTECTION.

MR. PROPHETT STATED THAT HE HAD PUT THE GENERATOR FOR STATION 1 ON THE AGENDA BUT RELIZED THAT IT WOULD BE A PRELIMINARY DISCUSSION WITH THE BOARD REGARDING INCLUDING IT IN THE NEXT BUDGET. HE WANTED THE BOARDS INPUT BEFORE GOING FORWARD. HE STATED THAT WE ONLY HAVE AN AUXILIARY MOTOR AT STATION 1WHICH IS DIESAL AND THERE IS SOMETHING WRONG WITH THE VAC SYSTEM. IN THE EVENT OF A PROLONGED POWER OUTAGE IT WOULD ONLY RUN THE PUMPS AND WAS NOT CAPABLE OF RUNNING THE SCADA OR THE LIME FEED STATIONS. THE QUOTE HE RECEIVED FROM DASECO FOR A STATIONARY UNIT IS $39,963. HE HAD NOT YET GOTTEN A QUOTE FOR A PORTABLE GENERATOR THAT WOULD HAVE THE CAPABILITY TO RUN THE WHOLE STATION.

DEP DOES NOT ALLOW RAW WATER TO BE PUMPED SO IN THE SITUATION OF A POWER OUTAGE WE NEED TO BE ABLE TO TREAT AS WELL AS USE THE SCADA, WE HAVE THE SAME ISSUE AT 3 & 4. MR. LYONS ASKED WHAT STATION WE HAVE WITH THE CAPABILITY TO PUMP AND TREAT BY GENERATOR. MR. PROPHETT STATED THAT STAION 8 AND 6 HAVE THE ABILITY TO PUMP AND TREAT BUT THE SCADA THAT RUNS ALL THE STATIONS IS AT STATION 1. MR. WAY ASKED HOW LONG THE ELECTRICITY WOULD HAVE TO BE DOWN BEFORE WE COULD NOT HNDLE THE DEMAND. MR. PROPHETT STATED THAT AFTER THREE DAYS WE WOULD NOT BE ABLE TO FILL THE TANKS.

MR. HANDY STATED THAT HE WAS AGAINST PUTTING THE STATIONARY GENERATOR AT THE OFFICE AND FELT A PORTABLE GENERATOR WOULD HAVE BEEN MORE COST EFFECTIVE. HE SAID HE FELT THE ALMOST $40,000 FOR SOMETHING THAT MAY NEVER GET USED IS EXCESSIVE.

AFTER SOME DISCUSSION THE BOARD DIRECTED MR. PROPHETT TO GET MORE INFORMATION AND PRICING FOR A PORTABLE GENERATOR.

MR. PROPHETT STATED THAT HE HAD BEEN SUPERINTENDENT FOR TWO YEARS AND WAS UP FOR A REVIEW. MRS. WARD STATED THAT SHE FELT THE AT HAS DONE A VERY GOOD JOB AND HAS MOVED FROM THE TRAINING SIDE TO BEING ABLE TO HANDLE WHATEVER CAME ALONG.

BOURNE WATER DISTRICT
COMMISSIONERS MEETING OCTOBER 13, 2016

THE OFFICE IS RUNNING VERY SMOOTHLY AS THE LINES OF COMMUNICATION ARE ALWAYS OPEN.

MR. PROPHETT STATED THAT THE FIRST YEAR HE HAD A LOT TO LEARN AND AFTER THE SECOND YEAR HE FELT HE COULD HANDLE WHATEVER CAME ALONG. HE HAS COME UP TO SPEED WITH ALL THE DEP REGULATIONS. CUSTOMERS ARE TAKEN CARE OF IMMEDIATELY AND WHATEVER THEIR PROBLEMS OR ISSUES ARE THEY ARE ADDRESSED AND SOLVED IN A TIMELY MANNER. MR. PROPHETT STATED THAT HE STARTED AT $65,000 AND OVER THE PAST 2 YEARS HAD BEEN GIVEN AN INCREASE TO $75,000. HE ASKED THE BOARD TO CONSIDER AN INCREASE TO $85,000. HE STATED HE DID NOT KNOW WHAT THE BOARD FELT THE PAY RANGE FOR THE JOB SHOULD BE. MR. WAY ASKED HIM WHAT HIS THOUGHTS WERE AS TO THE PAY RANGE. MR. PROPHETT STATED THAT AFTER TALKING TO OTHER SUPERINTENDENTS AND PEOPLE IN THE WATERWORKS BUSINESS HE FELT $85,000 - $110,000 PER YEAR WAS THE NORMAL RATE.

MR. HANDY STATED THAT HE FELT RAISES SHOULD BE GIVEN FOR GOOD PERFORMANCE AND IT IS VERY HARD TO DO A PERFORMANCE REVIEW WHEN WE ARE ONLY HERE ONCE A MONTH FOR A BOARD MEETING. HE STATED HE WOULD LIKE MR. PROPHETT TO PRESENT THE BOARD WITH AN OUTLINE OF WHAT HE FELT HE HAS ACCOMPLISHED OVER THE PAST TWO YEARS AS WELL AS WHAT HIS PLANS WERE FOR THE BOURNE WATER DISTRICT GOING FORWARD. THAT WOULD PROVIDE THE BOARD WITH THE INFORMATION THEY NEEDED TO MAKE A DECISION ON A SALARY INCREASE AS WELL AS SOMETHING TO BASE FUTURE PERFORMANCE REVEIEWS UPON. THE BOARD DECIDED TO TABLE THE DISCUSSION UNTIL THE NEXT MEETING.

Superintendents Report - 13 October 2016

I have been looking into a couple things that Bourne Water District could use in the near future. First is the paving of the office parking lots and the shop parking and staging area. I have a quote from A&A paving and will probably get a couple more their quote was for the office $9,985.00 and for the shop $55,870 total $65,855. The reason for looking at this is that the office parking lot looks awful with many breaks and patches I feel like it should be dressed up. The shop is really bad in the parking area and the staging area is all dirt so to have that paved would not only look better but it would also be a better surface for all. In talking with Nancy we may be able to include this in next years budget. The Board suggested checking with DEP and the Town regarding any rules on impervious surface installation.

The second item is a skid steer for backfilling and clean up of jobs we do. I have seen them in action and they seem to be a very good tool that we could benefit from. I have not checked into pricing of the skid steer but in the following months will check. Mr. Lyons suggested looking into a grading bucket for the excavator.

I would like you to know that in the last 7 months we have had 7 leaks on the 2" water main on the back side of Circuit Ave. being caused by a number of problems, one being water hammer created by opening and closing valves too fast and the other being the 2" is not in great shape. I am looking into replacing the back side with 6" and I would like to get prices from some contractors and compare those to if we do it ourselves.

Just to update the solar project when I talked with Nick from IGS two weeks ago Eversource had put up the new pole and gave IGS a date of the end of October to have the lines run. Nick said after that happened it should only take a short amount of time to do the connection that they had to do so he felt like the second week in November could be the start up. I talked with Nick on Wednesday and that is still the time frame they are looking at.

BOURNE WATER DISTRICT
COMMISSIONERS MEETING OCTOBER 13, 2016

Just a quick update on the fire hydrant project is that to date we have repaired just under 430 hydrants and replaced 15 in the last year and a half. That leaves about 500 hydrants to evaluate and then we can move on to phase two and come up with a flushing plan and schedule. With that at that time we will have all the hydrants with a longitude and latitude to be able down the road to map them with GPS.

MR. LYONS MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:50 AM.

RESPECTFULLY SUBMITTED,
Nancy Ward
NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS
BRIAN S. HANDY
MICHAL R. LYONS
PETER R. WAY

**BOURNE WATER DISTRICT**

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
# November 9, 2016
# 8:30 A.M.

8:30 A.M. Tax Classification Hearing – Donna Barakauskas – Town of Bourne Head Assessor

Commissioner's meeting to convene following Tax Classification Hearing
Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the OCTOBER 13, 2016 meeting
OCTOBER Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Abatement request – Janet Mourtado – 106 Saltmarsh Ln.
2. Abatement Request – Angel Lorena – 15 Sanderling Dr.
3. CCMHG adding Health Savings Accounts (HSA) to menu of health plans
4. Superintendent salary review

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 11/04/2016 at 2:30 PM
Posted on Town Website 11/4/2016

RECEIVED
2016 NOV -4 PM 2:25
TOWN CLERK BOURNE

RECEIVED
2016 DEC 14 PM 12:
CLERK BOU

# BOURNE WATER DISTRICT COMMISSIONER'S MEETING
# NOVEMBER 9, 2016

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:45 AM. AFTER THE TAX CLASSIFICATION HEARING WAS ADJOURNED. PRESENT; COMMISSIONERS BRIAN HANDYAND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE COMMISSIONERS APPROVED AND SIGNED THE MINUTES OF THE OCTOBER 13, 2016 MEETING AND THE OCTOBER COMITTMENT, THE ABATEMENT LIST AND THE WEEKLY WARRANT.

MRS. WARD PRESENTED THE BOARD WITH A LETTER FROM JANET MOURTADO OF 106 SALTMARSH LANE REQUESTING AN ABATEMENT OF AN AFTER HOURS LABOR CHARGE. OUR ON CALL SERVICEMAN WAS CALLED OUT BY THE FIRE DEPT. WHO COULD NOT GIVE HIM THE OWNERS PHONE NUMBER IN ORDER TO CALL AS IS OUR POLICY BEFORE WE RESPOND AND STATED THAT WE NEEDED TO SHUT OF THE WATER AT THE PROPERTY. THIS WAS NOT AUTHORIZED BY THE OWNER WHO HAD CALLED HIS PLUMBER TO TAKE CARE OF THE ISSUE. WHEN WE ARRIVED THE WATER WAS ALREADY OFF AND WE PERFORMED NO SERVICE.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO ABATE THE CHARGE AS WELL AS THE ACCRUED INTEREST.

MR. PROPHETT STATED THAT THE SECOND REQUEST FOR ABATEMENT WAS FROM ANGEL LORENA OF 15 SANDERLING DR. THE RE WAS 425,000 GALLONS OF WATER USED FOR HER MAY BILL. SHE WAS SENT A HIGH USE LETTER TO ALERT HER TO A POSSIBLE LEAK. SHE CALLED THE OFFICE AND KATHY SET UP A PROFILE ON THE METER AS SHE DID NOT FEEL SHE USED THE WATER. THE PROFILE CLEARLY SHOWED THAT THE WATER CONSUMPTION WAS VERY HIGH FROM 11/21/2015 UNTIL MID MAY OF 2016 WHEN IT WENT DOWN TO A NORMAL AMOUNT. KATHY CALLED HER AND EXPLAINED THE PROFILE AND SENT HER A COPY. THE BILL WAS NOT PAID AND WE DID NOT HEAR FROM HER UNTIL SHE WAS SENT A WARNING LETTER FOR THE PAST DUE AMOUNT. SHE CALLED AND STATED THAT SHE HAD A PLUMBER CHECK THE HOUSE AND FOUND NO LEAKS SO SHE COULD NOT HAVE USED THE WATER AND OUR METER MUST BE WRONG. KATHY ASKED HER TO SET UP AN APPOINTMENT TO HAVE HER METER TESTED BUT SHE REFUSED. SHE TOLD HER THE ONLY RECOURSE WAS TO WRITE A LETTER TO THE BOARD REQUESTING AN ABATEMENT. MR. PROPHETT STATED THAT HE CALLED HER TO FIND OUT THE STATUS OF THE PROPERTY, SHE DOES NOT LIVE THERE ALL THE TIME, AS SHE INSINUATED, BUT SHARES TENANCY WITH A COUSIN FOR PART OF THE YEAR. HE EXPLAINED TO HER THAT THE READING WE JUST TOOK AT THE PROPERTY FOR THE 11, 2016 BILL WAS ALSO MUCH HIGHER THAN NORMAL AND WE NEEDED TO GET IN TO TEST THE METER AND CHECK FOR LEAKS. SHE AGREED TO HAVE THE COUSIN CALL TO SET UP AN APPOINTMENT.

AFTER SOME DISCUSSION THE BOARD DECIDED TO TABLE THE DISCUSSION UNTIL THE NEXT MEETING AFTER THE METER TEST IS DONE.

MRS. WARD STATED THAT CCMHG IS SUGGESTING WE ADD TWO HEALTH SAVINGS PLAND TO OUR MENU OF OFFERED MEDICAL INSURANCES. SHE STATED THAT SHE HAS NOT GOTTEN THE RATES FOR THE PLANS BUT WAS TOLD THEY COULD SAVE APPROXIMATELY 19% OF THE COST OF A REGULAR PLAN. THERE ARE FEES TO THE DISTRICT TO ADMINISTRATE THESE ACCOUNTS AND THE DISTRICT WOULD HAVE TO PAY ½ OF THE DEDUCTIBLE WHICH IS $2,000 PER YEAR FOR AN INDIVIDUAL PLAN AND $4,000 PER YEAR FOR A FAMILY PLAN. THE EMPLOYEE OWNS THE ACCOUNT AND THERE IS NO OVERSIGHT AS TO HOW IT CAN BE SPENT OTHER THAN THE EMPLOYEES KEEPING RECORDS FOR INCOME TAXES.

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
NOVEMBER 9, 2016

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO HOLD OF ADDING THESE PLANS THIS YEAR AND GETTING MORE INFORMATION TO SEE IF THEY WILL ADD THEM IN THE FUTURE.

MR. PROPHETT STATED THAT SINCE THE WHOLE BOARD WAS NOT PRESENT HE WOULD WAIT UNTIL THE NEXT MEETING TO ASK THE BOARD FOR A SALARY INCREASE AT HIS TWO YEAR REVIEW. HE GAVE THEM A DOCUMENT DETAILING WHAT HE HAS ACCOMPLISHED IN HIS FIRST TWO YEARS AND WHAT HIS PLANS WERE GOING FORWARD TO THE FUTURE.

HE STATED THAT SINCE HE HAS TAKEN OVER POJECTS THAT WERE NOT COMPLETED, FOR WHATEVER REASON, HAD BEEN COMPLETED AND SITED THE OFFICE ROOF, GENERATOR AND THE PAX MIXERS IN THE SAGAMORE TANKS HAVE ALL BEEN COMPLETED. BEAUMONT IS IN IT'S FINAL STAGES WITH THE SOLAR ARRAY AND THAT IS DUE TO BE COMPLETED BEFORE THE END OF NOVEMBER. THE BACKFLOW PROGRAM WAS NOT EFFECTIVE IN THE PAST BUT HE HAS DONE EVERY TEST THAT HAS BEEN DUE FOR THE PAST TWO YEARS. THE FLUSHING PROGRAM, WHICH WE HAVE NEVER HAD, IS MOVING FORWARD WITH 400+ HYDRANTS REPAIRED AND 17 REPLACED, WITHIN 2 YEARS WE SHOULD HAVE THE FLUSHING PROGRAM UP AND RUNNING. TANK INSPECTIONS HAVE BEEN PERFORMED UNDER DEP GUIDELINES. THE METER REPLACEMENT PROGRAM IS ALMOST COMPLETE WITH ONLY 275 METERS LEFT TO CHANGE IN THE SYSTEM.

WE WERB PUT ON INCREASED LEAD AND COPPER TESTING AS WE EXCEEDED THE ACTION LEVEL FOR COPPER IN THE FIRST ROUND, WE NOW HAVE TO TEST 60 SITES 2 TIMES A YEAR, WHICH IS VERY TIME CONSUMING AND WE ONLY HAVE 78 APPROVED SITES.

HE STATED THAT HE HAS INSTITUTED A N EQUIPMENT REPAIR AND MAINTENANCE SCHEDULE OF WHICH CHRIS AND SHAYNE ARE IN CHARGE, THAT HAS SAVED A LOT OF FIELD TIME AS THE TOOLS ARE ALWAYS IN WORKING ORDER.

IN THE FUTURE HE PLANS MAIN REPLACEMENT IN THE CIRCUIT AVE AREA AND WE HAVE TO SPEND SOME SERIOUS TIME FIGURING OUT WHAT WE HAVE IN SOUTH SAGAMORE, WE HAVE A GATE BOOK FROM THE PRIOR DISTRICT BUT IT IS NOT UP TO DATE AND WERE SEEM TO ALWAYS BE SURPRISED AT WHAT WE FIND WHEN WORKING DOWN THERE. THE SYSTEM IS OLS AND HAS NOT BEEN UPDATED AS IT SHOULD HAVE BEEN. I THINK IT'S IMPORTANT TO CONSIDER A GENERATOR FOR STATION 1 AS THAT'S HOW WE RUN THE DISTRICT, AND IN A SERIOUS WEATHER SITUATION IF WE LOOSE POWER WE DOWN WANT TO SEND PEOPLE OUT IN IT IF THE POWER IS DOWN AT STATION 1. ALSO IF WE REMOVE THE OIL TANKS AT STATIONS 1 AND 3 WE NO LONGER HAVE THE ABILITY TO PUMP 80% OF OUR AVERAGE DAILY VOLUME WHICH IS A D.E.P. REQUIREMENT.

THE BOARD SUGGESTED GETTING QUOTES FOR DIFFERENT TYPES OF GENERATORS FROM SEVERAL VENDERS AND DECIDED TO TABLE THE DISCUSSION UNTIL THE NEXT MEETING WHEN THE WHOLE BOARD WAS THERE

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
NOVEMBER 9, 2016

MR. HANDY MADE A MOTION TO ADJOURN, MR. ~~WAY~~ LYONS SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:40 AM.

RESPECTFULLY SUBMITTED,

Nancy Ward

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
FY17 TAX CLASSIFICATION HEARING
NOVEMBER 09, 2016

THE MEETING WAS DULY POSTED

THE TAX CLASSIFICATION HEARING WAS CALLED TO ORDER AT 8:30 AM. PRESENT; COMMISSIONERS BRIAN HANDY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD, SUPERINTENDENT ROBERT PROPHETT AND DONNA BARAKAUSKAS, HEAD ASSESSOR OF THE TOWN OF BOURNE.

MRS. BARAKAUSKAS STATED THAT THE BOARD OF ASSESSORS RECOMMENDS THAT THE WATER COMMISSIONERS RETAIN ONE TAX RATE FOR ALL CLASSES OF PROPERTY FOR FISCAL YEAR 2017. THE BOARD FEELS THAT THE RELATIVELY SMALL BENEFIT TO THE RESIDENTIAL TAXPAYER THAT COULD BE ACHIEVED THROUGH THE USE OF TWO TAX RATES IS NOT WARRANTED IN THE LIGHT OF THE DRAMATIC INCREASE IN TAXES PAID BY THE COMMERCIAL/INDUSTRIAL/PERSONAL PROPERTY TAXPAYER. BOURNE IS A LARGELY RESIDENTIAL COMMUNITY THAT SIMPLY DOES NOT HAVE ENOUGH OF A COMMERCIAL/INDUSTRIAL BASE TO MAKE CLASSIFICATION WORTHWHILE.

THE BOARD VOTED UNANIMOUSLY TO ACCEPT THE SUGGESTION OF THE BOARD OF ASSESSORS AND GO WITH A SINGLE TAX RATE. THE BOARD SIGNED THE DOCUMENTATION IN THAT REGARD.

MR. HANDY MADE A MOTION TO ADJOURN THE TAX CLASSIFICATION HEARING AT 8:45 IT WAS SECONDED AND THE MEETING ADJOURNED. MRS. BARAKAUSKAS LEFT THE MEETING.

RESPECTFULLY SUBMITTED,
Nancy Ward
NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

Brian S. Handy
BRIAN S. HANDY, CHAIRMAN

Michael R. Lyons
MICHAEL R. LYONS

Materials used:
Tax rate classification documents attached

# TOWN OF BOURNE

**Board of Assessors**
**24 Perry Avenue**
**Buzzards Bay, MA 02532**
**(508) 759-0600 Ext. 1328 Fax (508) 759-8026**

Anne Ekstrom, Chairman,
Priscilla A. Koleshis, Clerk
Michael Leitzel, Member

Donna L. Barakauskas, MAA,
Director of Assessing


November 9, 2016

PROPERTY CLASSIFICATION RECOMMENDATION

FISCAL YEAR 2017

The Board of Assessors recommends that the Water Commissioners retain one tax rate for all classes of property for fiscal year 2017. The Board feels that the relatively small benefit to the residential taxpayer that could be achieved through the use of two tax rates is not warranted in light of the dramatic increase in taxes paid by the Commercial/Industrial/Personal Property taxpayer. Bourne is largely a residential community that simply does not have enough of a Commercial/Industrial base to make classification worthwhile.

## ESTIMATED TAX RATE FOR FISCAL YEAR 2017

| Single Tax Rate | Amount | Median Assessment |
|---|---|---|
| Residential | $ .07 | $333,200 |
| Com/Ind | $ .07 | $337,500 |

## SPLIT TAX RATE

| 110% Split | Amount | Median Assessment* | Tax Savings or Cost |
|---|---|---|---|
| Residential | $ .07 | $333,200 | -$ .0 |
| Com/Ind | $ .08 | $337,500 | +$ .01 |

| 125% Split | Amount | Median Assessment | Tax Savings or Cost |
|---|---|---|---|
| Residential | $ .07 | $333,200 | -$ .0 |
| Com/Ind | $ .09 | $337,500 | + $ .02 |

| 150% Split | Amount | Median Assessment | Tax Savings or Cost |
|---|---|---|---|
| Residential | $ .06 | $333,200 | -$ .01 |
| Com/Ind | $ .10 | $337,500 | +$ .04 |

* Based on the median assessment for a single-family residence for the residential category and the median improved commercial/industrial lot for the Com/Ind category.

BOURNE WATER DISTRICT

211 Barlow's Landing Road, P.O. Box 1447
Pocasset, Massachusetts 02559-1447
Office: 508-563-2294 Fax: 508-564-4661

RECEIVED
2016 DEC -8 AM 10: 57
TOWN CLERK BOURNE

# MEETING NOTICE
# BOURNE WATER DISTRICT BOARD OF WATER COMMISSIONERS
# DECEMBER 14, 2016
# 8:30 A.M.

Bourne Water District Office
211 Barlow's Landing Rd., Pocasset

Approval of the following:
Minutes of the NOVEMBER 9, 2016 Commissioner's meeting
NOVEMBER Commitment and Abatements
Weekly Warrant

AGENDA
Regular Session

NEW BUSINESS

1. Request for abatement Lorena – 15 Sanderling Dr.
2. Preliminary Budget
3. Superintendent 2 year review

SUPERINTENDENT'S REPORT

To Town Clerk Please Post: Faxed 12/8/2016 at 10:00 AM

2016 JAN 8 PM 4 ±2

TOWN CLERK'S OFFICE
BOURNE, MASS

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Wednesday January 13, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

Liberty Liquors

17 Buttermilk way

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: account #0864 and account # 0659

Superintendent Report:

Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
PLEASE POST: Meeting Notice

RECEIVED
2016 AUG -4 PM 2:21
TOWN CLERK BOURNE

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
January 13, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

**Guests:**
Patrick O'Neil, Tata and Howard

Meeting Called to order at 4:23pm by Joseph Carrara, Commissioner.

**SUPERINTENDENT'S REPORT:**
Reference Inter-office memorandum dated 1/13/16 by Steve Souza, Superintendent.

**APPOINTMENTS:**
Both Appointments, Liberty Liquors and 17 Buttermilk Way, did not show up for the meeting.

Patrick O'Neil, from Tata & Howard, gave a brief overview of the company's engineering services and how they could be of benefit to the District. The District is considering hiring Tata & Howard to provide engineering and consulting work, in particular, as it would pertain to the development of Station No.5.

Patrick will create a proposal for Station 5 and will present at next meeting for a board vote.

**APPROVAL OF MINUTES:**
There was a MOTION made by the R. Ethier, Commissioner, and SECONDED by J. Carrara, Commissioner to approve the minutes of the December 9, 2015 meeting.

**WARRANT:**
Warrants reviewed and signed by R.Ethier, Commissioner.

**COMMITMENTS:**
Reviewed and signed by R. Ethier, Commissioner.

**CORRESPONDENCE:**
None

**OLD BUSINESS:**
None

**NEW BUSINESS:**
Account #00864 Liberty Liquors, The appointment requested to be put on meeting's agenda, but did not show for meeting.

J.Carrara and R.Ethier discussed issue regarding Liberty Liquors and the stores complaint regarding their high water bill. Barry presented his report and a graph showing increase in water usage resulting from a leak as shown by the meter. The matter was discussed and the Commissioners Carrara and Ethier decided that the District was unable to provide relief at this time and no abatement was given. They suggested the Treasurer type and mail a letter explaining this.

Account # 00659 17 Buttermilk Way, The Appointment requested to be put on the meeting's agenda, but also did not show for meeting.

J. Carrara and R. Ethier discussed the issue concerning 17 Buttermilk Way. The resident of 17 Buttermilk Way had previously expressed concern to the superintendent and water technicians about the possibility of RF emissions coming from his water meter. At the meeting, the Superintendent presented written documentation about the safety of the water meters as compared to other common household devices. Board supported decision to relocate his meter to a weatherproof pit meter if resident covers the cost of installation. No further action to be taken unless we are contacted by resident.

**TREASURER'S REPORT:**
Reference Inter-office memorandum dated 1-15-16 by Jennifer Kelson, Treasurer/Clerk.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**

Barry Woods gave an update on progress of 35 Cohasset project. Currently, we are enlisting the help of the Barnstable Sheriff's department and their prisoner work group. The District will receive free manual labor in exchange for coffee and donuts and lunch for the inmates. The inmates, so far, have taken down trees and started interior demolition work.

**Adjournment:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 5:55 PM was made by Commissioner Carrara and SECONDED by Commissioner Ethier and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

2016 FEB 4 AM 9 03
TOWN CLERK'S OFFICE
BOURNE, MASS

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Wednesday February 10, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

Account 00864
Account 01558
Tata & Howard

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: FY 17 Budget, Tank Account, Station 5 , Set date for Annual District Meeting

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

# BOARD OF COMMISSIONERS MEETING

RECEIVED
2016 AUG -4 PM 2:21
TOWN CLERK BOURNE

MINUTES OF
February 10, 2016
Buzzards Bay Water District 15 Wallace Ave, Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

**Guests:**
Patrick O'Neil, Tata and Howard
EJ Cubellis
Dena Rymsha, Liberty Liquors

Meeting Called to order at 4:04 pm by Rickie Tellier, Chairman.

**APPOINTMENTS:**
Account 00864- Liberty Liquors
Dena Rymsha, owner of Liberty Liquors, questioned the amount of her water bill. Her bill was significantly higher than previous bills, and she stated that in 25 years the building has never had a leak or issue with water consumption. Barry presented a graph depicting the property's recent uncharacteristically high water usage which demonstrates a possible leak somewhere on the property. Dena responded that she had two plumbers look at her building, and they did not identify a leak. Board will take her issue under advisement.

Account 04558- EJ Cubellis
EJ Cubellis, attended the meeting on behalf of his mother's account. He questioned the high water bill at his mother's property address. Commissioners stated that the water consumption level may be attributed to a leak in the irrigation system, which cannot be tested until spring. EJ Cubellis decided to pay the water bill, will test the irrigation when the ground thaws, and will contact the District with his findings.

Tata & Howard
Patrick O'Neil, from Tata & Howard, gave a brief overview of the company's engineering services and how they could be of benefit to the District in the development of Station No. 5. Patrick presented the Board with proposed contract and a budget summary. R. Tellier made a motion to approve the construction of Station 5 and elected to continue to use Tata & Howard. The motion was Seconded by J. Carrara and all in favor.

The District will forward the contract to their legal counsel for review.

**APPROVAL OF MINUTES:**
There was a MOTION made by the R. Ethier, Commissioner, and SECONDED by J. Carrara, Commissioner to approve the minutes of the January 13, 2016 meeting. R. Tellier abstained since he was not present at the January meeting.

**WARRANT:**
Warrants reviewed and signed by R.Ethier, Commissioner, J. Carrara, Commissioner, and Rickie Tellier, Chairman.

**COMMITMENTS:**
Commitments reviewed and signed by R.Ethier, Commissioner, J. Carrara, Commissioner, and Rickie Tellier, Chairman.

**CORRESPONDENCE:**
None

**OLD BUSINESS:**
None

**NEW BUSINESS:**
FY 17 Budget, Tank Account, Station 5, Set date for Annual District Meeting

R.Tellier proposed reviewing the FY Budget at a later date.

An Article will be added to the Annual meeting regarding the Tank Account

District will be going ahead with Station 5 project

Annual District Meeting is set for April 12, 2016 at 7:00 pm

**SUPERINTENDENT'S REPORT:**
Reference Inter-office memorandum dated 2-10-16 by Steve Souza, Superintendent.

**TREASURER'S REPORT:**
Reference Inter-office memorandum dated 2-10-16 by Jennifer Kelson, Treasurer/Clerk.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**
None

**Adjournment:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 5:10 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Wednesday March 9, 2016**

2016 MAR 4 PM 3 59
TOWN CLERK'S OFFICE
BOURNE, MASS

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE: TaTa & Howard permit update

OLD BUSINESS: Budget, Accounts,

NEW BUSINESS: TaTa & Howard proposal

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza** **Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

RECEIVED
2016 AUG -4 PM 2:21
TOWN CLERK BOURNE

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
March 9, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
Rickie Tellier, Chairman
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

Meeting Called to order at 4:03 pm by Rickie Tellier, Chairman.

**APPOINTMENTS:**
None

**APPROVAL OF MINUTES:**
There was a MOTION made by the R. Ethier, Commissioner, and SECONDED by J. Carrara, Commissioner to approve the minutes of the February10, 2016 meeting.

**REVIEW AND APPROVE WARRANTS:**
There were no warrants to approve at this time.

**COMMITMENTS:**
February commitment reviewed and signed by R.Ethier, Commissioner, J. Carrara, Commissioner, and Rickie Tellier, Chairman.

**CORRESPONDENCE:**
Tata and Howard permit update. There will be additional postage costs for sending abutters notification letters and BBWD is required to place ad in newspaper notifying residents of activities.

Unibank. Reference attached copy of letter to Unibank signed by the Commissioners.

**OLD BUSINESS:**
Budget: Reviewed proposed FY17 budget. Robert Ethier, Commissioner, made a motion to accept FY17 budget. Joseph Carrara, Commissioner seconded the motion and all in favor.

Accounts: Liberty Liquors. J.Carrara, Commissioner made a MOTION to send letter stating the need to pay water bill, water passed thru meter and is owed to district. BBWD will offer them an optional payment plan. Motion was SECONDED by R. Tellier, Chariman.

**NEW BUSINESS:**
Tata & Howard Proposal. Commissioners reviewed proposal for Tata & Howard rate study.

**SUPERINTENDENT'S REPORT:**
Reference Inter-office memorandum dated 3-9-16 by Steve Souza, Superintendent.

**TREASURER'S REPORT:**
Reference Inter-office memorandum dated 3-9-16 Jennifer Kelson, Treasurer/Clerk.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**
Discussed schedule of Commissioner payments.

**Adjournment:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 5:15 PM was made by Commissioner Carrara and SECONDED by Commissioner Ethier and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

RECEIVED
2016 APR -4 AM 10: 08
TOWN CLERK BOURNE

*Office of the Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 11:00 a.m. on the following date: Wednesday April 6, 2016**

CALL MEETING TO ORDER:

NEW BUSINESS: Financial updates

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST:** Meeting Notice

RECEIVED
2016 AUG 24 PM 2:21
TOWN CLERK BOURNE

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
April 6, 2016

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
Rickie Tellier, Chairman
J. Carrara, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

**Guest:** Robert Troy, Attorney
**Guest:** Peter McDonald, Murray & McDonald Insurance Agency (via telephone)

Meeting Called to order at 11:07 am by Rickie Tellier, Chairman.

**NEW BUSINESS:**
Financial Updates:
Meeting was called to discuss the proposed settlement offer made by Glatfelter Claims Management regarding the claim under District's Policy Number GPPA-PF-6055666-01. This claim is in reference to the employee theft by John Ethier, the district's prior water technician.

Attorney R. Troy asked S. Souza to contact Peter McDonald of Murray & McDonald Insurance Agency and place him on speaker phone to join the discussion. Peter provided his insight regarding the claim, and stated that he would also call the bonding agency. CNA Surety, that day for an update on the Rocheleau case.

Attorney R. Troy stated that the settlement agreement is flawed and inconsistent. He advised that the Commissioners hold off on signing the settlement agreement at this time. R. Tellier and J. Carrara agreed to hold off on signing.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**
Transportation to/from employee training classes was discussed. District agreed to provide mileage reimbursement when an employee's personal automobile is used to drive to training and other work related events. The technicians may use a District truck for transportation purposes if it is within normal working hours.

Packets for the Annual District Meeting will be available for pickup on Friday, April 8, 2016.

**Adjournment:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 12:55 PM was made by Commissioner Carrara and SECONDED by Chairman Tellier and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

Office of the Commissioners
BUZZARDS BAY WATER DISTRICT
PO Box 248 - 15 Wallace Avenue
Buzzards Bay, MA 02532
Tel: 508.759.4631
Fax: 508.759.1866

RECEIVED
2016 MAR 29 AM 9:54
TOWN CLERK BOURNE

# WARRANT

## ANNUAL DISTRICT MEETING
## BUZZARDS BAY WATER DISTRICT
## APRIL 12, 2016

To one of the Constables of the Town of Bourne, County of Barnstable.

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants who are qualified to vote in the Buzzards Bay Water District, in said Town of Bourne, to meet at

**ST. PETERS CHURCH**
**165 MAIN STREET**
**BUZZARDS BAY, MA 02532**
**TUESDAY, APRIL 12, 2016**
**AT 7:00 P.M.**

Then and there to act upon the following articles:

**ARTICLE 1.** To elect by ballot a Moderator for a term of one (1) year.

**ARTICLE 2.** To elect by ballot a member of the Board of Water Commissioners for a term of three (3) years.

**ARTICLE 3.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury an amount of money to defray the **operating expenses of the District** for the fiscal year beginning July 1, 2016, including Maintenance and Operations, Service Connections, Legal & Engineering Expense, Insurance Expense, Administration and Clerical, Debt & Interest, Elected Officials Salaries, Salaries and Wages, Miscellaneous Expense and such other expenses as may be deemed necessary by the Board of Water Commissioners, or act anything thereon.

**ARTICLE 4.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **stabilization fund,** or act anything thereon.



MAR/29/2016/TUE 08:34 AM FAX No. P. 001

**ARTICLE 5.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to purchase a new **Service Technician Vehicle, including the cost of incidentals** for the District, or act anything thereon.

**ARTICLE 6.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money **for Well rehabilitation and cleaning,** or act anything thereon.

**ARTICLE 7.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money pursuant for **distribution system rehabilitation,** or to act anything thereon.

**ARTICLE 8.** To see if the District will vote to establish under M.G.L Chapter 40 Section 5B **a Special Purpose Stabilization Fund** to be used for costs associated with **Future Storage Tank(s) Maintenance** including Repairs, Painting, and Rehabilitation and or take any other action relative thereto.

**ARTICLE 9.** To see if the District will vote to establish under M.G.L. Chapter 40 Section 5B **a Special Purpose Stabilization Fund** to be used for costs associated with **Future Capital Outlay Expenses** including Repairs, Rehabilitation, and or Asset Replacement and or take any other action relative thereto.

**ARTICLE 10.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury, a sum of money to be added to the **Special Purpose Future StorageTank(s) Stabilization Fund Account**, or act anything thereon.

**ARTICLE 11.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **Special Purpose Future Capital Outlay Expense Stabilization Fund,** or act anything thereon.

Given under our hands this 31st day of March, 2016.

BOARD OF WATER COMMISSIONERS

2016
Joseph J. Carrara 2016

2016
Rickie J. Tellier Sr. 2017

2016
Robert M. Ethier 2018

A True Copy Attest:
Jennifer A. Kelson
Clerk of the District

WARRANT
April 12, 2016
Barnstable, SS
**Buzzards Bay Water District**
**Annual Meeting Warrant, April 12, 2016**

I hereby certify that I have published the Warrant by posting attested and true copies thereof in the Buzzards Bay Post Office and the Bourne Town Hall, Buzzards Bay, Massachusetts on the day of March 31, 2016.

Constable

APPROVED

Office of the Commissioners
BUZZARDS BAY WATER DISTRICT
PO Box 243 - 15 Wallace Avenue
Buzzards Bay, MA 02532
Tel: 508.759.4631
Fax: 508.759.1866

RECEIVED
2017 APR 19 PM 12: 11
TOWN CLERK BOURNE

# ANNUAL DISTRICT MEETING MINUTES
# BUZZARDS BAY WATER DISTRICT
# ST. PETERS CHURCH
# 165 MAIN STREET
# BUZZARDS BAY, MA 02532
# TUESDAY, APRIL 12, 2016
# AT 7:00 PM

The meeting was called to order by the Moderator, Eda L. Cardoza at 7:00 p.m. with 18 registered voters present.

**ARTICLE 1.** To elect by ballot a Moderator for a term of one (1) year.

A **MOTION** was made and **SECONDED** to nominate Eda L. Cardoza as Moderator, for a term of one (1) year. With no further nominations, a **MOTION** was made and **SECONDED** to close nominations. There was then a **unanimous** vote to elect Eda L. Cardoza for the next year.

**ARTICLE 2.** To elect by ballot a member of the Board of Water Commissioners for a term of three (3) years.

A **MOTION** was made to nominate Joseph J. Carrara as Commissioner for a term of three (3) years, which was duly **SECONDED**. As there were no further nominations, a **MOTION** was made to close nominations. The motion was duly **SECONDED and so voted unanimously**. There was then a **unanimous vote** to elect Joseph Carrara to be a Commissioner for a term of three (3) years.

**ARTICLE 3.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury an amount of money to defray the **operating expenses of the District** for the fiscal year beginning July 1, 2016, including Maintenance and Operations, Service Connections, Legal & Engineering Expense, Insurance Expense, Administration and Clerical, Debt & Interest, Elected Officials Salaries, Salaries and Wages, Miscellaneous Expense and such other expenses as may be deemed necessary by the Board of Water Commissioners, or act anything thereon.

Rickie Tellier made a **MOTION** that the District vote to raise and appropriate the sum of **$1,337,892.62** for the purpose herein and to authorize the expenditure of this appropriation for the following designated purposes.

Maintenance & Operations
Service Connections
Legal and Engineering Expense
Insurance Expense
Administrative and Clerical
Debt & Interest
Elected Official Salaries
Salaries & Wages

And such other expenses as may be deemed necessary by the Board of Water Commissioners.

The MOTION was **SECONDED** by Robert Ethier and there was a **unanimous approval.**

**ARTICLE 4.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **stabilization fund,** or act anything thereon.

Joseph Carrara made a **MOTION** that the District vote to transfer from available funds in the treasury known a Free Cash the amount of $15,000 to be added to the Stabilization Fund Account.

The MOTION was **SECONDED** by Rickier Tellier and there was a **unanimous approval.**

**ARTICLE 5.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to purchase a new **Service Technician Vehicle, including the cost of incidentals** for the District, or act anything thereon.

Robert Ethier made a **MOTION** to raise and appropriate $30,000 to purchase a Service Vehicle, including cost of incidentals and to meet this appropriation, to raise and appropriate the amount of $15,000 and to transfer the sum of $15,000 from available funds in the Treasury known as Free Cash.

The MOTION was **SECONDED** by Rickier Tellier and there was a **unanimous approval.**

**ARTICLE 6.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money **for Well rehabilitation and cleaning,** or act anything thereon.

Rickier Tellier made a **MOTION** that the District vote to appropriate the sum of $50,000 for the Well rehabilitation and cleaning and to meet this appropriation, to raise and appropriate the amount of $35,000 and to transfer the sum of $15,000 from available funds in the treasury known as Free Cash for the purpose of this article.

The MOTION was **SECONDED** by Robert Ethier and there was a **unanimous approval.**

**ARTICLE 7.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money pursuant for **distribution system rehabilitation,** or to act anything thereon.

Joseph Carrara made a **MOTION** that the District vote to raise and appropriate the sum of $100,000 for Distribution System Rehabilitation and to meet this appropriation, to raise and appropriate the amount of $50,000 and to transfer the sum of $50,0000 from available fund in the treasury known as Free Cash for the purpose of this article.

The MOTION was **SECONDED** by Rickie Tellier and there was **unanimous approval.**

**ARTICLE 8.** To see if the District will vote to establish under M.G.L Chapter 40 Section 5B **a Special Purpose Stabilization Fund** to be used for costs associated with **Future Storage Tank(s) Maintenance** including Repairs, Painting, and Rehabilitation and or take any other action relative thereto.

Robert Ethier made a **MOTION** that the District vote to establish under M.G.L. Chapter 40 Section 5B a Special Purpose Stabilization Fund to be used for costs associated with Further Storage Tank(s) Maintenance including Repairs, Painting, and Rehabilitation, and or take any other action relative thereto.

The MOTION was **SECONDED** by Rickier Tellier and there was **unanimous approval.**

**ARTICLE 9.** To see if the District will vote to establish under M.G.L. Chapter 40 Section 5B a **Special Purpose Stabilization Fund** to be used for costs associated with **Future Capital Outlay** including Repairs, Rehabilitation, and or Asset Replacement and or take any other action relative thereto.

Rickie Tellier made a **MOTION** that the District vote to establish under M.G.L. Chapter 40 Section 5B a Special Purpose Stabilization Fund to be used for costs associated with Future Capital Outlay Expenses Maintenance including Repairs, Painting, and Rehabilitation, and or take any other action relative thereto.

The MOTION was **SECONDED** by Joseph Carrara and there was **unanimous approval.**

**ARTICLE 10.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury, a sum of money to be added to the **Special Purpose Future Storage Tank(s) Stabilization Fund Account**, or act anything thereon.

Joseph Carrara made a **MOTION** to move that the District vote to transfer from available funds in the treasury known as Free Cash the amount of $100,000 to be added to the Special Purpose Future Storage Tank Stabilization Fund Account.

The MOTION was **SECONDED** by Robert Ethier and there was **unanimous approval.**

**ARTICLE 11.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **Special Purpose Future Capital Outlay Expense Stabilization Fund,** or act anything thereon.

Robert Ethier made a **MOTION** to move that the District vote to transfer from available funds in the treasury known as Free Cash the amount of $100,000 to be added to the Special Purpose Future Capital Outlay Expense Stabilization Fund Account.

The MOTION was **SECONDED** by Rickie Tellier and there was **unanimous approval.**

With no further business to come before the voters, a **MOTION** to ADJOURN was made at 7:11 p.m., was duly **SECONDED** and **unanimously approved.**

Given under our hands this 12th day of April, 2016.

Respectfully Submitted,

Jennifer A. Kelson, Treasurer/Clerk

Office of the Commissioners
BUZZARDS BAY WATER DISTRICT
PO Box 243 - 15 Wallace Avenue
Buzzards Bay, MA 02532
Tel: 508.759.4631
Fax: 508.759.1866

RECEIVED
2016 AUG 12 AM 10:58
TOWN CLERK BOURNE

# ANNUAL DISTRICT MEETING MINUTES
# BUZZARDS BAY WATER DISTRICT
# ST. PETERS CHURCH
# 165 MAIN STREET
# BUZZARDS BAY, MA 02532
# TUESDAY, APRIL 12, 2016
# AT 7:00 PM

The meeting was called to order by the Moderator, Eda L. Cardoza at 7:00 p.m. with 18 registered voters present.

**ARTICLE 1.** To elect by ballot a Moderator for a term of one (1) year.

A **MOTION** was made and **SECONDED** to nominate Eda L. Cardoza as Moderator, for a term of one (1) year. With no further nominations, a **MOTION** was made and **SECONDED** to close nominations. There was then a **unanimous vote** to elect Eda L. Cardoza for the next year.

**ARTICLE 2.** To elect by ballot a member of the Board of Water Commissioners for a term of three (3) years.

A **MOTION** was made to nominate Joseph J. Carrara as Commissioner for a term of three (3) years, which was duly **SECONDED**. As there were no further nominations, a **MOTION** was made to close nominations. The motion was duly **SECONDED and so voted unanimously**. There was then a **unanimous vote** to elect Joseph Carrara to be a Commissioner for a term of three (3) years.

**ARTICLE 3.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury an amount of money to defray the **operating expenses of the District** for the fiscal year beginning July 1, 2016, including Maintenance and Operations, Service Connections, Legal & Engineering Expense, Insurance Expense, Administration and Clerical, Debt & Interest, Elected Officials Salaries, Salaries and Wages, Miscellaneous Expense and such other expenses as may be deemed necessary by the Board of Water Commissioners, or act anything thereon.

Rickie Tellier made a **MOTION** that the District vote to raise and appropriate the sum of **$1,337,892.62** for the purpose herein and to authorize the expenditure of this appropriation for the following designated purposes.

Maintenance & Operations
Service Connections
Legal and Engineering Expense
Insurance Expense
Administrative and Clerical
Debt & Interest
Elected Official Salaries
Salaries & Wages

And such other expenses as may be deemed necessary by the Board of Water Commissioners.

The MOTION was **SECONDED** by Robert Ethier and there was a **unanimous approval.**

**ARTICLE 4.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **stabilization fund,** or act anything thereon.

Joseph Carrara made a **MOTION** that the District vote to transfer from available funds in the treasury known a Free Cash the amount of $15,000 to be added to the Stabilization Fund Account.

The MOTION was **SECONDED** by Rickier Tellier and there was a **unanimous approval.**

**ARTICLE 5.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to purchase a new **Service Technician Vehicle, including the cost of incidentals** for the District, or act anything thereon.

Robert Ethier made a **MOTION** to raise and appropriate $30,000 to purchase a Service Vehicle, including cost of incidentals and to meet this appropriation, to raise and appropriate the amount of $15,000 and to transfer the sum of $15,000 from available funds in the Treasury known as Free Cash.

The MOTION was **SECONDED** by Rickier Tellier and there was a **unanimous approval.**

**ARTICLE 6.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money **for Well rehabilitation and cleaning,** or act anything thereon.

Rickier Tellier made a **MOTION** that the District vote to appropriate the sum of $50,000 for the Well rehabilitation and cleaning and to meet this appropriation, to raise and appropriate the amount of $35,000 and to transfer the sum of $15,000 from available funds in the treasury known as Free Cash for the purpose of this article.

The MOTION was **SECONDED** by Robert Ethier and there was a **unanimous approval.**

**ARTICLE 7.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money pursuant for **distribution system rehabilitation,** or to act anything thereon.

Joseph Carrara made a **MOTION** that the District vote to raise and appropriate the sum of $100,000 for Distribution System Rehabilitation and to meet this appropriation, to raise and appropriate the amount of $50,000 and to transfer the sum of $50,0000 from available fund in the treasury known as Free Cash for the purpose of this article.

The MOTION was **SECONDED** by Rickie Tellier and there was **unanimous approval**.

**ARTICLE 8.** To see if the District will vote to establish under M.G.L Chapter 40 Section 5B **a Special Purpose Stabilization Fund** to be used for costs associated with **Future Storage Tank(s) Maintenance** including Repairs, Painting, and Rehabilitation and or take any other action relative thereto.

Robert Ethier made a **MOTION** that the District vote to establish under M.G.L. Chapter 40 Section 5B a Special Purpose Stabilization Fund to be used for costs associated with Further Storage Tank(s) Maintenance including Repairs, Painting, and Rehabilitation, and or take any other action relative thereto.

The MOTION was **SECONDED** by Rickier Tellier and there was **unanimous approval**.

**ARTICLE 9.** To see if the District will vote to establish under M.G.L. Chapter 40 Section 5B a **Special Purpose Stabilization Fund** to be used for costs associated with **Future Capital Outlay** including Repairs, Rehabilitation, and or Asset Replacement and or take any other action relative thereto.

Rickie Tellier made a **MOTION** that the District vote to establish under M.G.L. Chapter 40 Section 5B a Special Purpose Stabilization Fund to be used for costs associated with Future Capital Outlay Expenses Maintenance including Repairs, Painting, and Rehabilitation, and or take any other action relative thereto.

The MOTION was **SECONDED** by Joseph Carrara and there was **unanimous approval**.

**ARTICLE 10.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury, a sum of money to be added to the **Special Purpose Future Storage Tank(s) Stabilization Fund Account**, or act anything thereon.

Joseph Carrara made a **MOTION** to move that the District vote to transfer from available funds in the treasury known as Free Cash the amount of $100,000 to be added to the Special Purpose Future Storage Tank Stabilization Fund Account.

The MOTION was **SECONDED** by Robert Ethier and there was **unanimous approval.**

**ARTICLE 11.** To see if the District will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be added to the **Special Purpose Future Capital Outlay Expense Stabilization Fund,** or act anything thereon.

Robert Ethier made a **MOTION** to move that the District vote to transfer from available funds in the treasury known as Free Cash the amount of $100,000 to be added to the Special Purpose Future Capital Outlay Expense Stabilization Fund Account.

The MOTION was **SECONDED** by Rickie Tellier and there was **unanimous approval.**

With no further business to come before the voters, a **MOTION** to ADJOURN was made at 7:11 p.m., was duly **SECONDED** and **unanimously approved.**

Given under our hands this 12th day of April, 2016.

Respectfully Submitted,

Jennifer A. Kelson, Treasurer/Clerk

APPROVED

RECEIVED
2016 MAY -5 AM 9:32
TOWN CLERK BOURNE

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Wednesday May 11, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS:

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
May 11, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

RECEIVED
2016 AUG -4 PM 2:20
TOWN CLERK BOURNE

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk
Jim Mulvey, Bourne Resident

Meeting Called to order at 4:00 pm. by J.Carrara, Commissioner.
Chairman Tellier was not present for meeting.

**APPOINTMENTS:** None

**REVIEW AND APPROVE MINUTES:** R. Ethier made a MOTION to approve the minutes of the Tues., April 12, 2016 Annual Meeting. J. Carrara SECONDED that MOTION and all in favor. J. Carrara made a MOTION to approve the minutes of the April 6, 2016 meeting. R.Ethier had to abstain from vote because he did not attend that meeting. Minutes of the April 6, 2016 meeting will need to be reviewed and approved by R. Tellier, Chairman, at the next meeting.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** Available commitments were reviewed and signed.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:** Commissioner Carrara commented about the progress made to date on the new well project, overall staff efforts, and other activities he was engaged in over the last year. He has concerns with procedural issues and policies and believes they need to be discussed by a full Board. Commissioner Ethier asked Treasurer Kelson when the final audit was expected and she indicated it would be completed before the end of the current fiscal period. Procedures and policies were brought up and Commissioner Ethier made a MOTION to have procedures, policies, and District bylaws added to the agenda for review at an upcoming meeting, SECONDED by Commissioner Carrara. Mr. Mulvey, through the Board, directed an inquiry to B. Woods about long range planning and

water needs and the response was noted that we are working with state permits to address current and future needs.

**ADJOURNMENT:**

There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 4:50 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

Office of The Commissioners
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

RECEIVED
2016 MAY 19 AM 10:50
TOWN CLERK BOURNE

May 19 ,2016

Barry Johnson
Town Clerk
24 Perry Avenue
Buzzards Bay,MA 02532

Re: 2015 CCR

Dear Mr. Johnson,

As required by MASS.DEP, enclosed is your copy of the completed Buzzards Bay Water District's Consumer Confidence Report for the calendar year 2015.

Copies are available at the District Office, 15 Wallace Avenue. Interested parties can call the office at (508)759-4631 to receive a copy in the mail.

If you have any questions regarding this report, please give me a call.

Sincerely,

Steven Souza
Superintendent

# Buzzards Bay Water District

PWS ID# 4036001

# CONSUMER CONFIDENCE REPORT 2015

Dear Valued Customer,

It is my pleasure to present to you the 2015 Consumer Confidence Report summarizing the past year in the Buzzards Bay Water District. Consumer Confidence Reports are used to inform the public about the quality and quantity of the water and the effort it takes to maintain it. This report is for the calendar year 2015, however, the water quality data includes the most recent rounds of sampling.

Respectfully Submitted,

Steve Souza
Water Superintendent

## Where does the water come from?

The Buzzards Bay Water District receives its water supply from four groundwater sources supplied by the Plymouth / Carver aquifer. Station 2 is located off Kettle Lane and Stations 1,3 and 4 are all located off Bournedale Road. Each well has its own pump station and chemical feed equipment. Groundwater is naturally filtered through soil usually not requiring additional filtration, however, potassium hydroxide (KOH) is used to raise the pH of the water. This reduces corrosion of household plumbing and also reduces your exposure to lead and copper.

Water pumped is used by the residents and what is remaining is stored in two storage tanks. The tanks provide pressure and fire protection for the District. The total capacity of the two tanks is two million gallons. This capacity helps ensure consistent supply to all residences during high peak demand periods.

The District is overseen by the Board of Water Commissioners. All are welcome to attend the Board of Water Commissioners' meetings held at the Buzzards Bay District Office, 15 Wallace Avenue, Buzzards Bay, MA. The Board meetings are posted at the Town Hall or you can call the District office for date and time. The Annual Water District Meeting is scheduled for the second Tuesday in April at 7:00 p.m. Water Quality Data for community water systems throughout the United States is available at *www.waterdata.com*.

## Please practice water conservation.

### The Facts on Peak Water Use

- Peak seasonal water use is typically three to five times as much as winter water use. It's a great time to find new ways to save water inside and outside your home.
- The average American home uses about 260 gallons of water per day; however, during peak season the same household can use about 1,000 gallons of water in a day.
- In some instances peak daily use can be as high as 3,000 gallons a day - more than 10 times the average daily use. That's equivalent to a garden hose running open for nearly 8 hours or enough water to supply the same home for sixteen days!
- We can all reduce our peak water use - and utility bills - by watering only as needed, washing full loads of laundry, and using more efficient plumbing fixtures.

EPA Water Sense

### ....More Statistics .....

The Buzzards Bay Water District pumped 186,962,608 gallons during 2015.

The maximum day for water consumption occurred on August 17, 2015 at 1,069,153 gallons.

The total consumption is approaching our permitted allocations by the regulatory Water Management Act.

***WATER CONSERVATION PROTECTS OUR NATURAL RESOURCES***

**Your special efforts with conservation, especially during the outside water use periods of May through September, are greatly appreciated. Non-essential outside restrictions between 9 a.m. and 5 p.m. are encouraged.**

# SUBSTANCES FOUND IN DRINKING WATER

The sources of drinking water (both tap and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land, or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material and can pick up substances resulting from the presence of animal or human activity.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791)

Some people may be more vulnerable to contaminants in drinking water than the general population. Immune-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders and some elderly and infants can be particularly at risk from infections. These people should seek advice from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The Buzzards Bay Water District is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

Contaminants that may be present in source water before treatment include: **microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations and wildlife; **inorganic contaminants**, such as salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming; **pesticides and herbicides**, which may come from a variety of sources such as agricultural and residential uses; **organic chemical contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production and can also come from gas stations, urban storm water runoff and septic systems; **radioactive contaminants**, which can be naturally-occurring or be the result of oil and gas production and mining activities.

In order to insure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Buzzards Bay water is treated according to EPA's regulations. FDA and the Massachusetts Department of Public Health regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

All chemicals used for water treatment are approved by the National Sanitation Foundation or Underwriter Laboratories, both accredited by the American National Standards Institute (ANSI). Chemicals must also meet standards established by the American Water Works Association.

The United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) have specific requirements for the quality of water delivered by public water suppliers. To assure that this quality is maintained these agencies have testing requirements. The table on the following page, lists all the drinking water contaminants that were detected during 2015. THE PRESENCE OF THESE CONTAMINANTS IN THE WATER DOES NOT NECESSARILY INDICATE THAT THE WATER POSES A HEALTH RISK. Some of the test dates are from prior years. That is because we were not required to test for these substances during 2015. We follow a strict schedule regulated by the DEP for water testing.

CONTAMINANTS DETECTED WERE BELOW THE MAXIMUM CONTAMINANT LEVEL DETERMINED BY THE EPA.

MCLG: Maximum Contaminant Level Goal, the level below which there is no know health risk. MCLGs allow for a margin of safety.
MCL: Maximum Contaminant Level; The highest level of a contaminant that is allowed in drinking water. MCL's are set as close to the MCLG as feasible using the best available treatment technology.
AL: Action Level; The concentration of a contaminant which, when exceeded, triggers a treatment or other requirement which a water system must follow.
TT: Treatment Technique; A required process intended to reduce the level of a contaminant in drinking water.
**90th Percentile:** Out of every 10 homes, 9 were at or below this level.

| | | |
|---|---|---|
| **NR:** Not Regulated | **ND:** Not Detectable at testing limit | **N/A:** Not Applicable |
| **pCi/L:** Alpha Emitters | **ppb:** Parts per Billion | |
| **ppm:** Parts per Million | **mgd:** Million gallons per Day | |

# 2015 Water Quality Information Table

| SUBSTANCE (Contaminant) | Date Code | Highest Level Detected | Range of Detection | MCL | MCLG | Source of Contaminant | Violation (Y/N) |
|---|---|---|---|---|---|---|---|
| ***INORGANIC*** | | | | | | | |
| Nitrate (ppm) | 3 | 1.06 | .16-1.06 | 10 | 10 | Runoff from fertilizer use; Leaching from septic tanks, sewage; erosion of natural deposits. | N |
| Sodium (ppm) | 4 | 11.9 | 8.9-11.9 | NR | NR | Road salt runoff. Naturally present in the environment. | N |
| Perchlorate (ppb) | 5 | 0.27 | .06-0.27 | 2.0 | NA | Rocket propellants, fireworks, munitions, flares, blasting agents. | N |
| ***LEAD & COPPER*** | | | | | | | |
| Lead (ppb) | 2 | 28 | ND-28 90th%=5.0 | AL=15* See Footnote **** | | Corrosion of household plumbing. | N |
| Copper (ppm) | 1 | 0.82 | 0.07-0.82 90th%=0.49 | AL=1.3* | | Corrosion of household plumbing. | N |
| ***UNREGULATED*** | | Range | Average Detect | SMCL | Health Advisory | | |
| Manganese (PPB) | 6 | ND-49 | 20 | 50** | 300 | Erosion of natural deposits | N |

**DATE ANALYZED AND LOCATION:**

1. September 11th, 12th, and 13th, 2013 DEP Approved Sample Locations
2. September 11th, 12th, and 13th, 2013 DEP Approved Sample Locations
3. May 12, 2015 Pump Stations 1, 2, 3 and 4
4. January 30, 2014 Pump Stations 1, 2, 3, and 4
5. August 13th, 2014 Pump Station 1,2,3, and 4
6. December 18,2015 Office and Pump Stations 1,2,3,and 4

*Samples were below the Action Level due to the treatment of the sources, reducing the acidity of the water.

**Drinking water may naturally have manganese and, when concentrations are greater than 50 µg/L, the water may be discolored and taste bad. Over a lifetime, the EPA recommends that people drink water with manganese levels less than 300 µg/L and over the short term, EPA recommends that people limit their consumption of water with levels over 1000 ug/L, primarily due to concerns about possible neurological effects. Children up to 1 year of age should not be given water with manganese concentrations over 300 ug/L, nor should formula for infants be made with that water for longer than 10 days.*

**** Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure. Eighteen samples were below the action level and two samples were above the action level.

For More Information on the Buzzards Bay Water System contact:

Steve Souza, Superintendent
Buzzards Bay Water District
15 Wallace Avenue
P.O. Box 243
Buzzards Bay, MA 02532
508-759-4631
www.buzzardsbaywaterdistrict.com
Public Water Supply ID#: 4036001

## CROSS CONNECTION & BACKFLOW PREVENTION

Help protect your public water supply and safeguard your potable water use from potential contamination due to backflow and back-siphonage. When water flows backwards through the water supply system, backflow and back-siphonage can occur. Numerous well documented cases identify that cross connections have been responsible for contamination of drinking water. A cross connection is defined as any actual or potential connections between a potable and non potable water supply.

**How can you help:** Never submerge hoses in containers including pools, buckets, tubs and or sinks. Always keep the end of the hose clear of possible contaminants. Do not use spray attachments, such as an unprotected lawn and garden sprayer attached to your garden hose without proper backflow prevention. Inexpensive backflow devices can be purchased and easily installed on all of your older style hose bibs or threaded faucets. You can also ask a local plumber to assist you with this task.

The District needs your support in helping to maintain a safe delivery of our public drinking water system.

## Buzzards Bay "SWAP" Report

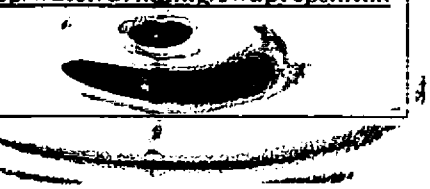
The Source Water Assessment and Protection (SWAP) program (conducted by the Mass. Dept. of Environmental Protection), established under the Federal Safe Drinking Water Act, requires every state to:

- inventory land uses within the recharge areas of all public water supply sources
- assess the susceptibility of drinking water sources to contamination from these land uses and publicize the results to provide support for improved protection.

Buzzards Bay's susceptibility ranking is high for all four wells because they are located in an aquifer with a high vulnerability to contamination due to the absence of hydro-geologic barriers (i.e.: clay) that can prevent contaminant migration.

Residents can help protect sources by taking hazardous household chemicals to hazardous materials collections days.

The complete SWAP report is available at the Buzzards Bay Water District Office and online at http://www.mass.gov/dep/water/drinking/swapreps.htm.



2015 Board of Water Commissioners

Rickie Tellier - Chairman
Joseph Carrara Sr. - Commissioner
Robert M. Ethier - Commissioner

2016 JUN 7 PM 6 10
TOWN CLERK'S OFFICE
BOURNE, MASS

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Wednesday June 8, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS: Clifton,Larson,Allen

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: Audit Review

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

BARRY H. JOHNSON
Town Clerk

WENDY CHAPMAN
Assistant Town Clerk

# TOWN OF BOURNE

## Office of the Town Clerk

## MEMORANDUM TO THE FILE

Re.: BBAY Water District meeting of Wednesday, June 8, 2016

The BBAY Water District administrative office faxed to our office on Friday, June 3, 2016 at 1:24pm the attached meeting agenda of the Water District Commissioners that was going to be held on the above-referenced date.

When we went to check the fax machine on Tuesday, June 7, 2016 to see if there were any materials contained in same....we discovered that the paper in the machine had run out this meeting was still pending to be printed out.

As a result of this...we also discovered that the time & date stamp machine used had malfunctioned and the wrong time was on the notice.

Therefore, I have determined that the "problems" were in this office and not with the BBAY Water District.

Barry H. Johnson, Clerk

June 9, 2016

24 Perry Avenue
Buzzards Bay, Massachusetts 02532
Phone 508-759-0600 x505

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
June 8, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

Meeting Called to order at 4:00 pm. by J.Carrara, Commissioner.
Chairman Tellier was not present for meeting.

**APPOINTMENTS:** CliftonLarsonAllen. Josee Young of CliftonLarsonAllen presented the FY15 Financial Audit draft.

**REVIEW AND APPROVE MINUTES:** R. Ethier made a MOTION to approve the minutes of the Wednesday, May 11, 2016 district meeting. J. Carrara SECONDED that MOTION and all in favor.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** Available commitments were reviewed and signed.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:** None

**ADJOURNMENT:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 4:45 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

APPROVED

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*June 8, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Steve Souza, Superintendent

**Date** 6-3-2016 for BWC Meeting on -8-2016

**Re:** Superintendent's Report

---

I am pleased to provide you with this monthly bulleted report regarding some of the District activities since our last Board meeting.

- Meter reading started
- Phone,signal,alarm conduit ran to 35 cohasset
- Hydrants raised properties restored and seeded
- Backhoe serviced, tire replaced
- Dump truck serviced, tires replaced
- Hydrant on St. Margarets and Wall St. replaced
- Hydropillar cleaning and inspection scheduled for June 15th

Respectfully submitted, *Steve Souza. Superintendent*

June 8, 2016

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **6/8/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting.

- Unibank Borrowing
  - 1.5 million dollar BAN received and deposited in bank
- Met with Peter from Murray and McDonald to go over insurance renewal
- Audit
  - FY16 Audit is scheduled to begin July 27, 2016
- Treasurer Trainings
  - June 13-15th, Hyannis. MCTA Annual Educational Conference
  - August 16-19th, UMASS Amherst, MCTA Annual School
- Century lockbox set up and ready for July billing
- Kelley & Ryan set up to do our printing, stuffing, and mailing
- Online bill pay thru City Hall Systems should be available for next billing cycle

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

RECEIVED
2016 AUG -4 PM 2:20
TOWN CLERK BOURNE

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
June 8, 2016

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

Meeting Called to order at 4:00 pm. by J.Carrara, Commissioner.
Chairman Tellier was not present for meeting.

**APPOINTMENTS:** CliftonLarsonAllen. Josee Young of CliftonLarsonAllen presented the FY15 Financial Audit draft.

**REVIEW AND APPROVE MINUTES:** R. Ethier made a MOTION to approve the minutes of the Wednesday, May 11, 2016 district meeting. J. Carrara SECONDED that MOTION and all in favor.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** Available commitments were reviewed and signed.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:** None

**ADJOURNMENT:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 4:45 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

RECEIVED
2016 AUG 24 PM 2:27
TOWN CLERK BOURNE

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:30 p.m. on the following date: Tuesday August 9, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: Account #01340

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
August 9, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

RECEIVED
2016 SEP 30 PM 2:29
TOWN CLERK BOURNE

**Present:**
R. Tellier, Chairman
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk

Meeting Called to order at 4:30 pm. by R. Tellier, Chairman.

**APPOINTMENTS:** None

**REVIEW AND APPROVE MINUTES:** R. Ethier made a MOTION to approve the minutes of the June 8, 2016 district meeting. J. Carrara SECONDED that MOTION. R. Tellier abstained from the vote since he was not present at the June 8, 2016 meeting.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** Available commitments were reviewed and signed.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** Account # 01340
Town of Bourne is requesting that we abate $560 on account 01340 because the house sold and the lien was not paid. Bob made a MOTION to not abate. Rickie SECONDED that motion. J. Carrara requested that Steve bring the matter up to Council for suggestions.

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:** Rickie questioned the status of hydrant painting. Steve said about 80 hydrants have been done. Rickie requested that Steve find out the status of the rate study for the next district meeting.

Chairman Tellier, Commissioner Ethier and Commissioner Carrara signed the form Department of Revenue On-Line Gateway System Permission to Electronically Sign thus granting Jennifer Kelson, Treasurer the ability to electronically sign on their behalf.

Next meeting scheduled for Wednesday, September 14, 2016 at 4:30

**ADJOURNMENT:**

There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 5:10 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*September 28, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **8/9/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting.

- IT
  - Purchased new server
  - Approx. cost $8,500 was budgeted for FY17
  - Installation date 8/10/16

- Audit
  - FY16 Audit began July 25, 2016.
  - FY15 Audit is complete

- Treasurer Trainings
  - August 16-19th, UMASS Amherst, MCTA Annual School
  - September 15th, Cape and Islands Treasurers and Collectors Fall Meeting

- Century lockbox, Kelley & Ryan, and Online bill pay thru City Hall Systems are all up and running

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

*August 9, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Steve Souza, Superintendent

**Date** 8-4-2016 for BWC Meeting on 8-9-2016

**Re:** Superintendent's Report

---

I am pleased to provide you with this monthly bulleted report regarding some of the District activities since our last Board meeting.

- Tank cleaning done on hydropillar
- Techs went to hydrant and valve class
- Getting paving quotes for 35 cohasset
- Fencing quotes for 35 cohasset
- I attended a school dept. meeting about L&C testing
- Received approval from DEP to construct well
- Getting ready for lead and copper testing
- Solarbee came to inspect tank mixer
- Meeting with Patrick next week about building design

Respectfully submitted, *Steve Souza. Superintendent*

RECEIVED
2016 SEP -9 AM 9:31
TOWN CLERK BOURNE

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:30 p.m. on the following date: Wednesday September 14, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: Office Hours, Well #5 Contract 1 Award,

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza** **Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
September 14, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
B. Woods, Admin. Support
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk
W. Perkins, Operations Chief

Meeting Called to order at 4:30 pm. by J. Carrara, Commissioner.

**APPOINTMENTS:** None

**REVIEW AND APPROVE MINUTES:** R. Ethier made a MOTION to approve the minutes of the August 9, 2016 district meeting. J. Carrara SECONDED that MOTION.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** None available.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** Office hours, Well #5 Contract 1 Award

Jennifer Kelson, District Treasurer, proposed establishing new office hours due to the decrease in office traffic based on the new online payment system. J. Kelson also brought up safety concerns of working alone from 4-4:30. New office hours are now 7:30 am- 4:00 pm. R. Ethier made a MOTION to accept the 7:30 am- 4:00 pm office hours, and J. Carrara SECONDED the motion.

Wayne Perkin, Operations Chief, presented the bids for Well #5 and proposed that the District accept the bid from proposal and J. Carrara SECONDED that motion. R. Ethier made a MOTION to accept Dennis L. Maher Co. LLC proposal and J. Carrara SECONDED that motion.

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**

Next meeting scheduled for Tuesday, October 12, 2016 at 4:30 pm

**ADJOURNMENT:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 5:10 PM was made by Commissioner Ethier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

September 14, 2016

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Steve Souza, Superintendent

**Date** 9-12-2016 for BWC Meeting on 9-14-2016

**Re:** Superintendent's Report

---

I am pleased to provide you with this monthly bulleted report regarding some of the District activities since our last Board meeting.

- Hydrant painting
- Staff working on house
- Broken curb stop repaired in Plymouth
- Backhoe serviced for piston leak
- Fence next door started
- Clover paving started on lot
- New Water Restriction and flushing signs made
- Station 4 pump motor failed, now out for rebuild
- Army Corps. 6" meter was replaced
- 258 main st 2" meter replaced

Respectfully submitted, *Steve Souza, Superintendent*

*September 14, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **9/14/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting.

- IT
  - New server installed on 8/10/16
  - Rec'd delivery of 2 new computers (for Steve and Scott) to replace 2 very outdated systems

- Audit
  - FY16 Audit began July 25, 2016.
  - Still in process, all going well

- Treasurer Trainings
  - Attended UMASS Amherst, MCTA Annual School, August 16-19th,
  - September 15th, Cape and Islands Treasurers and Collectors Fall Meeting

- Meeting Minutes to Plymouth Town Hall
  - We are now set up to post meeting agendas and minutes online with Plymouth Town Hall thru the NovusAgenda website
  - Town of Bourne still to receive paper copies and faxed in notices until otherwise instructed

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

2016 OCT 6 PM 2 56
TOWN CLERK'S OFFICE
BOURNE, MASS

*Offices of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:30 p.m. on the following date: Wednesday October 12, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS:

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
October 12, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

RECEIVED
2017 JAN 17 PM 2:44
TOWN CLERK BOURNE

## MINUTES

**Present:**
R. Tellier, Chairman
J. Carrara, Commissioner
B. Woods, Admin. Support
J. Kelson, Treasurer/ Clerk
W. Perkins, Operations Chief

Commissioner, Bob Ethier, not in attendance.

Meeting Called to order at 4:30 pm. by Rickie Tellier, Chairman.

**APPOINTMENTS:** None

**REVIEW AND APPROVE MINUTES:** Unable to approved the minutes of the 9/14/16 meeting because Bob Ethier was not present to vote. Minutes of 9/14/16 meeting will be reviewed at next district meeting.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** None available.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

Superintendent Report: see attached detail
Treasurers Report: see attached detail

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**

Next meeting scheduled for Tuesday, November 8, 2016 at 4:00 pm

**ADJOURNMENT:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 4:50 PM was made by Chairman Tellier and SECONDED by Commissioner Carrara and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*October 12. 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Steve Souza, Superintendent

**Date** 10-5-2016 for BWC Meeting on 10-12-2016

**Re:** Superintendent's Report

---

I am pleased to provide you with this monthly bulleted report regarding some of the District activities since our last Board meeting.

- Parking lot Paved
- Lead And Copper Sampling Complete
- Application For Sample Waiver Submitted
- Fence Finished
- Station 4 Motor Back In Service
- Dump truck floor replaced
- Hydrant hit on Scenic Hwy
-

Respectfully submitted, *Steve Souza, Superintendent*

*October 12, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **10/12/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting.

- Audit
  - Received draft of 2016 Audit from CLA
  - To be reviewed and signed by Chairman and Treasurer

- Treasurer Trainings/Meetings
  - Attended September 15th, Cape and Islands Treasurers and Collectors Fall Meeting
  - Will attend Mass Municipal Auditors' and Accountants' Assoc. Fall Meeting, 11/3/16
  - Will attend MCTA Fall Meeting, 11/16/16 in Sutton, MA

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Tuesday November 8, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS:

REVIEW AND APPROVE MINUTES:

REVIEW AND APPROVE WARRANTS:

REVIEW AND APPROVE COMMITMENTS:

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS: Holiday Schedule November and December

Superintendent Report:
Treasurers Report:

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

RECEIVED
2016 NOV -3 PM 4:34
TOWN CLERK BOURNE

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF
November 8, 2016
Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

RECEIVED
2017 JAN 17 PM 2:44
TOWN CLERK BOURNE

**Present:**
R. Tellier, Chairman
J. Carrara, Commissioner
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk
L. Warrant, Account Manager
B. Woods, Admin. Support
Commissioner, Bob Ethier, not in attendanc

Meeting Called to order at 4:04 pm. by Rickie Tellier, Chairman.

**APPOINTMENTS:** None

**REVIEW AND APPROVE MINUTES:** Minutes of the 9/14/16 meeting and 10/12/16 meeting were reviewed and approved by J. Carrara and R. Tellier. J. Carrara made a MOTION to approve and it was SECONDED by R. Tellier.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed and signed.

**REVIEW AND APPROVE COMMITMENTS:** The October 2016 commitment was reviewed.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**
The Thanksgiving and Christmas Holiday schedule, as described in the Treasurer's Report, was reviewed and agreed upon. R. Tellier, Chaiman, also proposed that the District offer the employees each a $25 turkey card (grocery store gift card). J. Carrara made a MOTION to gift each employee a $25 grocery store gift card for the holidays. R. Tellier, Chairman SECONDED the motion.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:** R. Tellier suggested that the District invite Daniel Doucette of the Town of Bourne Planning Board to the next District Meeting to review future town water needs and expectations.
Next meeting scheduled for December 13, 2016 at 4:00 pm

**ADJOURNMENT:** There being no further issues to come before the Board, *a MOTION to adjourn the meeting at 5:10 PM was made by Chairman Tellier and SECONDED by Commissioner Carrara and so moved.*

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*January 12, 2017*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **11/07/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting:

- Free Cash dated 7/1/16 has been certified by DOR
  - Certified 6 months quicker than previous year
  - Free cash approved in the amount of $692,497

- Tax Rate Meeting
  - The Board to meet with Bourne and Plymouth Town Halls to set the 2017 tax rate
  - Donna Barakauskas, Town of Bourne, is requesting a meeting next week, either Nov 15th or 17th @ 4:00 pm to vote on tax rate
  - Waiting to hear from Plymouth to set up meeting

- Proposed Holiday Schedule
  - Thanksgiving:
    - Close at noon, Wednesday, November 23, 2016
    - Closed, Thanksgiving, November 24, 2016
    - Closed, day after Thanksgiving, November 25th, in exchange for working Veteran's Day
  - Christmas:
    - Closed at noon, Friday, December 23, 2016
    - Closed day after Christmas, Monday, December 26, 2016

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

RECEIVED
16 NOV 14 PM 2:53
TOWN CLERK BOURNE

*Office of The Commissioners*
Buzzards Bay Water District
P.O. Box 243 – 15 Wallace Avenue
Buzzards Bay, MA 02532
(508) 759 - 4631

**The Board of Commissioners will hold a meeting to conduct District business at the District Office, 15 Wallace Avenue, Buzzards Bay At 4:00 p.m. on the following date: Thursday November 17, 2016**

CALL MEETING TO ORDER:

APPOINTMENTS: Donna Barakauskas Bourne Tax Rate

NEW BUSINESS: Bourne Tax Rate

OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:

EXECUTIVE SESSION:

ADJOURNMENT

**Steve Souza / Superintendent**

FAXED TO:
Bourne Town Clerk 508-759-7980
Plymouth Town Clerk 508-830-4062
**PLEASE POST: Meeting Notice**

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF

November 17, 2016

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**
J. Carrara, Commissioner
R. Ethier, Commissioner
S.Souza, Superintendent
J. Kelson, Treasurer/ Clerk
B. Woods, Admin. Support

Meeting Called to order at 4:00 pm. by J. Carrara, Commissioner.

**APPOINTMENTS:** Donna Barakauskas, Bourne Town Hall

**NEW BUSINESS:** Bourne Tax Rate
Board accepted Donna Barakauskas's recommendation to retain one tax rate. R. Ethier made a motion to set the FY17 tax rate at $ .73. J.Carrara, Commissioner SECONDED that motion.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**
None

**EXECUTIVE SESSION:**
None

**ADJOURNMENT:**
There being no further issues to come before the Board, ***a MOTION to adjourn the meeting at 4:15 PM was made by Commissioner Carrara and SECONDED by Commissioner Tellier and so moved.***

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF

December 13, 2016

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

**Present:**

R. Tellier, Chairman
J. Carrara, Commissioner
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk
L. Warren, Account Manager
B. Woods, Admin. Support

Multiple guests present in the audience.

Commissioner, Bob Ethier, was not in attendance

Meeting Called to order at 4:00 pm. by Rickie Tellier, Chairman.

RECEIVED
2017 MAR 13 AM 11:50
TOWN CLERK BOURNE, MA

**APPOINTMENTS:** Anne Dunn, Plymouth Town Hall

**REVIEW AND APPROVE MINUTES:** Minutes of the 11/8/16 meeting were reviewed and approved by J. Carrara and R. Tellier. J. Carrara made a MOTION to approve and it was SECONDED by R. Tellier. The review and approval of the 11/18/16 minutes was tabled for next district meeting when R. Ethier is present to vote.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed, approved, and signed.

**REVIEW AND APPROVE COMMITMENTS:** The October 2016 commitment was reviewed and signed by R.Tellier and J. Carrara. The November Commitment will be approved once R. Ethier reviews and signs it at a later date.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**
Board accepted Anne Dunn's recommendation to retain one tax rate. J.Carrara made a motion to set the FY17 tax rate at $ .83 as recommended by Anne Dunn. R. Telier, Chairman SECONDED that motion.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**

Local residents brought up their concerns regarding the case and conviction of C. Rocheleau and J. Ethier. Residents and the press were requesting a statement from the Commissioners regarding the case and the future of the district. R. Tellier made a statement about the case and explained that many changes have been put into place to prevent future fraudulent situations. Some of

these organizational changes include: staff changes, outsourcing payroll, hiring a new audit firm, dual signature requirement on all outgoing checks, review of financial documentation, increased separation of duties, and increased IT services. R. Tellier described the recovery process and what money was recouped from the bond and insurance agencies. Residents were reassured that rates should not go up as a result of the crime. R. Tellier explained that the District was previously discouraged, by legal counsil, from making a statement about the case.

Another resident brought up the issue of the water main on Old Bridge Rd needing replacement. The District is aware of the situation and the main will be addressed in the future.

.**ADJOURNMENT:** There being no further issues to come before the Board, *a MOTION to adjourn the meeting at 5:16PM was made by J. Carrara, Commissioner, and SECONDED by Chairman Tellier and so MOVED.*

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

APPROVED

# BOARD OF COMMISSIONERS MEETING

MINUTES OF

December 13, 2016

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

## MINUTES

RECEIVED
2017 JAN 17 PM 2:44
TOWN CLERK BOURNE

**Present:**

R. Tellier, Chairman
J. Carrara, Commissioner
S. Souza, Superintendent
J. Kelson, Treasurer/ Clerk
L. Warren, Account Manager
B. Woods, Admin. Support

Multiple guests present in the audience.

Commissioner, Bob Ethier, was not in attendance

Meeting Called to order at 4:00 pm. by Rickie Tellier, Chairman.

**APPOINTMENTS:** Anne Dunn, Plymouth Town Hall

**REVIEW AND APPROVE MINUTES:** Minutes of the 11/8/16 meeting were reviewed and approved by J. Carrara and R. Tellier. J. Carrara made a MOTION to approve and it was SECONDED by R. Tellier. The review and approval of the 11/17/16 minutes was tabled for next district meeting when R. Ethier is present to vote.

**REVIEW AND APPROVE WARRANTS:** Available warrants were reviewed, approved, and signed.

**REVIEW AND APPROVE COMMITMENTS:** The October 2016 commitment was reviewed and signed by R.Tellier and J. Carrara. The November Commitment will be approved once R. Ethier reviews and signs it at a later date.

**CORRESPONENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**
Board accepted Anne Dunn's recommendation to retain one tax rate. J.Carrara made a motion to set the FY17 tax rate at $ .83 as recommended by Anne Dunn. R. Telier, Chairman SECONDED that motion.

**OTHER/OPEN COMMENTS & NON-AGENDA ITEMS:**

Local residents brought up their concerns regarding the case and conviction of C. Rocheleau and J. Ethier. Residents and the press were requesting a statement from the Commissioners regarding the case and the future of the district. R. Tellier made a statement about the case and explained that many changes have been put into place to prevent future fraudulent situations. Some of

these organizational changes include: staff changes, outsourcing payroll, hiring a new audit firm, dual signature requirement on all outgoing checks, review of financial documentation, increased separation of duties, and increased IT services. R. Tellier described the recovery process and what money was recouped from the bond and insurance agencies. Residents were reassured that rates should not go up as a result of the crime. R. Tellier explained that the District was previously discouraged, by legal counsil, from making a statement about the case.

Another resident brought up the issue of the water main on Old Bridge Rd needing replacement. The District is aware of the situation and the main will be addressed in the future.

.**ADJOURNMENT:** There being no further issues to come before the Board, *a MOTION to adjourn the meeting at 5:16PM was made by J. Carrara, Commissioner, and SECONDED by Chairman Tellier and so MOVED.*

Respectfully Submitted,

Jennifer Kelson, Treasurer/ Clerk

*December 13, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Jennifer A. Kelson

**Date** **12/13/16**

**Re:** Treasurer's Report

---

Please see to the following notes regarding Treasurer activity since the last Board meeting:

- Holiday Schedule
  - Christmas:
    - Closed at noon, Friday, December 23, 2016
    - Closed day after Christmas, Monday, December 26, 2016
    - Holiday Closures 2017 (see attached)
  - New Years:
    - Close at noon, Friday, December 30, 2016
    - Closed, Monday, January 2, 2016

- Upcoming Meeting Schedule
  - Tues, January 10th at 4:00
  - Tues, February 14th at 4:00

- Office Renovations
  - Main office painting and carpet complete
  - Small office: waiting for installation of window, plaster the walls, insulate, carpet, paint. Estimated completion end of January 2017

- W-2's and 1099's
  - Payroll company to create all W-2's. Will be available the end of January 2017.
  - Jenn will create and send out all 1099's by end of Jan 2017

- Retiree Insurance increases
  - Treasurer sent letters notifying retirees of increase
  - Increase of 9.9%

Respectfully submitted, *Jennifer A. Kelson, District Treasurer/Clerk*

*December 13, 2016*

**Memorandum** **Inter-office** **Buzzards Bay Water District**

**To:** Board of Water Commissioners

**CC:** file

**From:** Steve Souza, Superintendent

**Date** 12-9-2016 for BWC Meeting on 12-13-2016

**Re:** Superintendent's Report

---

I am pleased to provide you with this monthly bulleted report regarding some of the District activities since our last Board meeting.

- Hydrant flushing complete
- Meter reading started
- Office move finished
- Broken hydrant to be fixed
- 1st step of station 5 well complete
- Replaced curb stop on Wright Ln.
- Working with contractor at Pet Smart site

Respectfully submitted, *Steve Souza, Superintendent*

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
DECEMBER 14, 2016

RECEIVED
2017 MAR 17 PM 2:37
BOURNE

THE MEETING WAS DULY POSTED

THE MEETING WAS CALLED TO ORDER AT 8:45 AM. AFTER THE TAX CLASSIFICATION HEARING WAS ADJOURNED. PRESENT; COMMISSIONERS BRIAN HANDY, PETER WAY AND MICHAEL LYONS, CLERK/TREASURER NANCY WARD AND SUPERINTENDENT ROBERT PROPHETT.

THE COMMISSIONERS APPROVED AND SIGNED THE MINUTES OF THE November 9, 2016 MEETING AND THE NOVEMBER COMITTMENT, THE ABATEMENT LIST AND THE WEEKLY WARRANT.

MR. PROPHETT STATED THAT LAST MONTH WE HAD TABLED THE DISCUSSION ON THE REQUEST FOR ABATEMENT FROM ANGEL LORENA OF 15 SANDERLING DR. THERE WAS 425,000 GALLONS OF WATER USED FOR HER MAY BILL. WE HAVE SINCE PERFORMED A TEST ON THE METER AT THE PROPERTY AND FOUND THAT AT 2gpm WITH A 10 GALLON FILL THE METER TESTED AT 100% AT 15gpm WOTH A 100 GALLON FILL THE METER TESTED AT 90%. THERE WAS NO OVER-REGISTERING OF CONSUMPTION. WHEN OUR MEN WENT TO THE PROPERTY TO PULL THE METER FOR THE TEST THEY COULD HEAR WATER RUNNING AND THE METER WAS SPINNING. THEY WERE TOLD BY THE OCCUPANTS THAT THEY HAD NOTIFIED MS. LORENA SEVERAL TIMES ABOUT THE RUNNING TOILETS IN THE HOUSE BUT SHE DID NOT HAVE THEM FIXED. WHEN THE DOWNSTAIRS TOILET WAS TURNED OFF THE METER STOPPED SPINNING. THE BOARD FELT THAT THE OFFICE FOLLOWED THE APPROPRIATE PROCEDURES IN SENDING A HIGH USE LETTER TO ALERT HER TO A POSSIBLE LEAK. A PROFILE WAS PERFORMED ON THE METERAND CLEARLY SHOWED THAT THE WATER CONSUMPTION WAS VERY HIGH FROM 11/21/2015 UNTIL MID MAY OF 2016 WHEN IT WENT DOWN TO A NORMAL AMOUNT. KATHY CALLED HER AND EXPLAINED THE PROFILE AND SENT HER A COPY. THE METER TESTED ACCURATE AND SHE HAS STILL NOT FIXED THE LEAK.

AFTER SOME DISCUSSION THE BOARD DECIDED TO DENY THE ABATEMENT AS THERE HAD BEEN NOTHING DONE TO CORRECT THE LEAK.

MRS. WARD STATED THAT SHE WOULD LIKE TO BEGIN WORK ON THE FY18 BUDGET AND ASKED THE BOARD FOR DIRECTION. SHE STATED THAT SHE HAS BEEN ON THE US BUREAU OF LABOR STATISTICS AND FOUND THE COST OF LIVING INCREASE AS OF SEPTEMBER WAS 2.3% IN OCTOBER IT FELL TO 1.6%. SHE ASKED THE BOARD WHAT THEY FELT THEY WOULD LIKE TO ALLOW AS A COST OF LIVING RAISE FOR FY18. THE BOARD DECIDED TO WAIT UNTIL THE DECEMBER NUMBERS WERE IN AND A FINALIZED NUMBER WAS AVAILABLE.

SHE ASKED IF THEY HAD GIVEN ANY THOUGHT TO THE ITEMS DISCUSSED IN PRIOR MEETINGS, SUCH AS BLACKTOP AT THE OFFICE AND STATIONS. MR. PROPHETT STATED THAT HE STILL HAD NOT HEARD FROM DEP IN REGARDS TO THE IMPERVIOUS SERFACE RULES AT STATION 1. MR. LYONS STATED HE FELT THE OFFICE WAS THE PRIORITY AND ASKED MR. PROPHETT WHAT THE ESTIMATE TO DO THE OFFICE PARKING LOT CAME IN AT. HE STATED HE WAS QUOTED $9,000 FOR THE OFFICE PARKING LOT AND TO REPAIR THE BUMP GOING FROM THE DRIVEWAY TO THE BACK LOT. HE STATED THE PARKING AREA AT STATION 1 IS FULL OF HOLES AND THE DRAINAGE PIPE IS COMING UP THROUGH THE PAVEMENT. THE BOARD DID NOT FEEL IT WAS NECESSARY TO DO THE AMOUNT OF BLACKTOPPING THAT MR. PROPHETT HAD SUGGESTED AT THE STATION AND SUGGESTED GETTING AN ESTIMATE FOR THE PARKING AREA ONLY.

MRS. WARD ASKED THIER THOUGHTS ON A GENERATOR FOR STATION 1. THEY SUGGESTED GETTING RID OF THE OIL TANKS AT STATION 1 AND STATION 3 AND OUTFITTING THEM WITH PROPANE TANKS. MR. PROPHETT STATED THAT IN AN

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
DECEMBER 14, 2016

EMERGENCY WE ONLY HAVE 2 STATIONS THAT HAVE THE ABILITY TO PUMP AND TREAT. MR. WAY STATED THAT WHEN WE DO LOSE POWER IT'S TYPICALLY FOR A VERY SHORT TIME

AFTER SOME DISCUSSION THE BOARD ASKED MR. PROPHETT TO GET ESTIMATES FOR SOME PORTABLE GENERATORS AND FITTING THE STATIONS WITH TRANSFER SWITCHES AS WELL AS DIFFERENT OPTIONS TO POWER STATION 1 THAT ARE MORE COST EFFECTIVE THAT THE ESTIMATED $40,000 FOR THE GENERATOR DASEACO BID.

MR. PROPHETT STATED THAT SINCE THE WHOLE BOARD WAS NOT PRESENT AT THE LAST MEETING SO HE WAITED UNTIL THE NEXT MEETING TO ASK THE BOARD FOR A SALARY INCREASE AT HIS TWO YEAR REVIEW. HE GAVE THEM A DOCUMENT DETAILING WHAT HE HAS ACCOMPLISHED IN HIS FIRST TWO YEARS AND WHAT HIS PLANS WERE GOING FORWARD TO THE FUTURE. HE STATED THAT THE SUPERINTENDENTS IN MASHPEE, SANDWICH, BREWSTER AND COTUIT WERE ALL AT $100,000 PER YEAR.

MR. HANDY STATED THAT HE WOULD LIKE TO SEE A YEARLY LISTING OF PLANNED PROJECTS EACH YEAR SO MR. PROPHETT'S PROGRESS COULD BY REVIEWED EACH YEAR.

AFTER SOME DISCUSSION THE BOARD VOTED UNANIMOUSLY TO RAISE HIS SALARY FROM $75,000 TO $85,000 PER YEAR.

MRS. WARD STATED THAT, IN THEIR PACKETS, SHE HAD INCLUDED A COPY OF THE BY-LAW FOR EMERGENCY WATER CONSERVATION THAT WAS APPROVED AT THE ANNUAL MEETING IN 2000 WITH EDITS DONE BY HALEY & WARD AS WELL AS THE NEW EDITED COPY. THE BOARD WOULD NEED TO DECIDE WHETHER TO PUT IT ON THE ANNUAL MEETING WARRANT IN 2017. MR. PROPHETT EXPLAINED THAT EVERY 10 YEARS WE HAVE TO REAPPLY FOR OUR WITHDRAWL PERMIT. OUR NUMBER NOW IS 1.52mgd WITH A PROJECTION IN 30 YEARS AT 1.71mgd . IN ORDER TO KEEP WHAT WE HAVE NOW AND POSSIBLY GET AN INCREASE THERE IS A POINT SYSTEM. THE CHANGES IN THE BY-LAW REFLECT THE CHANGE IN DEP RULES THAT EMERGENCY CONSERVATION STARTS WITH A TRIGGER IN THE GROUNDWATER LEVEL AT A WELL ON THE BASE, AS WELL AS A DROUGHT ADVISORY. THESE CHANGES COULD GIVE US 10 POINTS.

SUPERINTENDENTS REPORT

We have 268 meters to be replaced and in the back room we have 101 so with that we should have the monies and the ability to make one final order to complete the meter project and will not need to budget as much money for meters for FY18.

The roof at the shop was in need of replacement and with the crews help we made that happen. It is now complete and weather tight. It really looks nice.

The Lead & Copper samples are all to the lab and just waiting for a few results. Quick look is showing that we are in good shape. My next call will be to DEP to find out how long we need to do this amount of sampling and proceed as they allow.

BOURNE WATER DISTRICT COMMISSIONER'S MEETING
DECEMBER 14, 2016

MR. HANDY MADE A MOTION TO ADJOURN, MR. WAY SECONDED THE MOTION AND THE MEETING ADJOURNED AT 9:40 AM.

RESPECTFULLY SUBMITTED,

NANCY WARD
DISTRICT CLERK

BOARD OF WATER COMMISSIONERS

BRIAN S. HANDY, CHAIRMAN

MICHAEL R. LYONS

PETER R. WAY

# BOURNE BYLAW COMMITTEE

## NOTICE OF MEETING

2016 FEB 16 PM 4 13
TOWN CLERK'S OFFICE
BOURNE, MASS

Tuesday, March 1, 2016 at 4:00 p.m.
Bourne Town Hall
Lower Conference Room

### MEETING AGENDA

1. **Opening.**

2. **Review and approve Minutes of meeting of November 18, 2015.**

3. **Old business.**

   Continue review Bylaws concerning Controlling of Dogs, Licensing of Kennels, etc.

4. **New Business.**

   Review correspondence from Mary Jane Mastrangelo, Bourne Finance Committee with respect to members of the Finance Committee serving on other Town Boards as representatives of the Finance Committee.

5. **Public Input.**

Submitted by,

David T. Gay, Esquire
Chairman Bourne Bylaw Committee

RECEIVED
2016 JUL 12 AM 9:01
TOWN CLERK BOURNE

# BOURNE BYLAW COMMITTEE

## NOTICE OF MEETING

Wednesday, July 20, 2016 at 4:00 p.m.
Bourne Town Hall
Lower Conference Room

### MEETING AGENDA

1. **Opening.**

2. **Review and approve Minutes of last meeting March 1, 2016.**

3. **Old business.**

   A. Continue review of Bylaws concerning Licensing of Kennels, Controlling of Dogs, Kennels, etc.

4. **New Business.**

   Meet with representatives of the Bourne Recycling Committee to review an Article for a Special Town Meeting in the fall to establish a bylaw to ban or severely restrict the sale of single use plastic bags in Bourne. Request for meeting received from Ms. Amy Sharpe of the Bourne Recycling Committee.

   Other new business if any.

5. **Public Input.**

Submitted by,

David T. Gay, Esquire
Chairman Bourne Bylaw Committee

2016 SEP 8 AM 11 22

TOWN CLERK'S OFFICE
BOURNE, MASS

# BOURNE BYLAW COMMITTEE

## NOTICE OF MEETING

Wednesday, September 21, 2016 at 4:00 p.m.
Bourne Town Hall
Lower Conference Room

### MEETING AGENDA

1. **Opening.**

2. **Review and approve Minutes of last meeting March 1, 2016.**

3. **Old business.**

   A. Continue review of Bylaws concerning Licensing of Kennels, Controlling of Dogs, Kennels, etc.

4. **New Business.**

   Meet with representatives of the Bourne Recycling Committee to review an Article for a Special Town Meeting in the fall to establish a bylaw to ban or severely restrict the sale of single use plastic bags in Bourne. Request for meeting received from Ms. Amy Sharpe of the Bourne Recycling Committee.

   Other new business if any.

5. **Public Input.**

Submitted by,

David T. Gay, Esquire
Chairman Bourne Bylaw Committee

RECEIVED
2016 NOV -2 PM 12: 32
TOWN CLERK BOURNE

# BOURNE BYLAW COMMITTEE

## NOTICE OF MEETING

Wednesday, November 9, 2016 at 4:00 p.m.
Bourne Town Hall
Lower Conference Room

MEETING AGENDA

1. **Opening.**

2. **Review and approve Minutes of meeting of September 21, 2016;**

3. **Old business.**

   A. Continue review of Bylaws concerning Licensing of Kennels, Controlling of Dogs, Kennels, etc.

   B. Report on Article to ban single use plastic bags.

4. **New Business.**

   - Large Boat Access to the Barlows Landing Boat Ramp;

   Other new business if any.

5. **Public Input.**

Submitted by,

David T. Gay, Esquire
Chairman Bourne Bylaw Committee

BOURNE BY LAW COMMITTEE

MINUTES OF BYLAW COMMITTEE MEETING
TOWN OF BOURNE

CALLED TO ORDER ON
**WEDNESDAY, NOVEMBER 9, 2016 AT 4:10 P.M.**
BOURNE TOWN HALL, LOWER CONFERENCE ROOM

RECEIVED
2017 FEB 14 PM 2:42
TOWN CLERK BOURNE

Members present at the meeting were: David T. Gay, Chairman
Elmer Clegg
George M. Sala
Brandon M. Esip
Aaron Tobey, Jr.

Absent: Kathleen M. LaGacy
Bruce R. McNamee

The meeting opened at approximately 4:10 p.m. on Wednesday, November 9, 2016 at the Bourne Town Hall Lower Conference Room.

The Minutes of the meeting of September 21, 2016 were reviewed and on a Motion made by Elmer Clegg, seconded by Brandon Esip the Minutes were adopted unanimously with an abstention by member Aaron Tobey, Jr. since he was not present at the September meeting.

Under Old Business the matter concerning possible bylaw changes to the licensing of kennels, controlling of dogs was put on the table. A report by the subcommittee assigned to this issue was submitted by Brandon M. Esip. The committee submitted two alternatives for consideration by the Board as amendments to Section 3.1.29 of the Town Bylaws. Brandon Esip reviewed each of the proposals "Version A" and "Version B" (copies of these are attached to the Minutes). After discussion and consideration and comments from Tim Mullen, Director of Natural Resources, the Board on Motion made by Elmer Clegg and seconded by George Sala voted unanimously to recommend the adoption of modifications to Section 3.1.29 as set forth in Version B submitted by the subcommittee.

There being no other old business, under New Business there was an informal discussion about an issue concerning large boat access to Barlow's Landing Boat Ramp. Member Brandon Esip reported that the police department, in conjunction with other Town officials, is presently working on a proposed bylaw to cover this issue. He explained that the work was not yet complete and that the proposal would be submitted as a draft for consideration and discussion at the next Bylaw Committee meeting. Member Elmer Clegg brought up a number of issues concerning the use of this facility by outside contractors and questions concerning preference for residents of the area to use it, overnight parking and parking in general. These issues were discussed in general terms only and it was agreed by everyone that the matter would be placed on the agenda for the next meeting. Under New Business Chairman David Gay informed the Board that he had received a communication from Town Clerk's office indicating that Article 10 the bylaw on single use plastic bags as approved at the Town's Special Town Meeting held on October 17, 2016 was reviewed and approved by the Attorney General's Office.

There being no other new business, Chairman David Gay asked if there was any public input, no other members of the public were in attendance and therefore public input was closed.

A Motion was made and seconded that the next meeting of the Bylaw Committee would be held on Tuesday, December 13, 2016 at 4:00 p.m. at the Town Hall Conference Room.

There being no further business Motion was made adjourn, passed unanimously. The meeting closed at approximately 5:05 p.m.

Respectfully submitted,

David T. Gay, Esquire
Chairman Town of Bourne Bylaw Committee