

2016 Meeting Notices

Conservation Commission

Council on Aging (COA)

Cultural Council

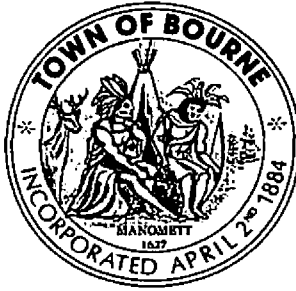
Design Review Committee

EAC -Energy Advisory Committee

Design Review Committee

Finance Committee

Health, Board of



2015 DEC 29 PM 3 00

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, January 7, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** David & Joyce Campbell **File Number:** CC16-01
Representative: Jordan Race, Fraser Construction
Project Address: 425 Circuit Avenue, Pocasset
Proposed Project: Rebuild an existing deck and repair a septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Edward Moyer, Jr. **File Number:** CC16-02
Representative: Flaherty & Stefani, Inc.
Project Address: 173 Standish Road, Sagamore Beach
Proposed Project: Upgrade to new Title V septic system, and construct an addition and deck including all landscaping, utilities, and appurtenances within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Lighthouse Realty Trust **File Number:** CC15-61
c/o Christina Stevens
Representative: Bracken Engineering, Inc.
Project Address: 1 Lighthouse Lane, Pocasset
Proposed Project: Install a septic force main within an AE Flood Zone
Hearing Under State Act Only
(Continued from December 17, 2015)

7:10) Notices of Intent:

- 1) **Applicant:** Elizabeth Gillis Warden **DEP File Number:** SE7-1933
Representative: Bracken Engineering, Inc.
Project Address: 10 Harbor Way, Pocasset
Proposed Project: Construct a single family dwelling with associated site work, utilities, and appurtenances within an AE Flood Zone
Hearing Under State Act Only
(Continued from December 17, 2015)

- 2) **Applicant:** Lighthouse Realty Trust **DEP File Number:** SE7-1934
 c/o Christina Stevens
 Representative: Bracken Engineering, Inc.
 Project Address: 0 Lighthouse Lane, Pocasset
 Proposed Project: Install a 3 bedroom septic field, landscape wall, and associated site grading in
 association with the development of a single family dwelling at 10 Harbor Way
 within an AE Flood Zone and within 100 feet of a Wetland Resource Area
 (Continued from December 17, 2015)

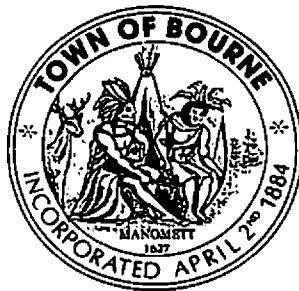
Requests for Certificate of Compliance:

- 1) **Applicant:** Walter Federow **DEP File Number:** SE7-1923
 Representative: Field Resources, Inc.
 Project Address: 69 Bellavista Drive, Pocasset
 Proposed Project: Construct an addition and deck within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Sallyann Studley **DEP File Number:** SE7-1400
 Representative: Braman & Handy Engineering, Inc.
 Project Address: 18 Jefferson Road, Gray Gables
 Proposed Project: Remove invasive vegetation, replant a coastal bank, and reconstruct a wooden
 stairway within an AE Flood Zone and within 100 feet of a Wetland Resource
 Area

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes –September 3, 2015
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

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TOWN CLERK'S OFFICE

BOURNE CONSERVATION COMMISSION AGENDA

Thursday, January 21, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Paul Huehmer **File Number:** CC16-03
Representative: SAME
Project Address: 39 Buttermilk Way, Buzzards Bay
Proposed Project: Construct an addition and shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:05) Notices of Intent:

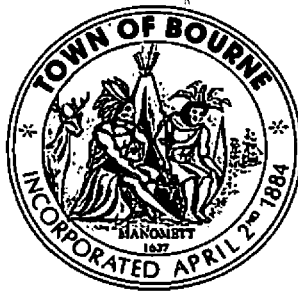
- 1) **Applicant:** William Murphy **DEP File Number:** SE7-1935
Representative: Holmes and McGrath, Inc.
Project Address: 490 Scraggy Neck Road, Cataumet
Proposed Project: Raze and reconstruct a single family dwelling including attached garage, deck, driveway reconfiguration, utilities, drywells, and all associated clearing, excavation, grading and landscaping within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Town of Bourne **DEP File Number:** SE7-1931
Representative: BSC Group, Inc.
Project Address: Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay
Proposed Project: Perform maintenance and improvement dredging with associated beach nourishment at Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay within AE and VE Flood Zones and within Wetland Resource Areas

Requests for Certificate of Compliance:

- 1) **Applicant:** Paula Tumber **DEP File Number:** SE7-1558
Representative: Holmes & McGrath, Inc.
Project Address: 86 Norris Road, Sagamore Beach
Proposed Project: Construct a single family dwelling including all clearing, grading, landscaping, and appurtenances within 100 feet of a Wetland Resource Area

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes –September 17, 2015
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



CONSERVATION COMMISSION AGENDA

Thursday, February 4, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) Applicant: Paul Huehmer File Number: CC16-03
Representative: SAME
Project Address: 39 Buttermilk Way, Buzzards Bay
Proposed Project: Construct an addition and shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:05) Notice of Intent:

- 1) Applicant: Massachusetts Maritime Academy DEP File Number: SE7-
Representative: Horsley Witten Group, Inc.
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct an access roadway with associated parking areas, stormwater facilities, grading, landscaping, and appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Request for Extension of Order of Conditions:

- 1) Applicant: A.J. Michael Realty, LLC DEP File Number: SE7-1572
Representative: Turning Mill Consultants, Inc.
Project Address: 829 Scenic Highway, Bourne
Proposed Project: Remove all existing structures and redevelop a commercial property within the 200' Riverfront Area and within 100 feet of a Wetland Resource Area

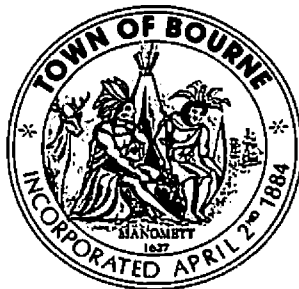
Request for Certificate of Compliance:

- 1) Applicant: Broadmeadow Realty DEP File Number: SE7-1749
Representative: Outback Engineering, Inc.
Project Address: 162 Puritan Road, Buzzards Bay
Proposed Project: Upgrade subsurface sewage disposal system within an AE flood zone and within 100 feet Wetland Resource Area

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes –October 1, 2015
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

2016 FEB 25 PM 1:00



TOWN CLERK'S OFFICE

BOURNE, MASS.

CONSERVATION COMMISSION AGENDA

Thursday, March 3, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Katherine Lyons **File Number:** CC16-04
Representative: Peter McEntee, PE, Engineering Works, Inc.
Project Address: 11 Olofson Drive, Cataumet
Proposed Project: Upgrade to new Title V septic system within 100 feet of a Wetland Resource Area

- 2) **Applicant:** George Benway **File Number:** CC16-05
Representative: SAME
Project Address: 51 Academy Drive, Buzzards Bay
Proposed Project: Construct a deck within an AE Flood Zone
(Hearing Under State Act Only)

- 3) **Applicant:** Bay Haven Properties LLC **File Number:** CC16-06
Representative: JC Engineering, Inc.
Project Address: 87 Shore Road, Bourne
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** David Montgomery **File Number:** CC16-07
Representative: SAME
Project Address: 41 Bourne Neck Drive, Buzzards Bay
Proposed Project: Construct an addition within an AE Flood Zone
(Hearing Under State Act Only)

- 5) **Applicant:** Colonial Gas **File Number:** CC16-08
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 475-504 Shore Road, Monument Beach
Proposed Project: Replace an existing gas main within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 6) **Applicant:** Colonial Gas **File Number:** CC16-09
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 3-18 Cranberry Road & Cherry Street, Buzzards Bay
Proposed Project: Replace an existing gas main within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 7) **Applicant:** Colonial Gas **File Number:** CC16-10
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 75-154 Puritan Road, Wall Street, and Lewis Point Road, Buzzards Bay
Proposed Project: Replace an existing gas main within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
- 8) **Applicant:** Colonial Gas **File Number:** CC16-11
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 436-440 Shore Road, Monument Beach
Proposed Project: Replace an existing gas main within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 9) **Applicant:** Colonial Gas **File Number:** CC16-12
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 26-55 Head of the Bay & 171-189 Puritan Road, Buzzards Bay
Proposed Project: Replace an existing gas main within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 10) **Applicant:** Colonial Gas **File Number:** CC16-13
Representative: Amanda Crouch-Smith, PWS – Tighe & Bond, Inc.
Project Address: 0-75 Waterhouse Road, Bourne
Proposed Project: Replace an existing gas main within 100 feet of a Wetland Resource Area

Notices of Intent:

- 1) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-1936
Representative: Horsley Witten Group, Inc.
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct an access roadway with associated parking areas, stormwater facilities, grading, landscaping, and appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
Continued from February 4, 2016
- 2) **Applicant:** Town of Bourne **DEP File Number:** SE7-1931
Representative: BSC Group, Inc.
Project Address: Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay
Proposed Project: Perform maintenance and improvement dredging with associated beach nourishment at Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay within AE and VE Flood Zones and within Wetland Resource Areas
Continued from January 21, 2016

4-3

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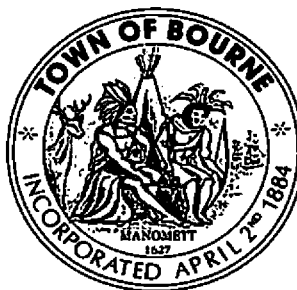
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TOWN CLERK BOURNE



CONSERVATION COMMISSION AGENDA

Thursday, March 17, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Notices of Intent:

- 1) Applicant: Richard Buttrick DEP File Number: SE7-
Representative: David R. MacLean & Associates
Project Address: 31 Baxendale Road, Cataumet
Proposed Project: Construct beach access stairs over a coastal bank within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) Applicant: Massachusetts Maritime Academy DEP File Number: SE7-1936
Representative: Horsley Witten Group, Inc.
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct an access roadway with associated parking areas, stormwater facilities, grading, landscaping, and appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
Continued from March 3, 2016

Issuance of Order of Conditions:

- 1) Applicant: Town of Bourne DEP File Number: SE7-1931
Representative: BSC Group, Inc.
Project Address: Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay
Proposed Project: Perform maintenance and improvement dredging with associated beach nourishment at Barlows Landing, Pocasset Harbor, Pocasset River, and Little Bay within AE and VE Flood Zones and within Wetland Resource Areas

Request for Certificate of Compliance:

- 1) Applicant: Ernest L. Ross DEP File Number: SE7-86
Representative: SAME
Project Address: 21 Buttermilk Way, Buzzards Bay
Proposed Project: Reconstruct an existing cement se wall

Other Business:

▶ ISWM - Proposed Article 97 Land Disposition Agreement with Department of Fish & Game

▶ Violation – removal of trees and vegetation within buffer zone to Coastal Bank and Flood Zone - 65 & 69 Bellavista Road, Pocasset

▶ Vote – Excuse Absent Members, if necessary

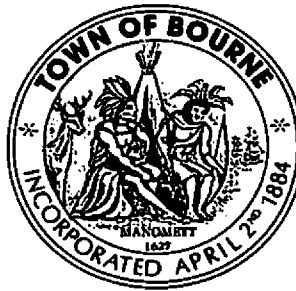
▶ Approval of Minutes –November 19, 2015

▶ Any other business that may legally come before the Commission

▶ Report of the Conservation Agent

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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2016 APR -4 AM 11:15
TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, April 7, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Paul Archibald **File Number:** CC16-14
Representative: Robert Lane, Chapoquoit Landscaping, LLC
Project Address: 357 Circuit Avenue, Pocasset
Proposed Project: Perform landscaping including removal of asphalt, removal of invasive vegetation, and replanting with native shrubs within a VE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Scott Hutzler **File Number:** CC16-15
Representative: Kristen Diotte, Halliday Builders, Inc.
Project Address: 214 Circuit Avenue, Pocasset
Proposed Project: Construct an addition to an existing dwelling and remove an accessory dwelling including all associated grading, landscaping, utilities, and other appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 3) **Applicant:** Douglas Peebles **File Number:** CC16-16
Representative: SAME
Project Address: 267 Scraggy Neck Road, Cataumet
Proposed Project: Construct an addition, deck, entry porch and install a new Tile V septic system within 100 feet of a Wetland Resource Area
- 4) **Applicant:** National Grid **File Number:** CC16-17
Representative: Bradford Malo, Coastal Engineering Co., Inc.
Project Address: 125 Old Dam Road, Gray Gables
Proposed Project: Install a gas main extension and service connection within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 5) **Applicant:** Carla Forlivesi **File Number:** CC16-18
Representative: Raoul Forlivesi, Jr.
Project Address: 12 Cypress Street, Buzzards Bay
Proposed Project: Perform landscaping, grading, and construct a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 6) **Applicant:** Richard Selby **File Number:** CC16-19
 Representative: SAME
 Project Address: 134 Wings Neck Road, Pocasset
 Proposed Project: Perform landscape restoration, regrading and leveling of yard, construction of deck, sheds, fencing, flagpoles, and relocation of driveway, including all utilities and appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area
- 7) **Applicant:** Charles Fountain **File Number:** CC16-20
 Representative: SAME
 Project Address: 233 Shore Road, Bourne
 Proposed Project: Construct a deck and farmers porch within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Notice of Intent:

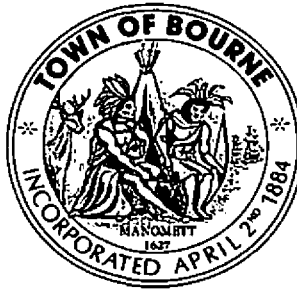
- 1) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-1936
 Representative: Horsley Witten Group, Inc.
 Project Address: 101 Academy Drive, Buzzards Bay
 Proposed Project: Construct an access roadway with associated parking areas, stormwater facilities, grading, landscaping, and appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
 Continued from March 17, 2016

Request for Certificate of Compliance:

- 1) **Applicant:** James Whalen **DEP File Number:** SE7-1247
 Representative: SAME
 Project Address: 104 Rocky Point Road, Gray Gables
 Proposed Project: Maintain an existing stone revetment within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Other Business:

- ▶ Discussion regarding Compliance for outstanding Order of Conditions – Maria Hickey, 160 Wings Neck Road
- ▶ Violation – removal of trees and vegetation within buffer zone to Coastal Bank and Flood Zone - 63 Bellavista Road, Pocasset
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes –December 3, 2015 & December 17, 2015
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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2016 APR 14 PM 2: 56

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, April 21, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Ralph Edward & Sharon Parkes **File Number:** CC16-21
Representative: JC Engineering, Inc.
Project Address: 189 Scraggy Neck Road, Cataumet
Proposed Project: Install a Title V septic system, paved driveway, grading, and utilities within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Carol Fitzgerald **File Number:** CC16-22
Representative: Shawn MacInnes, PE
Project Address: 324 Shore Road, Monument Beach
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

- 3) **Applicant:** Carla Forlivesi **File Number:** CC16-18
Representative: Raoul Forlivesi, Jr.
Project Address: 12 Cypress Street, Buzzards Bay
Proposed Project: Perform landscaping, grading, and construct a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from April 7, 2016)

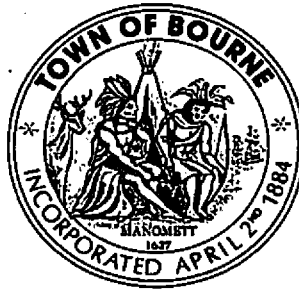
7:10) Notice of Intent:

- 1) **Applicant:** Jeff Reade **DEP File Number:** SE7-1938
Representative: Warwick & Associates, Inc.
Project Address: 1265 County Road, Cataumet
Proposed Project: Construct an addition to existing dwelling, including installation of new Title V septic system, removal of storage building, utilities, landscaping, grading, and other appurtenances within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area

2). **Applicant:** Absolute Building Consultants, Inc. **DEP File Number:** SE7-
 Representative: JC Engineering, Inc.
 Project Address: 5 Bournedale Road, Bournedale
 Proposed Project: Raze and rebuild an existing dwelling including installation of new Title V
 septic system, utilities, landscaping, grading, and other appurtenances within the
 200 foot Riverfront Area

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – January 7, 2016 & January 21, 2016
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



RECEIVED

2016 MAY -2 PM 2:56

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, May 5, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Charles Fountain, CEF Building LLC **File Number:** CC16-23
Representative: SAME
Project Address: 20 Pequot Avenue, Pocasset
Proposed Project: Construct a deck within an AE Flood Zone
Hearing Under State Act Only
- 2) **Applicant:** Charles Bristow **File Number:** CC16-24
Representative: SAME
Project Address: 121 Salt Marsh Lane, Pocasset
Proposed Project: Construct a deck and shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 3) **Applicant:** Colonial Gas **File Number:** CC16-25
Representative: Amanda Crouch-Smith, PWS, Tighe & Bond
Project Address: 119 North Road, Pocasset
Proposed Project: Extend gas main and install service connection within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 4) **Applicant:** Jean Deluca **File Number:** CC16-26
Representative: Michael Libin, MGL Companies
Project Address: 136 Wings Neck Road
Proposed Project: Install a paver patio, fire pit, and resurface existing driveway within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notice of Intent:

- 1) **Applicant:** Jeffrey & Pamela Seifried **DEP File Number:** SE7-
Representative: David R. MacLean & Associates
Project Address: 4 Central Boulevard, Monument Beach
Proposed Project: Raze and reconstruct an existing dwelling on an existing foundation, including all grading, landscaping, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Bishop-Megansett Family Limited Partnership **DEP File Number:** SE7-1940
 Representative: Holmes and McGrath, Inc.
 Project Address: 80 Megansett Road, Cataumet
 Proposed Project: Raze and reconstruct an existing dwelling, including decks, patio, stone sitting wall, driveway re-configuration, detached garage, new Title V septic system, and all associated clearing, grading, landscaping, and utilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 3) **Applicant:** Absolute Building Consultants, Inc. **DEP File Number:** SE7-1939
 Representative: JC Engineering, Inc.
 Project Address: 5 Bournedale Road, Bournedale
 Proposed Project: Raze and rebuild an existing dwelling including installation of new Title V septic system, utilities, landscaping, grading, and other appurtenances within the 200 foot Riverfront Area
 (Continued from April 21, 2016)

Other Business:

- ▶ Proposed Marina Reconfiguration Zone – Kingman Yacht Center – Rich Tabaczynski, Atlantic Design, Inc. (Discussion and possible vote)
- ▶ Violation – Removal of trees within 100 feet of a Wetland Resource Area and construction of stairs and on a Coastal Bank – 7 Little Bay Lane, Buzzards Bay (Discussion and possible vote)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – February 4, 2016, March 3, 2016, and March 17, 2016
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 5, 2016

RECEIVED
2016 MAY 20 AM 8:21
TOWN CLERK BOURNE

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on May 5, 2016. Mr. Gray explained all the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection Bylaw.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Chm. Gray introduced the new recording secretary, Carol Mitchell, and acknowledged the departing Conservation Agent, Brendan Mullaney. He thanked him for his years of dedication and service. Several board members concurred. Barbara Frappier, of Warwick & Associates, Inc., thanked Mr. Mullaney for his professionalism, understanding and humor while serving as the Town's conservation agent.

II. Members Present: Chm. Robert M. Gray, Rob Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Susan Weston (7:15 PM) and, Associate Member, Elise Leduc.

Also Present: Brendan Mullaney, Carol Mitchell, Barbara Frappier, Michael Rausch, Jim Mulvey, Charles Fountain, Charles Bristow, Amanda Crouch-Smith, Jean Deluca, David MacLean, Joel Kubick, Jeremiah Eck, Ann Ware, Linda Carpenter, Paul Duffey, Jenn Duffey, Brad Bertolo, Rich Tabaczynski and Scott Zeien.

III. Request for Determination of Applicability:

1) Charles Fountain, CEF Building LLC

File Number CC16-23

20 Pequot Avenue, Pocasset

Under State Act Only

Charles Fountain seeks to construct a deck within an AE Flood Zone. Mr. Fountain described the project to the board. He is proposing to construct a 14'x14' deck at the rear of the dwelling. There is currently a deteriorating 14'x10' slab in that location.

Board Comment – None.

Conservation Agent Comment – Mr. Mullaney stated the proposed deck lies in an AE Flood Zone only, no other Resource Area is within 100 ft. of the proposed project and there are no concerns with this project.

Public Comment – None.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

2) Charles Bristow

File Number CC16-24

121 Salt Marsh Lane, Pocasset

Charles Bristow seeks to construct a deck and a shed within an AE Flood Zone and within 100 ft. of a Wetland Resource Area. Mr. Bristow discussed his desire to add on to the existing deck. The addition will wrap around the rear of the house.

Board Comment – None.

Conservation Agent Comment – Mr. Mullaney stated this is simply an extension of the existing deck; it doesn't move any closer to the Resource Area. There's a small shed being permitted which is already on the property. The abutters have been notified. There are no concerns with this project.

Public Comment – None.

Mr. Palumbo moved and Mr. Holmes seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

3) Colonial Gas

Amanda Crouch-Smith, PWS, Tighe & Bond

File Number CC16-25

119 North Road, Pocasset

Colonial Gas seeks to extend the gas main and install service connection within an AE Flood Zone and within 100 ft. of a Wetland Resource Area. Ms. Crouch-Smith referred to a plan and briefly described the project to the board members.

Board Comment – None.

Conservation Agent Comment – Mr. Mullaney stated the house is outside of jurisdiction which required a separate permit; however, the gas line installation is not, which is why it's before the board. This is a standard installation. There are no concerns with this project.

Public Comment – None.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

4) Jean Deluca

File Number CC16-26

136 Wings Neck Road

Ms. Deluca seeks to install a paver patio, fire pit, and resurface the existing driveway within an AE Flood Zone and within 100 ft. of a Wetland Resource Area. Ms. Deluca briefly discussed the proposed project to the board.

Board Comment – None.

Conservation Agent Comment – Mr. Mullaney stated the proposed project is on the north side going out toward Wings Neck. The proposed area is all lawn. The project will not have an impact on the nearby marsh and the driveway will remain pervious. There are no concerns with this project.

Public Comment – None.

Ms. Kiebala moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

Mr. Gray provided a brief explanation of a Positive vs. a Negative Determination.

Notice of Intent:

1) Jeffrey & Pamela Seifried

David R. MacLean & Associates

DEP File Number SE7-1941

4 Central Boulevard, Monument Beach

Mr. MacLean spoke on behalf of the property owners, Mr. & Mrs. Seifried. They seek to raze and reconstruct an existing dwelling on an existing foundation, including all grading, landscaping, utilities and appurtenances within an AE Flood Zone and within 100 ft. of a Wetland Resource Area. Mr. MacLean stated the existing house is non-compliant; close to 100% of it is below the flood plain. He briefly described the proposed project to the board.

Board Comment – Mr. Ligor inquired as to whether or not the 4x4s holding up the deck will be replaced and if so, what material will be used. Mr. MacLean stated they would be replaced and discussed the materials that would be used.

Mr. Ligor asked Mr. Mullaney if he had any concerns with regard to the location of the proposed project in relation to the Resource Area. Mr. Mullaney stated the existing structure is already close to the low lying Coastal Bank. He referred to the photographs taken earlier that day which reflects the location of the existing structure. A brief discussion ensued.

Public Comment – None

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved to close the public hearing. Ms. Kiebala seconded.** With no further discussion, the motion carried unanimously. 6-0-0.

Mr. Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9,10,12,13,16-24 and Special Conditions pursuant to the Bylaw numbers 4,6,7,8 and 9. Special Conditions 20

& 24 shall continue in perpetuity. Mr. Mullaney stated he has not added any Special Conditions; but will if the board feels it's necessary.

Chm. Gray asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Ms. Weston moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried unanimously. 6-0-0.

2) Bishop-Megansett Family Limited Partnership

Holmes and McGrath Inc.

DEP File Number SE7-1940

80 Megansett Road, Cataumet

Joel Kubick of Holmes & McGrath, Inc., spoke on behalf of the property owner who is seeking to raze and reconstruct an existing dwelling, including decks, patio, stone sitting wall, driveway re-configuration, detached garage, new Title V septic system, and all associated clearing, grading, landscaping and utilities within an AE Flood Zone and within 100 ft. of a Wetland Resource Area.

Mr. Kubic clarified that the Title V system is not new; it was put in several years ago. He referred to the plans and briefly explained the project to the board.

Board Comment – Ms. Weston expressed concern over the location of the proposed patio. Mr. Kubick referred to the plans to show the location of the proposed patio.

Conservation Agent Comment – Mr. Mullaney discussed the project and the location of the patio, landscape wall and the house. He stated the site is relatively developed; there is some dense vegetation throughout. It is not in the same footprint as the current structure. He added that the project is relatively standard; tear down/re-build. The only potential issue is the location of the proposed patio.

Board Comment – Ms. Weston expressed concern over the location of the proposed house and its proximity to the Coastal Bank. To alleviate her concerns, Mr. Gray asked if there was a possibility that the homeowner would consider holding the same footprint as the existing dwelling, with respect to the closest point to the Coastal Bank. A discussion ensued. The architect, Jeremiah Eck addressed the board. He referred to the submitted plans and clarified the location of the screened in porch (patio) and stated the porch will remain on pilings. There was no further comment from the board.

Public Comment – Ann Ware, an abutter, addressed the committee. She expressed concern that the new house would be closer to the Coastal Bank. Mr. Gray invited her to look at the plans. Mr. Eck and Mr. Kubic described the project to the abutter. Mr. Gray provided Ms. Ware with a copy of the architectural plans.

Ms. Weston asked that an updated plan reflecting the screened in porch be submitted to for the file.

A brief discussion transpired pertaining to the zoning setback. Mr. Mullaney advised the abutter to address any concerns she has regarding the property line with the Building Department. She stated she would.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved to close the public hearing. Ms. Kiebala seconded.** With no further discussion, the motion carried unanimously. 6-0-0.

Mr. Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9,10,12,13,16-24 and Special Conditions pursuant to the Bylaw numbers 4,6,7,8 and 9. An additional Special Condition that references the revised plan of record as revised by the representative, along with the architectural plan was added.

Chm. Gray asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Ms. Kiebala moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried unanimously. 6-0-0.

3) Absolute Building Consultants, Inc.

JC Engineering Inc.

DEP File Number SE7-1939

5 Bournedale Road, Bournedale

Continued from April 21, 2016

Chm. Gray recused himself from discussion and vote. He turned the meeting over to Mr. Palumbo.

The applicant seeks to raze and rebuild an existing dwelling including installation of a new Title V septic system, utilities, landscaping, grading and other appurtenances within the 200 ft. Riverfront Area.

Brad Bertolo of JC Engineering, Inc. asked whether or not the document needed from Mass. Natural Heritage Endangered Species Program had been received. Mr. Mullaney replied yes, a letter dated May 4, 2016, stating that under the Wetlands Protection Act, based on a review of the information, the project, as currently proposed, will not adversely affect Resource Area habitat. Additionally, in relation to the Mass. Endangered Species Act, the division determined the project, as currently proposed, will not result in a prohibitive take. They have no issues with the project and did not place any Conditions on it.

A revised plan was received. Mr. Bertolo explained the revision; the septic system was relocated. He stated it was originally located behind the garage, it will now be down the hill, preserving vegetation. It remains outside the 200 ft. Riverfront Area.

Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion to close the public hearing. **Ms. Kiebala moved to close the public hearing. Mr. Ligor seconded.** With no further discussion, the motion carried. 4-0-1. Ms. Weston abstained.

Mr. Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-4, 6, 9,10,12,13,16-24 and Special Conditions pursuant to the Bylaw numbers 4,6,7,8 and 9. Special Conditions 20 & 24 shall continue in perpetuity. Mr. Mullaney stated he has not added any Special Conditions.

Mr. Palumbo asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Mr. Ligor moved and Ms. Kiebala seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried. 4-0-1. Ms. Weston abstained.

Chm. Gray returned to chair the meeting.

Other Business

Proposed Marina Reconfiguration Zone – Kingman Yacht Center – Rich Tabaczynski, Atlantic Design, Inc.

Mr. Tabaczynski, addressed the board and explained that Kingman Marina is in the process of amending its existing Chapter 91 license with the DEP, to essentially establish a Reconfiguration Zone. The Marina is not seeking to change the use or

construct anything additional; i.e., docks or floats. They are simply seeking an amendment to the Reconfiguration Zone; which will allow the owner to relocate docks/floats within that zone with a simple notification to the DEP, rather than having to file an amendment, which is the current requirement. Mr. Tabaczynski discussed the plans that were submitted. An approval by the Conservation Commission must be received in order to continue with the process. He stated that since there's no actual work being done, a letter from the Commission approving the Reconfiguration would suffice.

He referred to the plans and described the layout of the marina to the board. Scott Zeien, owner of the marina, described in further detail the two current Reconfiguration Zones and the inability to move docks/floats from one zone to another. A discussion ensued.

Board Comment - Mr. Holmes inquired as to whether or not the Army Corps. of Engineers would need to be notified. Mr. Zeien stated they have been notified and have approved the Reconfiguration Zone. Mr. Zeien reiterated that the reconfiguration will not add to the marina's square footage.

Public Comment – Jim Mulvey referred to the submitted plans and asked for clarification of the current zoning. He asked whether or not Shore and Harbor along with the harbor master have been notified. Mr. Zeien stated they have not notified them; this is basically a DEP and Corps. of Engineers decision; however, they wanted a weigh-in from ZBA, Planning and Conservation.

A brief discussion transpired pertaining to the measures the marina is taking to aerate the water.

Chm. Gray asked for additional board input. There wasn't any; however, Mr. Mullaney emphasized that no additional work was being proposed; this was merely a paperwork matter to allow Kingman staff to operate the marina in a more efficient manner. Mr. Mullaney stated that should the board vote to agree to the proposal, he would draft an approval letter for the marina to submit to the DEP.

Chm. Gray entertained a motion to sanction the Reconfiguration Zone as presented and give Mr. Mullaney the authority to draft the letter on the board's behalf. After a brief discussion, **Mr. Ligor moved to sanction the Reconfiguration Zone as presented and give Mr. Mullaney the authority to draft the letter on the board's behalf. Mr. Holmes seconded.** With no further discussion, the motion carried unanimously. 6-0-0.

Violation – Removal of trees within 100 ft. of a Wetland Resource Area and construction of stairs on a Coastal Bank – 7 Little Bay Lane, Buzzards Bay.

Mr. & Mrs. Duffey addressed the board. Mr. Duffey explained that he was unaware of the process prior to having some trees cut down on his property. Mr. Mullaney visited the property while the tree cutting was underway and informed the homeowner that the work he was doing was not in compliance of the Town's Bylaw. As for the stairs and landing, Mr. Duffey stated he simply replaced an existing stairway/deck and was unaware that a permit to replace the rotting structure was required. Mr. Duffey submitted a letter from the previous owner stating the stairs and landing were pre-existing.

Board Comment – Mr. Ligor asked how many trees were cut down. Mr. Duffey stated there were four in the back yard. Mr. Ligor asked if they were adult trees. Mr. Duffey indicated that they were adult trees.

Mr. Holmes asked if there was a pre-existing deck or just wooden stairs. Mr. Duffey stated there were stairs that led to a wooden landing. The new stairs and landing is similar to what was there previously.

Conservation Agent Comment – Mr. Mullaney stated he had received a call that there were trees being cut down. He visited the property, met with the homeowner and discussed the tree removal as well as the stairs/landing. The tree crew immediately stopped working and Mr. Duffey agreed to do whatever was necessary to bring the property into compliance. Mr. Mullaney stated he brought this before the commission to determine the best way to bring the property into compliance.

Mr. Ligor asked if the tree crew was a local company. It was not a local company.

Ms. Weston asked if the trees were located in the Coastal Bank. Mr. Mullaney stated they were in the Buffer Zone.

Ms. Kiebalá questioned what looked to be stumps in the photograph. Mr. Duffey stated those stumps were already there.

Ms. Weston asked if the homeowner should file an after-the-fact permit. A brief discussion ensued.

Chm. Gray asked if the homeowner has a plot plan to submit. He suggested that he draw the stairs and landing in the approximate location on the plan and submit that for the record when applying for the permit. Mr. Duffey agreed.

Mr. Palumbo explained to the homeowner the reason why proper documentation is required. A brief discussion transpired pertaining to the former homeowner and the possibility of a plan being on file for work he had done previously.

Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse Paul Szwed. **Mr. Ligor moved to excuse Paul Szwed. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

Approval of Minutes – Chm. Gray entertained a motion to approve the minutes of the February 4, 2016, meeting. **Ms. Kiebala moved to approve the minutes of the February 4, 2016, meeting. Mr. Ligor seconded.** With no discussion, the motion carried 6-0-0.

Chm. Gray entertained a motion to approve the minutes of the March 3, 2016, meeting. **Ms. Kiebala moved to approve the minutes of the March 3, 2016, meeting. Mr. Ligor seconded.** With no discussion, the motion carried 5-0-1. Mr. Holmes abstained.

Chm. Gray entertained a motion to approve the minutes of the March 17, 2016, meeting. **Mr. Holmes moved to approve the minutes of the March 17, 2016, meeting. Ms. Kiebala seconded.** With no discussion, the motion carried 5-0-1. Mr. Palumbo abstained.

Report of the Conservation Agent – Mr. Mullaney informed the board that a previous matter concerning ISWM passed. If it is implemented, it will save the Town a significant amount of money and man power.

Questions and Answers: A brief discussion transpired concerning the pending MEPA decision.

IV. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Palumbo moved to adjourn. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

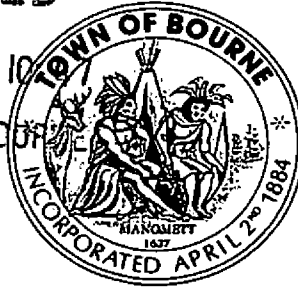
The meeting adjourned at 8:19 PM.

Minutes submitted by: Carol Mitchell

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TOWN CLERK BOURNE



CONSERVATION COMMISSION AGENDA

Thursday, May 19, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Robert Noonan **File Number:** CC16-27
Representative: Roy LaValley
Project Address: 1 Lake Drive, Pocasset
Proposed Project: Construct a deck within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Lawrence Gisetto **File Number:** CC16-28
Representative: G.A.F. Engineering, Inc.
Project Address: 12 Rip Van Winkle Way, Buzzards Bay
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

- 3) **Applicant:** Maria Mainini **File Number:** CC16-29
Representative: Meyer & Sons, Inc.
Project Address: 32 Puritan Road, Buzzards Bay
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

- 4) **Applicant:** TEC Associates **File Number:** CC16-30
Representative: SAME
Project Address: MA Coastal Railroad Right-of-Way
Proposed Project: Conduct vegetation management activities within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Tahanto Nominee Trust **File Number:** CC16-31
Representative: Shannon Heino
Project Address: 33 Tahanto Road
Proposed Project: Perform repairs to existing licensed dock within an AE Flood Zone, within a Wetland Resource Area, and within the Riverfront Area

- 6) **Applicant:** Frank Krueger **File Number:** CC16-32
 Representative: Stephen Doyle & Associates
 Project Address: 64 Salt Marsh Lane, Pocasset
 Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) **Notice of Intent:**

- 1) **Applicant:** Michael & Mary Perra **DEP File Number:** SE7-1943
 Representative: Stephen Doyle & Associates
 Project Address: 29 Back River Road, Bourne
 Proposed Project: Construct a barn including all associated clearing, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Robert & Linda Morse **DEP File Number:** SE7-1942
 Representative: Cape & Islands Engineering, Inc.
 Project Address: 90 Circuit Avenue, Pocasset
 Proposed Project: Raze and reconstruct an existing dwelling, including decks, patio, landscape retaining walls and all associated clearing, grading, landscaping, and utilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 3) **Applicant:** Reef Builders **DEP File Number:** SE7-1944
 Representative: Falmouth Engineering, Inc.
 Project Address: 124 Megansett Road, Cataumet
 Proposed Project: Raze and rebuild an existing dwelling including installation of new Title V septic system, utilities, landscaping, grading, utilities and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Request for Certificate of Compliance:

- 1) **Applicant:** R.W. Joy Construction, Inc. **DEP File Number:** SE7-1886
 Representative: Warwick & Associates, Inc.
 Project Address: 10 Cleveland Circle, Gray Gables
 Proposed Project: Construct single family dwelling, including Title V septic system, utility installation, and all associated clearing, grading, landscaping and appurtenances within an AE Flood Zone

2) **Applicant:** Richard Kuchinsky **DEP File Number:** SE7- 1414
 Representative: LEC Environmental
 Project Address: 35 Pine Ridge Road, Buzzards Bay
 Proposed Project: Install 4 pilings for a boatlift on an existing dock within a VE Flood Zone and
 within a Wetland Resource Area

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

May 19, 2016

RECEIVED

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TOWN CLERK BOURNE

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on May 19, 2016. Mr. Gray explained all the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Chm. Gray informed members of the audience that Brendan Mullaney has left his position as the Conservation Agent, adding that a new agent has not yet been hired. He stated the first June meeting to be held on June 2, 2016 has been canceled and anything that needs to be continued may be continued to the June 16th meeting, and noted that meeting may also be canceled. He asked for everyone's patience until the new agent is in place.

He asked if anyone in the audience had any questions. No one had questions.

II. Members Present: Chm. Robert M. Gray, Robert Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Paul Szwed and Associate Member, Elise Leduc.

Absent Members – Susan Weston

Also Present: Carol Mitchell, Roy LaValley, Brian Grady, Peter Askusis, Shannon Heino, Stephen Doyle, Michael Perra, Mary Perra, Matt Costa, Michael Borselli, Jim Haggerty, Theresa Sprague,

Request for Determination of Applicability:

1) Robert Noonan

Roy LaValley - Representative

File Number CC16-27

1 Lake Drive, Pocasset

Construct a deck within 100 feet of a Wetland Resource Area.

Contractor, Roy LaValley, briefly described the proposed project to the board.

Board Comment – Ms. Kiebala inquired about the location of the Wetland Resource Area. Mr. LaValley referred to the plans and discussed the location with the board.

Mr. Ligor discussed the existing deck.

Public Comment – None.

Chm. Gray stated the recommendation of the departed agent, Brendan Mullaney, was a Negative Three.

Mr. Holmes moved and Mr. Ligor seconded a Negative Three Determination. The motion carried unanimously. 6-0-0.

Chm. Gray briefly explained the decision to the applicant.

2) Lawrence Gisetto

G.A.F. Engineering, Inc. - Representative

File Number CC16-28

12 Rip Van Winkle Way, Buzzards Bay

Upgrade to a new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

Brian Grady of G.A.F. Engineering, Inc., addressed the board, stating the existing septic system is 30 years old and is in need of replacement.

Board Comment – Mr. Palumbo asked for the abutter notifications. Mr. Grady provided them.

Public Comment – None

The recommendation of the departed agent, Brendan Mullaney, was a Negative Two.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

3) Maria Mainini

Meyer & Sons, Inc. - Representative

File Number CC16-29

32 Puritan Road, Buzzards Bay

Upgrade to a new Title V septic system within an AE Flood Zone

Hearing Under State Act Only

The applicant had a conflict and was unable to attend. Chm. Gray stated that the abutter notifications have been submitted and the departed agent, Brendan Mullaney, had no issues at the site.

Board Comment – None.

Public Comment – An abutter, Peter Askusis, evaluated the plans.

Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

4) TEC Associates

File Number CC16-30

MA Coastal Railroad Right-of-Way

Conduct vegetation management activities with AE and VE Flood Zones and within 100 feet of a Wetland Resource Area.

Chm. Gray stated this is a courtesy filing, it is an exempt activity; however, periodic filing is required. Plans were submitted indicating the location of the proposed work.

Board Comment – None.

Public Comment – None.

The recommendation of the departed agent, Brendan Mullaney, was a Negative Five.

Mr. Holmes moved and Ms. Kiebala seconded a Negative Five Determination. The motion carried unanimously. 6-0-0.

5) Tahanto Nominee Trust

Shannon Heino – Representative

File Number CC16-31

33 Tahanto Road

Perform repairs to existing licensed dock within an AE Flood Zone, within a Wetland Resource Area, and within the Riverfront Area.

Ms. Heino addressed the board. She explained that her dock is in need of repair due to damages caused by the previous winter weather. The EPA has approved her modification of the plan to change the existing 4x4 to piers.

Chm. Gray stated the departed agent had informed him that the Department of Waterways reviewed the plan and do not require additional Chapter 91 filing. They are viewing this as a small change in the plan within the 10% rule that they utilize. There will be no change in the license and the agent's recommendation is a Negative Two.

Board Comment – Ms. Kiebala inquired about the duration of the permit, when it would need to be renewed and how often the commission would need to review the license. Chm. Gray stated this is a 99 year license and the property owner would only need to present to the commission when repairs are needed.

Mr. Ligor inquired as to the type of piling that will be used. Ms. Heino indicated the piles will be set in the same location, but will be more substantial than the existing 4x4 pilings.

Public Comment – None.

Chm. Gray entertained a motion for a Negative Two Determination. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 6-0-0.

6) Frank Krueger

Stephen Doyle & Associates

File Number CC16-32

64 Salt Marsh Lane, Pocasset

Upgrade to a new Title V septic system within an AE Flood Zone

Stephen Doyle of Stephen Doyle & Associates addressed the board. He submitted the abutter notifications and briefly explained the project which is to upgrade the Title V septic system.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion for a Negative Two Determination. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 6-0-0.

Notice of Intent:

1) Michael & Mary Perra

Stephen Doyle & Associates - Representative

DEP File Number SE7-1943

29 Back River Road, Bourne

Construct a barn including all associated clearing, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Stephen Doyle addressed the board and provided background on the Wetland Areas; i.e., an active cranberry bog and a Coastal Bank. He described the location of the proposed project and discussed the location of the house and septic system. The proposed barn would not have plumbing. He stated that in order to meet the requirements of the town's By-law, a small corner section of the barn had to be altered from the original plan.

Mr. Ligor asked what is currently in the location of the proposed site. Mr. Doyle stated there are a few trees there and only a few of them would need to be removed.

Chm. Gray referred to two State Wetland maps. He discussed the regulations and how they pertain to the Coastal Bank. Additionally, he discussed the project and how it was conformed to meet the requirements of the town's By-law. A discussion ensued. The board decided that the proposed location does not interfere with the setback of the Coastal Bank and have decided to allow the property owners to construct the barn with the corner section.

Board Comment – There was no further board comment.

Public Comment – None

Chm. Gray asked Mr. Doyle to revise, date and initial the new plan. Chm. Gray offered an explanation of the board's decision.

Mr. Holmes made a motion to add the corner back on to the proposed barn as a Variance to the setback of the Coastal Bank. Mr. Palumbo seconded. With no discussion, the motion carried unanimously. 6-0-0.

Chm. Gray entertained a motion to close the public hearing. **Ms. Kiebala moved to close the public hearing. Mr. Holmes seconded.** With no further discussion, the motion carried unanimously. 6-0-0.

Mr. Palumbo – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1, 2, 3, 9-13, 16-24 and Special Conditions pursuant to the town By-law numbers 4, 6-9. Special Conditions 20 & 24 and By-law Conditions 4 & 6 shall continue in perpetuity. Chm. Gray stated that the revised plan should be noted.

Chm. Gray asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Mr. Ligor moved and Mr. Holmes seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried unanimously. 6-0-0.

Chm. Gray advised the applicants of their next step in the process.

2) Robert & Linda Morse

Cape & Islands Engineering, Inc.

DEP File Number SE7-1942

90 Circuit Ave, Pocasset

Raze and reconstruct an existing dwelling, including decks, patio, landscape retaining walls, and all associated clearing, grading, landscaping and utilities within an AE Flood Zone and within 100 ft. of a Wetland Resource Area.

Matt Costa of Cape & Islands Engineering, Inc., addressed the board. He referred to the submitted plans and described the proposed project. He also discussed the buffer zone, the location of the Coastal Bank and the property's septic system. He stated the proposed project is moving further away from the Resource Area and the overall footprint is getting smaller.

Board Comment – Ms. Kiebala asked if the house will be taller and asked if the removal of a nearby tree would be required. Mr. Costa stated the tree is on the abutting property. He added that the house will be taller because it is located in a Velocity Zone.

Mr. Ligor asked if the existing house has a cellar. Mr. Costa stated it's a walk-out.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved to close the public hearing. Ms. Kiebala seconded.** With no further discussion, the motion carried unanimously. 6-0-0.

Mr. Palumbo – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9, 10, 12, 13, 16-24 and Special Conditions pursuant to the By-law numbers 4, 6-9. Special Conditions 20 & 24 and By-law Conditions 4 & 6 shall continue in perpetuity.

Chm. Gray asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Ms. Kiebala moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried unanimously. 6-0-0.

Mr. Costa acknowledged the board for their decision on the Perra case.

3) Reef Builders

Falmouth Engineering, Inc.

DEP File Number SE7-1944

124 Megansett Road, Cataumet

Raze and rebuild an existing dwelling including installation of a new Title V septic system, utilities, landscaping, grading and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area.

Michael Borselli of Falmouth Engineering, Inc., and Project Manager, Jim Haggerty, of Reef Builders, addressed the board. Mr. Borselli stated the property is currently under agreement for sale and the new owner is hopeful for a Positive Order of Conditions. Theresa Sprague of Blueflax Design was present to discuss the restoration of the buffer.

Mr. Borselli discussed the location of the property, the proposed project in detail, the DEP policy 92-1: Coastal Banks; and how it relates to the project.

Mr. Ligor asked for an outline on the plan to reflect how much of the new house would impede the Coastal Bank. A discussion ensued.

Ms. Sprague then discussed the existing vegetation and the proposed plan to restore the buffer to the wetlands.

Mr. Ligor discussed the possibility of disrupting wildlife. Ms. Sprague does not feel any wildlife will be disrupted with this project. A brief discussion ensued. Additionally, she discussed several trees that will need to be removed, the plan to replant 12 trees to replace them and the plan to install a roll out board walk which will lead to an existing dock.

A discussion transpired concerning the former agent's remarks pertaining to the Coastal Bank. Chm. Gray elaborated further. A brief discussion transpired pertaining to the history of the land.

Chm. Gray read a letter that was submitted from an abutter, Dr. Steven Minardo, of 130 Megansett Rd. Dr. Minardo supports this project. He stated the property has fallen into disrepair and has had to deal with trespassers who have left campfires smoldering.

Ms. Kiebalá stated at one time, a former owner of the property had a lovely Japanese garden. Ms. Sprague will look for remnants of that garden.

Board Comment – No additional comment.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved to close the public hearing. Mr. Ligor seconded.** With no further discussion, the motion carried. 6-0-0.

Mr. Palumbo – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9, 10, 12, 13, 16-24 and Special Conditions pursuant to the By-law numbers 4, 6-9. Special Conditions 20 & 24 and the By-law Conditions 4 & 6, shall continue in perpetuity.

Chm. Gray asked if any board members would like to add a Condition to the Draft.

With no additional Conditions made, **Ms. Kiebala moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried. 6-0-0.

Request for Certificate of Compliance

1) R.W. Joy Construction, Inc.

Warwick & Associates, Inc. – Representative

DEP File Number – SE7-1886

10 Cleveland Circle, Gray Gables

Construct single family dwelling, including Title V septic system, utility installation and all associated clearing, grading, landscaping and appurtenances within an AE Flood Zone.

The former agent's recommendation is to grant the certificate. **Mr. Holmes moved to grant the certificate. Ms. Kiebala seconded.** With no discussion, the motion carried. 6-0-0.

2) Richard Kuchinsky

LEC Environmental – Representative

DEP File Number – SE7-1414

35 Pine Ridge Road, Buzzards Bay

Install 4 pilings for a boatlift on an existing dock within a VE Flood Zone and within a Wetland Resource Area.

The former agent's recommendation is to grant the certificate. **Mr. Ligor moved to grant the certificate. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

Other Business

Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Ms. Kiebala moved to excuse absent members. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

The former ZBA chair in Falmouth, who was in attendance, complimented the commission on their handling of the hearing.

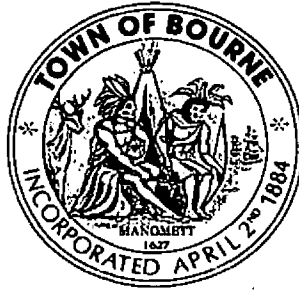
Approval of Minutes – Chm. Gray entertained a motion to approve the minutes of the May 5, 2016, meeting. Chm. Gray noted a minor typographical error. After a brief discussion, **Mr. Ligor moved to approve the minutes of the May 5, 2016, meeting with the correction. Ms. Kiebala seconded.** The motion carried 6-0-0.

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Palumbo moved to adjourn. Mr. Ligor seconded.** With no discussion, the motion carried. 6-0-0.

The meeting adjourned at 8:29 PM.

Minutes submitted by: Carol Mitchell



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2016 JUL 12 AM 8:48

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, July 14, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Lynne C. Smith **File Number:** CC16-33
Representative: Bracken Engineering Inc.
Project Address: 270, 272, & 276 Scraggy Neck Road, Bourne
Proposed Project: Vista pruning existing trees within AE & VE flood zone and within 100' of a wetland resource area.

- 2) **Applicant:** Rheinhardt, Richard **File Number:** CC16-34
Representative: SAME
Project Address: 96 Williams Avenue, Pocasset
Proposed Project: Construct an elevated porch and wrap around deck within 100 feet of a Wetland Resource Area.

- 3) **Applicant:** Colonial Gas Company **File Number:** CC16-35
Representative: Tighe & Bond
Project Address: 27-37 Studio Drive, Bourne
Proposed Project: Installation of a gas line extension within 100 feet of a Wetland Resource Area.

- 4) **Applicant:** Breed, Chip **File Number:** CC16-36
Representative: Ken Sundman
Project Address: 5 Mashnee Road, Gray Gables
Proposed Project: Extending an existing deck and constructing a roof over the entire deck within AE flood zone.

Notice of Intent:

- 1) **Applicant:** Repurpose Properties **DEP File Number:** SE7-1945
 Representative: J.C. Engineering
 Project Address: 24 Central Boulevard, Bourne
 Proposed Project: Raze an existing building and shed; construct a new dwelling and septic system;
 perform minor grading; and utility installation within an AE Flood Zone and
 Adjoining Land Area within an ACEC.

Request to Extend Order of Conditions:

- 1) **Applicant:** Giancola, Michael & Sheila **DEP File Number:** SE7-1860
 Representative: SAME
 Project Address: 45 Bell Bouy Road, Pocasset
 Proposed Project: Raze the existing and construct a new single family dwelling within AE flood
 zone and 100 feet from a Wetland Resource Area. Work includes installation of
 new Title 5 septic system, grading, landscaping, and utilities.
- 2) **Applicant:** Gerald L. Goveia & Brenda M. Bagnell **DEP File Number:** SE7-1857
 Representative: SAME
 Project Address: 45 Phillips Road, Bourne
 Proposed Project: Continued maintenance of previously installed coir envelopes; sand; sand fence;
 and plantings.

Request for Certificate of Compliance:

- 1) **Applicant:** Richard A. Staples & Shirley A. Parkhurst **DEP File Number:** SE7-1553
 Representative: SAME
 Project Address: 10 Tahanto Road
 Proposed Project: Raze and rebuild existing home, install new septic system, landscaping, grading,
 and associated appurtenances within AE flood zone.
- 2) **Applicant:** Buttrick, Richard **DEP File Number:** SE7-1937
 Representative: David R. Maclean
 Project Address: 31 Baxendale Road, Cataumet
 Proposed Project: Construct new beach stairs to replace existing deteriorating stair in existing
 location within AE flood zone and within 100 feet of a Wetland Resource Area.
- 3) **Applicant:** Hessler, Sandy **DEP File Number:** SE7-1514
 Representative: Warwick & Associates, Inc.
 Project Address: 3 Plow Penny Way, Bourne
 Proposed Project: Construct a walkway across the salt marsh in order to allow pedestrian access to
 the water.

- 4) **Applicant:** Ajami, George **DEP File Number:** SE7-1920
 Representative: GAF Engineering, Inc.
 Project Address: 700 County Road, Bourne
 Proposed Project: Remove an existing post and rail fence and construct a retaining wall in the same location. Work to occur within 200 feet of the Pocasset River.

Other Business:

- ▶ Public Notice: The Buzzards Bay Water District has applied to the Massachusetts department of Environmental Protection Water Management Act Program for a Permit to increase the registered and permitted withdrawal volume.
- ▶ Notification to Conservation Commission from Eversource Energy regarding routine repair and maintenance of existing access roads between Minuteman Lane and the Plymouth/Bourne town line.
- ▶ Notice from National Grid of utility maintenance activities along Bayside Lane between properties 3 through 11 in the Bennets Neck area of Pocasset.
- ▶ Notice of license application pursuant to M.G.L. Chapter 91 Waterways Application Number W16-4685 Kingmans Yacht Center
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 14, 2016

RECEIVED

2016 JUL 25 AM 8:44

TOWN CLERK BOURNE

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on July 14, 2016. Mr. Gray explained all the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Chm. Gray introduced Conservation Agent, Sam Haines, to the members of the audience.

II. Members Present: Chm. Robert M. Gray, Thomas Ligor, Betsey Kiebal, Melvin P. Holmes, Susan Weston and Paul Szwed.

Excused Members – Robert Palumbo and Associate Member, Elise Leduc

Also Present: Sam Haines, Carol Mitchell, Zachary Basinski, Richard Rheinhardt, Amanda Crouch-Smith, Shannon Heino, Ken Sundman, Mike Pimental, Alex Joyce, Brenda Bagnell, and Barbara Frappier.

Request for Determination of Applicability:

1) Lynne C. Smith

Zack Basinski – Representative; Bracken Engineering

File Number CC16-33

270, 272 & 276 Scraggy Neck Road, Bourne

Vista pruning existing trees within AE & VE Flood Zone and within 100' of a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. He turned the meeting over to Mr. Holmes.

Zack Basinski of Bracken Engineering, briefly described the proposed project to the board.

Board Comment – None.

Agent Comment – Mr. Haines and Chm. Gray performed a site inspection on July 7, 2016. Mr. Haines discussed with the representative the clearing methods, the equipment that will be used and what will be removed. He has no issues with this project.

Public Comment – None.

Mr. Holmes entertained a motion for a Negative Two Determination. **Mr. Ligor moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 5-0-0.

Chm. Gray returned to chair the meeting.

2) Richard Rheinhardt

File Number CC16-34

96 Williams Avenue, Pocasset

Construct an elevated porch and wrap around deck within 100' of a Wetland Resource Area.

Richard Rheinhardt addressed the board. He referred to the submitted plans and explained he is seeking to construct a 12'x16' deck. He'd prefer to construct it with pilings; however, will construct a cantilever deck if necessary. He submitted the abutter's signatures and a photograph of the proposed location.

Agent Comment – Mr. Haines performed a site inspection on July 11, 2016, the work will be performed above an existing, maintained lawn; which borders a vegetative wetland. Mr. Haines questioned how equipment will access the site. Mr. Rheinhardt stated all equipment will be brought in by hand. Mr. Haines stated, as shown on the submitted plans, with a cantilever deck, he has no issues with the project.

Board Comment – Mr. Ligor asked if the deck will have a roof and walls. Mr. Rheinhardt stated the porch will have a roof and walls. Mr. Ligor stated when he thinks of a porch, it doesn't have a roof or walls; adding, it looks more like an addition. Mr. Rheinhardt stated he plans on having as much screen as possible with windows he can remove. He stated it's more like a 3 season room.

Ms. Weston questioned the proposed location, its proximity to the wetland, the location of clethra and if it will have an impact on the wetland line. Chm. Gray stated Sweet Pepperbush grows in both uplands and wetlands. A discussion pertaining to the distance of the house to the wetland line, the clethra line which is in between the two and the possibility of moving the porch to another location transpired.

Ms. Weston asked the agent if he was happy with the wetland line. Mr. Haines stated the wetland line wasn't flagged when he visited the property. Mr. Rheinhardt stated the wetland line was flagged in February last year when a new septic system was installed; so the line that's on the plan was previously approved.

Chm. Gray stated that if the porch is constructed with piles, that would trigger the Commission's full jurisdiction; cantilever would not; adding that the Commission would like to maintain the existing setback; and would not normally allow a proposed project to go any closer to the Resource Area other than what already exists.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 6-0-0.

Chm. Gray explained the Determination to the applicant.

3) Colonial Gas Company

Amanda Crouch-Smith. – Representative; Tighe & Bond

File Number CC16-35

27-37 Studio Drive, Bourne

Installation of a gas line extension within 100' of a Wetland Resource Area.

Amanda Crouch-Smith addressed the board and explained the proposed project; to lay gas lines to deliver gas line services to homes in a residential neighborhood. She referred to the submitted plan which depicts the location of the existing gas main. She

also discussed the length of the gas line, the material it will be made of, how it will be laid and the location of the Coastal Bank/Buffer Zone.

Board Comment – Ms. Kiebala asked for clarification of the location of the existing gas line. Mr. Ligor asked Ms. Crouch-Smith to outline the location of the Coastal Bank and how far the trenching will be from the Coastal Bank. A discussion ensued.

Agent Comment – Mr. Haines performed a site inspection on July 11, 2016, noting that most of the installation will be performed through grass and not native vegetation. The landscape grade is generally away from the Resource Area toward the street, adding that it looks like a fairly standard utility installation.

Public Comment – Mr. Haines summarized written notification from an abutter, J. Kevin Burke, of 31 Studio Drive, who has several concerns regarding the project. The first is road damage, the second is that he'd like Mr. Sala of the Bourne Public Works to provide guidance during the road repair project, thirdly, he has social and safety concerns regarding natural gas and lastly, he provided lengthy history of the project.

Chm. Gray advised Mr. Haines to provide Mr. Burke with Mr. Sala's contact information adding that Mr. Burke's other concerns are not Conservation issues. Ms. Crouch-Smith stated the gas company will be working closely with DPW.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

4) Chip Breed

Ken Sundman - Representative

File Number CC16-36

5 Mashnee Road, Gray Gables

Extending an existing deck and constructing a roof over the entire deck within an AE Flood Zone.

State Act only

Mr. Sundman addressed the board. He explained the existing deck is 12'x16', the proposed project would add a 6'x16' portion on to the side and a roof would be installed over the entire deck. The deck would require three footings. All excavation will be done by hand.

Agent Comment – Mr. Haines stated there is no vegetative wetlands anywhere near the site; in a Flood Zone only. He performed a site inspection on July 11, 2016, the property is completely flat and he has no concerns with the project.

Board Comment – A brief discussion pertaining to the length of the deck transpired.

Public Comment – None

Ms. Kiebala moved and Ms. Weston seconded a Negative Two Determination. The motion carried unanimously. 6-0-0.

Notice of Intent:

1) Repurpose Properties

J.C. Engineering - Representative

DEP File Number SE7-1945

24 Central Boulevard, Boume

Raze an existing building and shed; construct a new dwelling and septic system; perform minor grading; and utility installation within an AE Flood Zone and Adjoining Land Area within ACEC.

Chm. Gray recused himself from discussion and vote. He turned the meeting over to Mr. Holmes.

Mike Pimental of J.C. Engineering, addressed the board and described the proposed project. He referred to the submitted plan to discuss the location of the Resource Areas. He stated they will save as many trees as possible.

Board Comment – Mr. Ligor asked for clarification on the number of trees that will be lost and the sizes of the trees that will be removed. He also asked whether or not vegetation/trees would be replaced, a discussion ensued.

Mr. Szwed asked for clarification of the location of Central Avenue.

Agent Comment – Mr. Haines performed a site inspection on July 7, 2016, he observed a small By-law only wetland on the adjoining parcel 30.2; Lot 85. The wetland is located approximately 50' from the existing house; but, it is 100' or more from any of the proposed new work. Mr. Haines' only concern is the equipment that will be brought in during the razing. He noted that the site has a lot of dumping; wood chips, metal

debris and feels it should be removed. A brief discussion transpired pertaining to how the debris got there and whether or not the house will be occupied once the work is completed. Mr. Pimental stated the property owner is planning on selling the property. Mr. Haines also discussed with the representative maintaining as many 8" in diameter mature trees as possible.

Public Comment – Attorney Alex Joyce, who represents the property owners and is also an abutter, supports the application and stated he's willing to provide the board history on the property if necessary.

Mr. Holmes entertained a motion to close the public hearing. **Ms. Kiebala moved to close the public hearing. Ms. Weston seconded.** With no further discussion, the motion carried unanimously. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9, 10, 12, 16-24 and Special Conditions pursuant to the town By-law numbers 4, 7-9. Special Conditions 20 & 24 shall continue in perpetuity. With additional Conditions that the existing debris on the property must be removed as well as a Condition to maintain mature trees outside the existing work area. **Ms. Weston moved and Ms. Kiebala seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried unanimously. 5-0-0.

Chm. Gray returned to chair the meeting.

Request to Extend Order of Conditions

1) Michael and Sheila Giancola

DEP File Number – SE7-1860

45 Bell Bouy Road, Pocasset

Raze the existing and construct a new single family dwelling within AE Flood Zone and 100' from a Wetland Resource Area. Work includes installation of new Title 5 septic system, grading, landscaping and utilities.

Agent Comment – Mr. Haines spoke with the applicant, no work has been performed to date. They are requesting a 3 year extension of the Order of Conditions to build a home. Mr. Haines visited the property and confirmed no work has been performed.

Mr. Holmes moved to grant the extension. Ms. Weston seconded. Ms. Kiebala asked for the date of the original Order. Mr. Haines stated it was August 13, 2013. With no further discussion, the motion carried. 6-0-0.

2) Gerald L. Goveia and Brenda M. Bagnell

DEP File Number – SE7-1857

45 Phillips Road, Bourne

Continued maintenance of previously installed coir envelopes, sand, sand fence and plantings.

Ms. Bagnell addressed the committee and is requesting a 3 year extension of the Order of Conditions originally dated July 29, 2013. She explained that after the Nemo storm, quite a bit of property was lost. The original Order of Conditions was to allow the property owners to maintain previously installed coir envelopes, sand, sand fence and plantings; however, severe winter weather since the Order was granted has prevented the homeowners from completing the work.

Board Comment – Mr. Holmes clarified that nothing new would be added; the request is strictly for maintenance. Ms. Bagnell confirmed.

Ms. Kiebala inquired as to the effectiveness of the coir envelopes. Ms. Bagnell stated they are holding up well.

Agent Comment – Mr. Haines visited the site on July 14, 2016. He has no issues granting the extension.

Mr. Holmes moved to grant the extension. Ms. Kiebala seconded. With no discussion, the motion carried. 6-0-0.

Request for Certificate of Compliance

1) Richard A. Staples and Shirley A. Parkhurst

DEP File Number – SE7-1553

10 Tahonto Road

Raze and rebuild existing home, install new septic system, landscaping, grading and associated appurtenances within AE Flood Zone.

Agent Comment – Mr. Haines visited the site and stated no work has been done on the project.

Chm. Gray explained, in this case, the property owner applied for the permit to perform work; but, for whatever reason, nothing was done. The property is going to be changing hands; therefore, the property owner is looking to extinguish the old Order of Conditions.

Board Comment – Ms. Kiebala asked if the original request was from 3 years ago. Mr. Haines stated the original Order is now expired.

Ms. Weston asked why the Certificate of Compliance must be issued. Mr. Gray explained it's the only way to extinguish the original Order which is recorded at the Registry of Deeds. Adding, because no work was performed, the original Order of Conditions, which is a lien on the property, should be extinguished to remove the lien. Just because a permit was issued, there's no law stating you must carry out the Order of Conditions. A brief discussion ensued

The agent's recommendation is to grant the certificate.

Ms. Weston moved to grant the certificate. Mr. Holmes seconded. With no discussion, the motion carried. 6-0-0.

2) Richard Buttrick

David R. Maclean – Representative

DEP File Number – SE7-1937

31 Baxendale Road, Cataumet

Construct new beach stairs to replace existing deteriorating stairs in existing location within AE Flood Zone and within 100' of a Wetland Resource Area.

Agent Comment – Mr. Haines performed a site inspection on July 13, 2016. He submitted photos to the board and explained the landing is slightly larger than originally proposed; which was approved as an administrative change by the previous agent. The Bank appears stabilized with native plantings and seems well constructed. The agent's recommendation is to grant the certificate.

Board Comment – Ms. Kiebala asked if the larger landing has any negative impact. Mr. Haines stated it does not.

Mr. Holmes moved to grant the certificate. Mr. Ligor seconded. With no discussion, the motion carried. 6-0-0.

3) Sandy Hessler

Warwick & Associates, Inc. – Representative

DEP File Number – SE7-1514

3 Plow Penny Way, Bourne

Construct a walkway across the salt marsh in order to allow pedestrian access to the water.

Chm. Gray stated he made two site visits there with Barbara Frappier of Warwick & Associates. The property is changing hands, Chm. Gray met the seller and discussed the original Order of Conditions. Chm. Gray and Mr. Haines met the buyer at the site, who also wanted a site visit.

The board reviewed pictures of the site. Ms. Frappier explained that the original order needs to be extinguished in order for the property to be sold. A brief discussion ensued.

Chm. Gray explained that the walkway is 3 feet wide, it's approximately 5 feet above the salt marsh; which exceeds the 3 feet requirement and the salt marsh is thriving.

Ms. Frappier explained, one of the Conditions was to post signage to alert the public that there is no public access to the water. The board reviewed photos of the signage. A brief discussion ensued.

Agent Comment – Mr. Haines stated it appears the walkway was installed in a slightly different area than originally proposed; the deviation does not have a negative impact on any of the Resource Areas. The agent's recommendation is to grant the certificate.

Mr. Holmes inquired as to whether or not a new plan should be submitted reflecting the change in location. Ms. Frappier stated an as-built plan has been submitted. Mr. Haines stated the certificate will have ongoing Conditions.

Ms. Kiebala moved to grant the certificate. Mr. Holmes seconded. With no discussion, the motion carried. 6-0-0.

4) George Ajami

GAF Engineering Inc., - Representative

DEP File Number – SE7-1920

700 County Road, Bourne

Remove an existing post and rail fence and construct a retaining wall in the same location. Work to occur within 200' of the Pocasset River.

Agent Comment – Mr. Haines performed a site inspection on July 11, 2016, noting that the work appeared straight forward, the Bank was stable and looked constructed as proposed. The agent's recommendation is to grant the certificate.

Board Comment – None

Public Comment – Barbara Frappier questioned if the Order covered the revegetation. Mr. Haines stated this was for the construction of split rail fence and a retaining wall. A brief discussion transpired pertaining to a previous Order of Condition. Mr. Haines will research to see whether or not there is an open Order for this property.

Mr. Ligor moved to grant the certificate. Mr. Holmes seconded. With no discussion, the motion carried. 6-0-0.

Other Business

- Public Notice: The Buzzards Bay Water District has applied to the Massachusetts Department of Environmental Protection Water Management Act Program for a permit to increase the registered and permitted withdrawal volume.

Chm. Gray asked if this requires any action from the commission. Mr. Haines indicated it did not. The board was pleased that Mr. Haines kept them informed of the request.

- Notification to Conservation Commission from Eversource Energy regarding routine repair and maintenance of existing access roads between Minuteman Lane and Plymouth/Bourne town line.

Mr. Holmes opened a brief discussion pertaining to an article he read in the newspaper surrounding Eversource and herbicide issues with other towns.

Chm. Gray asked if this requires any action from the commission. Mr. Haines stated to his knowledge it did not; it was just a notification of routine maintenance. A brief discussion ensued.

- Notice from National Grid of utility maintenance activities along Bayside Lane between properties 3 through 11 in the Bennets Neck area of Pocasset.

Mr. Haines stated this is a similar notification informing the board of routine maintenance. No board action is required.

- Notice of license application pursuant to M.G.L. Chapter 91 Waterways Application Number W16-4685 Kingman Yacht Center.

A brief discussion transpired pertaining to their request to establish a Reconfiguration Zone.

- Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Ms. Kiebala moved to excuse absent members. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

- Any other business that may legally come before the Commission – Chm. Gray informed the board that the BOS meeting scheduled for the 19th has been rescheduled to the 26th. Mr. Haines stated the BOS has asked him to notify abutters. A discussion ensued.

- Report of the Conservation Agent - None

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 - None

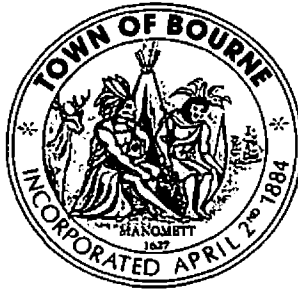
- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 - None

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Ligor moved to adjourn. Mr. Szwed seconded.** With no discussion, the motion carried. 6-0-0.

The meeting adjourned at 8:20 PM.

Minutes submitted by: Carol Mitchell



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2016 JUL 19 AM 9:15

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, July 21, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Annie C. Matthies **File Number:** CC16-37
Representative: Four Seasons Sunroom
Project Address: 1141 Shore Road, Cataumet
Proposed Project: Construct a sunroom addition within 100 feet of a Wetland Resource Area

- 2) **Applicant:** National Grid **File Number:** CC16-38
Representative: Coastal Engineering Co.
Project Address: 121 Old Dam Road, Bourne
Proposed Project: Gas main extension and service connection within AE flood zone and within 100' of Wetland Resource Area.

- 3) **Applicant:** Arthur & Katherine Hallam **File Number:** CC16-39
Representative: Bracken Engineering Inc.
Project Address: 2 Jefferson Road, Bourne
Proposed Project: Remove an 8 foot section of the existing building and rebuild with a new concrete foundation within V & AE flood zone and within 100 feet of a Wetland Resource Area.

7:20) Notice of Intent:

- 1) **Applicant:** Marcia Jackson **DEP File Number:** SE7-1946
Representative: Environmental Consulting & Restoration, LLC
Project Address: 20 Starboard Lane, Bourne
Proposed Project: Vegetation management and landscape improvements within a flood zone and a Wetland Resource Area.

- 2) **Applicant:** Deborah Juckett **DEP File Number:** SE7-1947
Representative: Bracken Engineering Inc.
Project Address: 150 Red Brook Harbor Road Lot #1
Proposed Project: Raze the existing dwelling and garage; construct a new single family dwelling with an attached garage; upgrade septic system; and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.
- 3) **Applicant:** Deborah Juckett **DEP File Number:** SE7-1948
Representative: Bracken Engineering Inc.
Project Address: 150 Red Brook Harbor Road Lot #2
Proposed Project: Renovate an existing boat house/garage; construct a new single family dwelling with an attached garage; install a new septic system; and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.
- 4) **Applicant:** Victor & Michelle Poza **DEP File Number:** SE7-1949
Representative: Warwick & Associates Inc.
Project Address: 49 Monument Neck Road
Proposed Project: Construct a single family dwelling; install a septic system; and perform associated site and utility work within an AE flood zone and within 100 feet of a Wetland Resource Area

Request to Extend Order of Conditions:

- 1) **Applicant:** Ricardo & Jill Adroque **DEP File Number:**
Representative: Warwick & Associates Inc.
Project Address: 45 Harbor Drive
Proposed Project: Raze the existing dwelling; construct a new single family dwelling with an attached garage; upgrade septic system; and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.

Other Business:

- ▶ Review of Order of Conditions for Project SE7-1637 (700 County Road)
- ▶ Discussion of routine utility maintenance and the Bourne Wetland Protection Bylaw
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Previous Meeting Minutes
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

July 21, 2016

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on July 21, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

II. Members Present: Chm. Robert M. Gray, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Paul Szwed, and Susan Weston (7:04 pm).

Excused Members – Robert Palumbo

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Maurice Campo, Zachary Basinski, Michael Bows, Barbara Frappier, Jim Mulvey, Arthur Hallam, Annie Matthies, Joseph Soares, Elizabeth Soares, Victor Pozza, Michelle Pozza, Gail Sands, Jean Simmons, Brad Holmes and Dale Coggeshall.

Request for Determination of Applicability:

1) Annie V. Matthies

Maurice Campo – Representative; Four Seasons Sun Room

File Number CC16-37

1141 Shore Road, Cataumet

Construct a sunroom addition within 100 feet of a Wetland Resource Area.

RECEIVED
2016 AUG 29 AM 9:12
TOWN CLERK BOURNE

Maurice Campo addressed the board and discussed the request to build a 15' x 13.9' sunroom on the back side of the house facing the street. He submitted drawings as well as an old existing plot plan with the sunroom drawn on it. The proposed sunroom will be 67' away from the edge of the pond and the house is 62' away from it.

Board Comment - Mr. Holmes asked for clarification on the proposed location. Mr. Campo referred to the plan to identify the proposed location.

Agent Comment - A site inspection was performed on July 7, 2016, Mr. Haines identified a bordering vegetative wetland to the east of the proposed sunroom. The closest point is 52' from the limit of work; the pond is greater than 50' from the limit of work but is within 100'. He also identified a potential Coastal Bank adjacent to the pond; but, based on aerial interpretation, this is also 50' or greater from the limit of work. The area of work is fairly level and is in an area of existing landscaping.

Mr. Ligor questioned the foundation. Ms. Matthies and Mr. Campo stated it will be a sonotube foundation.

Public Comment - None.

Chm. Gray entertained a motion for a Negative Two Determination. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 5-0-1. Ms. Weston abstained.

Chm. Gray explained the Determination to the applicant.

2) National Grid

Michael Bows- Representative; Coastal Engineering Co.

File Number CC16-38

121 Old Dam Road, Bourne

Gas main extension and service connection within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Bows addressed the board and explained the project which is to add on to a previously approved gas main extension and service connection to # 125 Old Dam Road, the adjacent property. The proposed work is within a flood zone and a buffer zone to a Wetland Resource Area. The work will be along the edge of the road and all excavated areas will be backfilled on the same day.

Board Comment - Ms. Leduc asked for an explanation of the colored lines shown on the plan. Mr. Bows explained the lines on the plan; i.e., buffer zones, Wetland Resource Area etc.

Agent Comment – A site visit was performed on July 21, 2016. The proposed work, subject to jurisdiction, is across the street from the Resource Area. It appears to be a standard utility installation.

Public Comment – none.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 6-0-0.

3) Arthur and Katherine Hallam

Zack Basinski – Representative; Bracken Engineering Inc.

File Number CC16-39

2 Jefferson Road, Bourne

Remove an 8 foot section of the existing building and rebuild with a new concrete foundation within V & AE Flood Zone and within 100 feet of a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. He turned the meeting over to Mr. Holmes.

Mr. Basinski addressed the board. He described the proposed project and stated all of the proposed work is within the buffer zone of a Coastal Bank. Erosion control will be installed.

Board Comment – Mr. Ligor inquired about the sloping bank. Mr. Basinski stated erosion control will be installed during construction.

Ms. Weston asked what is below the existing porch. Mr. Basinski indicated it's a foundation.

Ms. Leduc asked how far the edge of the building is to the top of the bank. Mr. Basinski stated it's approximately 20 feet away.

Ms. Kiebala asked if there will be any change in the run off from the roof. Mr. Basinski stated all will remain the same.

Ms. Weston asked how long ago the porch was built and if it is the same foundation as the rest of the building. Mr. Basinski stated over the years, there have been several additions to the original structure and it appears to be the same foundation

Agent Comment – Mr. Haines stated a building permit request for the foundation triggered the RDA. He stated other than the foundation, everything will be done within the same footprint. Given the close proximity to the Resource Area, he recommends erosion control be placed at the top of the bank. Mr. Haines has no other concerns with project.

Mr. Ligor asked if this will be a poured foundation. Mr. Basinski stated it will be poured. The cement truck will stay at the driveway and the cement will be pumped via a hose to the proposed foundation location.

Public Comment – None.

Mr. Holmes entertained a motion. **Ms. Kiebala moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously. 5-0-0.

Chm. Gray returned to chair the meeting.

Notice of Intent:

1) Marcia Jackson

Brad Holmes – Representative; Environmental Consulting & Restoration, LLC
DEP File Number SE7-1946
20 Starboard Lane, Bourne

Vegetation management and landscape improvements within a Flood Zone and a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote for this and the next two hearings. He turned the meeting over to Mr. Holmes.

Brad Holmes addressed the board. He referred to a plan to describe the project as well as the locations of a Coastal Dune and Coastal Bank. He stated there's an excessive amount of non-natives; Bittersweet, Honeysuckle and Multiflora Rose. The applicant would like to remove those and replant native species. Additionally, the applicant is

looking to replace an existing concrete patio, in the same footprint. He provided photographs to the board for their review of the property, the Coastal Dune area, the non-natives that are overgrown, the dune fence and the concrete patio.

Board Comment – Ms. Weston asked if the removal of the vegetation would be done by hand. Mr. Holmes indicated it would.

Ms. Leduc asked what percentage of plants are native vs. non-native. Mr. Holmes stated there's approximately 40% of non-native species; it's not fully dominated.

A brief discussion transpired pertaining to a previous project of the installation of a dune fence and the planting beach grass which was approved under an administrative approval by the former agent.

Mr. Holmes reiterated that all of the work will be done by hand.

Mr. Ligor asked if any animal species will be disturbed. Mr. Holmes stated no; however, if any nests are discovered, they would avoid disturbing the nests.

Ms. Leduc inquired as to when the project would begin. Mr. Holmes stated preferably in the fall.

Ms. Kiebala asked if any herbicide would be applied. Mr. Holmes stated yes, once a plant has been cut, an herbicide will be applied by hand to that shrub insuring that only that plant is treated with the herbicide.

A brief discussion transpired pertaining to the species of non-invasive vegetation that will be replanted.

Agent Comment – A site inspection was performed on July 18, 2016, although the site was not flagged at the time of the inspection, the delineated resource areas appear to be accurate as shown on the plan. The Bank includes several invasive non-native species. Mr. Haines noted an existing path on the west side of the Bank which was approved under a previous filing. Additionally, he observed dune fencing, a gate at the end of the path and new stairs that replaced existing stairs; all were approved under an administrative approval by the previous agent. Mr. Haines noticed at the top of the Bank, the vegetation is lower than 3' in height. In a previous filing; SE7-1493, a Condition stated that the vegetation could be pruned no lower than 3' in perpetuity. He will recommend that same Condition in this filing. He has no issue with the patio replacement. He has no issue with the type of herbicide that will be used; Glyphosate, which is listed as an approved herbicide for sensitive areas with the Massachusetts Department of Agricultural Resources. Mr. Haines recommends adding a Special

Condition; that the herbicide application must be performed by a licensed Massachusetts applicator, should an Order is issued.

Public Comment – Jim Mulvey inquired as to the reason behind the applicant's request and what result are they trying to achieve. Mr. Holmes stated the goal would be to control some of the overgrowth of the non-native species which are choking out the native species; adding, the initial intent was to replace the patio; however, after learning about the non-native's degrading effect on the environment, the applicant wanted to control the situation by planting native vegetation.

Mr. Haines stated he misspoke when giving the file number pertaining to the previous filing concerning the 3' vegetation Condition. He supplied the correct file number and offered the board the file for review.

Mr. Holmes entertained a motion to close the hearing. **Ms. Kiebala moved to close the hearing. Mr. Ligor seconded.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 9, 11, 12, 13, 16, 17, 19, 20, 21, 22, 24, 27, and Special Conditions pursuant to the Town By-law, numbers 6 (the vegetation at a height of at least 3 feet), 7, 8, 9. With an additional Conditions that the herbicide application must be performed by a licensed Massachusetts applicator and no foliar spraying.

Mr. Ligor moved and Ms. Weston seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 5-0-0.

2) Deborah Juckett

Zack Basinski – Representative; Bracken Engineering, Inc.

DEP File Number – SE7-1947

150 Red Brook Harbor Road Lot #1

Raze the existing dwelling and garage; construct a new single family dwelling with an attached garage, upgrade septic system, and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.

Zack Basinski addressed the board. He provided a brief history of the property; the current property owner has two individual lots; Lot #1 and Lot #2. When the lot was originally created, that previous owner merged the two for tax purposes. They have since been divided into two separate house lots. This application pertains to the existing house and the existing garage; it's a 4 bedroom house that was built in 1952. The

Resource Areas on or near the lot are a salt marsh, an AE Flood Zone, a Velocity Zone, and an associated Coastal Bank. The land is subject to coastal storm surge and is located within Natural Heritage. The property owner is proposing to tear down the existing house to build a new flood compliant house which will sit in virtually the same footprint as the existing structure and will be further away from the Coastal Bank. A new septic system will be installed in accordance with the Board of Health regulations. The reserve area will be installed 100 feet from the salt marsh and the water and the actual primary septic will be 118 feet from the Resource Area. A new driveway will be expanded along the front, dry wells will capture and treat run off water. During a site walk of the property, an existing drain that captures run off from the driveway and discharges it out to the salt marsh was discovered; the drain will be decommissioned and a rain guard will be installed in the lower area. The proposal also calls for stone steps to be installed into the Bank which will allow the property owners access to the water. A nitrogen reducing septic system will be installed.

Mr. Basinski made note that a letter was received from NHESP stating the project won't result in a Take.

Board Comment - Mr. Holmes inquired about the separation of the lots. Mr. Basinski stated there are two separate lots with two separate applications for two different proposals.

Mr. Ligor asked how far back the house will be moved. Mr. Basinski stated only a section of the house will be moved back approximately five feet. Mr. Ligor followed up by asking if any mature trees will be lost. Mr. Basinski stated the lot is over grown; therefore, there will be some trees that will be removed. The board reviewed photos of the property. A brief discussion ensued.

Agent Comment – A site inspection was performed on July 18, 2016, with the representative. The project plan shows the dwelling encroaching no closer to the Resource Area, it moves it back; however, the elevated porch has increased slightly in size and now includes stairs. The existing storm water catch basin and outlet to the salt marsh was discussed. The representative has revised the plans to include a vegetated swell which will allow the storm water to infiltrate prior to reaching the salt marsh. There is an area of mature trees to the east of the property; several of which will be removed to accommodate the new septic system and lawn area. The applicant is proposing to place stone landscapes into the Coastal Bank, creating a walking path. In general, the agent's concerns have been addressed with the revised plans.

Mr. Haines questioned whether or not Special Condition 14, regarding eroding Coastal Banks, would apply. Mr. Basinski stated it would not, because it's a stable Bank.

Ms. Kiebala asked if the new plan included the new drainage and walkway. Mr. Basinski referred to the revised plans which includes both.

Public Comment – Mr. Mulvey inquired about storm water containment from the roofs. Mr. Basinski stated dry wells will be used to contain roof run off.

Mr. Holmes entertained a motion to close the hearing. **Mr. Ligor moved to close the hearing. Ms. Kiebala seconded.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9-14, 16-22, 24 and Special Conditions pursuant to the Town By-law, numbers 7, 8, 9.

Mr. Holmes asked if there should be a Special Condition added for the rain guard and catch basin. Mr. Haines stated they're shown on the approved plan; when he does his site inspection he will look to make sure they are part of the completed project.

Ms. Kiebala moved and Mr. Szwed seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 5-0-0.

3) Deborah Juckett

Zack Basinski – Representative; Bracken Engineering, Inc.

DEP File Number – SE7-1948

150 Red Brook Harbor Road Lot #2

Renovate an existing boathouse/garage, construct a new single family dwelling with an attached garage, install a new septic system and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Basinski addressed the board and described the proposed project; stating there's a boathouse/garage structure which was built in approximately 1950. The Resource Areas on or near the lot are a salt marsh, an AE Flood Zone, a Velocity Zone, and an associated Coastal Bank. The land is subject to coastal storm surge and is located within Natural Heritage. Most of the work on this site is outside the jurisdiction of the Coastal Bank; i.e., the installation of the new driveway and septic system. Work within jurisdiction is the clearing work at the back of the house and the reconstruction of the existing garage building. The building itself will remain; however, the roof, doors and flood vents will be replaced. Mr. Basinski stated there will not be any earth work or any disturbance; all access will be through an existing clearing on lot #1. Should any disturbance occur, Mr. Basinski assured the board that any disturbance of vegetation

would be replanted. A no Take letter was also received for this project. Storm water would be maintained and the septic system is in compliance with the BOH.

Agent Comment – A site inspection was performed on July 18, 2016, the boathouse/garage is located on the Coastal Bank. The representative assured Mr. Haines that no foundation work would be done, the walls will remain in place. The roof, doors and flood vents will be replaced. Most of the work can be done by hand; however, Mr. Haines is concerned about the access pathway being too narrow should any equipment need to be brought in. It may have to be widened by hand pruning some of the vegetation. If this is the case, erosion controls would be placed along the salt marsh to avoid the risk of sedimentation. There will be mature trees removed to complete the proposed project. The representative agreed that any future clearing outside of the shown limit of work would have to be performed under a future filing. There is currently no vista shed as shown on the plan. That would have to be performed under a new filing.

Board Comment - Mr. Holmes asked how the run off will be handled so it won't affect the Bank. Mr. Basinski stated he will devise a plan to address that issue.

Ms. Weston questioned the location of the pathway. Mr. Basinski referred to the plan. Ms. Leduc followed up and asked for clarification on how lot #2 would be accessed. Mr. Basinski stated there may be a need to create a temporary path by vista pruning in order to complete the proposed work. Vegetation would eventually regrow to eliminate the temporary pathway. Mr. Holmes followed up by asking if the original path to the boathouse will be eliminated once the work is completed; would a new path be created to the garage. Mr. Basinski stated the original path will be maintained as is, if there are any future paths that the homeowner would like to create to the boathouse, a separate filing would be required.

Public Comment – Mr. Mulvey asked the representative to elaborate on the renovation. Mr. Basinski stated the garage door will be replaced, new flood vents will be installed to make it flood compliant and the roof will be repaired.

Gail Sands, an abutter to Lot #2, asked if the property owner sells Lot #2 before any work is performed, would the Order of Conditions that are issued go with the lot or would the new owner have to refile. Mr. Basinski stated the Order travels with the property; but it has to be what was proposed. Any changes would have to be amended or a new Order would be required. Ms. Sands asked if the Order of Conditions expires. Mr. Holmes stated they expire in 3 years unless the applicant requests an extension.

Mr. Holmes entertained a motion to close the hearing. **Mr. Ligor moved to close the hearing. Ms. Kiebala seconded.** With no discussion; the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-4, 6, 9-14, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers 7, 8, 9. Additional Special Conditions; (1) no tree clearing outside of the shown limited clearing on the approved plan, (2) any future work would have to be done under a separate filing and the roof drain system will be connected to a sub-surface leaching system, (3) No foundation work shall be performed on the boathouse/garage, only roof, doors and flood vents.

Ms. Kiebala moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried. 5-0-0.

Chm. Gray returned to chair the meeting.

4) Victor & Michelle Pozza

Barbara Frappier – Representative; Warwick & Associates

DEP File Number – SE7-1949

49 Monument Neck Road

Construct a single family dwelling. Install a septic system and perform associated site and utility work within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Barbara Frappier addressed the board and stated the lot is currently empty. The proposed project to construct a two bedroom house and septic system originally received approval back in 1989; for various reasons, the project was never completed. The property is across the street from isolated land which is subject to flooding and has been designated by Natural Heritage as a potential vernal pool; though it has never been certified as such. It is subject to coastal storm flowage, there is high ground water and is located in an ACEC. The proposal is to construct a two bedroom house and put a mounted septic system which would be surrounded by a concrete wall to achieve the necessary separation to ground water. Ms. Frappier noted neither the proposed house nor septic system is within 50' of the buffer; adding, most of the lot will be left in its natural vegetative state.

Board Comment – Mr. Holmes discussed the raised septic system asking if the foundation will be a poured foundation.

Ms. Frappier stated it would be poured. Ms. Frappier stated there will be a deed restriction on the property; that it can never be more than two bedrooms.

Mr. Ligor asked what the delay was in building the home. Ms. Frappier stated Mr. Pozza Sr. was working on several different projects and this one was put on hold.

Ms. Weston asked if the current plan is similar to the proposed plan from 1989. Ms. Frappier stated they are similar; but the septic system has been enhanced with the help of the health agent.

Agent Comment – A site inspection was performed on July 7, 2016. The site is located entirely within the AE Flood Zone and the ACEC. There's an isolated fresh water wetland directly across the street which was identified as a potential vernal pool by Natural Heritage. Mr. Haines stated it is not the time of year to conduct a formal vernal pool survey, he will go back and evaluate during the amphibian breeding period. While at the sight, he heard Green Frog and Bull Frog vocalization. The site also has the potential for fish and turtles. It looks like it maintains water all year long which isn't typical of a vernal pool. The site is generally level, water grades away from the wetland; therefore, erosion and sedimentation shouldn't be a problem. If an Order of Conditions is issued, Mr. Haines recommends a Special Condition for roadway tracking; cleaning of the tires and sweeping of the road.

Mr. Ligor inquired as to whether or not there's a connection between the high ground water and the potential vernal pool; could the ground water be going under Monument Neck Road and connecting to the pond. Ms. Frappier thinks it takes runoff; but it could intercept ground water. A brief discussion ensued.

Mr. Holmes asked if there are any old aerials of the pond to see if it's changed. Several board members who are familiar with the pond stated it hasn't changed.

Ms. Weston asked Chm Gray what he remembers about the original application. Chm. Gray provided some history and stated it was ultimately approved. Ms. Frappier stated it was denied and challenged and ultimately approved.

Ms. Leduc discussed the grading of lot and whether or not there would be impact on the back river ACEC. Mr. Haines stated because the railroad tracks create erosion control, there would be no impact.

Chm. Gray stated the By-law language gives the Commission authority to deny construction of a structure within an ACEC on a case-by-case basis. Mr. Haines believes the By-law states that the no disturbance can be extended further in a situation of an ACEC or a vernal pool.

Ms. Kiebala asked if the Planning Board has any input on this project. Chm. Gray stated they do not, only Conservation and the Board of Health. The Building Department will require the house to meet flood zone requirements.

Public Comment - Jean Simmons, an abutter, discussed her experience with her property constantly flooding. Ms. Frappier stated that because the applicants will be required to construct their house higher, they will not experience the flooding that she does.

Mr. Haines stated he has the ACEC language available should anyone want to review it.

Chm. Gray entertained a motion to close the hearing. **Mr. Ligor moved to close the hearing. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 12, 13, 16-22, 24 and Special Conditions pursuant to the town By-law numbers 2, 4, 7, 8, 9. Additional Special Conditions; (1) Construction vehicles and equipment shall not track sediment into public roadway. If project related sediment is observed, it will be immediately swept and the foreman will be responsible for it. (2) French drains or similar will be installed.

Ms. Kiebala moved and Mr. Holmes seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 6-0-0.

Request to Extend Order of Conditions

- 1) Riccardo and Jill Adroque

DEP File Number – SE7-1788

45 Harbor Drive

Raze the existing dwelling, construct a new single family dwelling with an attached garage, upgrade septic system and perform associated site/utility work within a V and AE Flood Zone and within 100 feet of a Wetland Resource Area.

Chm. Gray asked for the purpose to extend. Mr. Haines discussed his interpretation of the Permit Extension Act; he believes the Order is still valid until October 11, 2018. After a brief discussion, the board agreed with Mr. Haines' interpretation and agreed

that the Order is still valid. Ms. Frappier requested to withdraw the request to extend the Order of Conditions.

Chm. Gray entertained a motion to allow the withdrawal of the request to extend. **Mr. Holmes moved to allow the withdrawal of the request to extend the Order of Conditions. Ms. Weston seconded.** The motion carried 6-0-0.

Other Business

- Review of Order of Conditions for Project SE7-1637 (700 County Road) - A question was raised at the last Conservation meeting pertaining to a previous Order.

Agent Comment – Mr. Haines stated in the existing file, Mr. Haines found an Order of Conditions and a Notice of Intent but he could not find a Certificate of Compliance. He is going to contact the applicant to see if he received a Certificate of Compliance and will report back to the board with the outcome of the phone call.

Chm. Gray recommended that Mr. Haines schedule an onsite meeting with the property owner, bring the plan and inspect the area that's subject to that plan and subject to the Order of Conditions. Mr. Haines will have to document his findings and advise the board of the best approach once the site visit has been completed.

Ms. Kiebala asked for the date of the Order. Ms. Leduc stated January 22, 2007.

Chm. Gray provided the board with a history of the property. The board decided that the best approach is to have Mr. Haines visit the property.

- Discussion of routine utility maintenance and the Bourne Wetland Protection By-law

Mr. Haines was asked to review the Bourne Wetland Protection By-law, to be sure that the notices the board received for routine utility maintenance performed by Eversource and National Grid did not violate any section of the Bourne Wetland Protection By-law. He stated he found some gray areas in Section 3.7.4 and 3.7.5. He distributed section 3.7.5 to the board for their review. His assessment was the routine maintenance, in that particular case, did not violate the By-law. The board agreed. Mr. Haines stated going forward, if he identifies that one of the management plans is altering a wetland within a Water District Resource Area, he will bring it to the Commission's attention and will notify the applicant of the Town's By-law. The board concurred.

- Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Ms. Kiebala moved to excuse absent members. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

- Approval of Previous Meeting Minutes –

Chm. Gray entertained a motion to approve the minutes of the May 19, 2016, meeting.

Ms. Kiebala moved and Mr. Holmes seconded to adopt the minutes as written of the May 19, 2016 meeting. The motion carried 5-0-1 with Ms. Weston abstaining.

Chm. Gray entertained a motion to approve the minutes of the July 14, 2016 meeting.

Mr. Haines noted three corrections to the July 14, 2016 minutes.

Ms. Kiebala moved to approve the minutes of July 14, 2016 as amended. Mr. Ligor seconded. The motion carried 6-0-0.

A brief discussion transpired concerning previous meeting's minutes that may require the board's approval.

- Any other business that may legally come before the Commission –

Chm. Gray reminded the board of an Executive Session with the BOS at the Community Building on July 26, 2016 at 6:30 pm. The Open Session will be held at 7:00 pm. A brief discussion ensued.

- Report of the Conservation Agent - None

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 - None

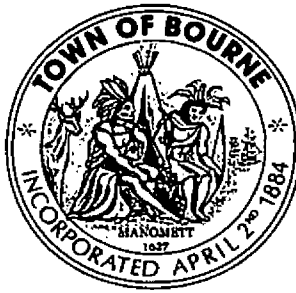
- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 - None

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Ms. Kiebala moved to adjourn. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

The meeting adjourned at 8:56 PM.

Minutes submitted by: Carol Mitchell



CONSERVATION COMMISSION AGENDA

Tuesday, July 26, 2016 ~ 6:30 pm

Bourne Veterans' Memorial Center, 239 Main Street, Buzzards Bay

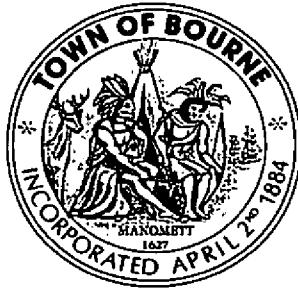
JOINT SESSION WITH BOARD OF SELECTMEN

- Discussion of the Town's position regarding involvement in the current litigation of the Indian Trail Revetment Project, Sagamore Beach, MA.
 - 1. Executive Session. To conduct strategy session with respect to litigation as an open meeting may have a detrimental effect on the litigation position of the public body. The Chairman declares that such open discussion will have a detrimental effect to the litigating position of the public body.
 - 2. Commission members will be attending the open session of the Board of Selectmens meeting in order to participate in the Board of Selectmen's agenda item relating to the Indian Trail Revetment Project.

For the Conservation Commission;..

Samuel O. Haines

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2016 JUL 22 PM 1:50
TOWN CLERK BOURNE



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2016 AUG 12 PM 3:41

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, August 4, 2016 ~ 6:30 pm ~ Lower Conference Room, Bourne Town Hall

6:30) Call to order in Open Session

- 1) Executive Session. To discuss strategy with respect to pending litigation: 0 Crab Rock Way. The Chairman declares that an open session would be detrimental to the litigation position of the Town.

Roll Call Vote to convene Executive Session for the purposes stated. The board will reconvene in open session at approximately 7:00 PM.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Phillips Road Sagamore Realty Trust **File Number:** CC16-40
Representative: Bracken Engineering, Inc.
Project Address: 11 Phillips Road, Sagamore Beach
Proposed Project: Construct a porch on an existing cabana building within 100 feet of a Wetland Resource Area.
- 2) **Applicant:** Town of Bourne **File Number:** CC16-41
Representative: Sallie Riggs (BFDC Representative)
Project Address: 90 Main Street, Buzzards Bay Park
Proposed Project: Perform grading, utility installation, construct pathways, and provide access improvements within an AE Flood Zone.
(Under State Act Only)

7:20) Notice of Intent:

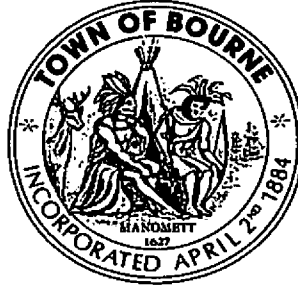
- 1) **Applicant:** Andrew Laurence **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 83 Elgin Road, Bourne
Proposed Project: Rebuild an existing deck, enclose an area in the front of the house, replace existing retaining wall and boardwalk, and perform vegetation maintenance within a VE Flood Zone and wetland resource area.

- 2) **Applicant:** Pedro Hernandez/Massachusetts Maritime Academy
DEP File Number: SE7-
Representative: Horsley Witten Group
Project Address: 8 Taylor Road
Proposed Project: Construct a parking lot within an AE Flood Zone
(Hearing Under State Act Only)
- 3) **Applicant:** David & Cheryl O'Neil **DEP File Number:** SE7-
Representative: JC Engineering, Inc
Project Address: 325 Shore Road, Monument Beach
Proposed Project: Construct a new dwelling and driveway, install a new septic and utilities, and perform grading within an AE Flood Zone at 325 Shore Road, Monument Beach.
- 4) **Applicant:** Joseph Agrillo Jr. Inc. **DEP File Number:** SE7-
Representative: SAME
Project Address: 8 Agawam Point Road, Bourne
Proposed Project: Perform vegetation maintenance and enlarge an existing driveway within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

8:00) Request for Certificate of Compliance:

- 1) **Applicant:** Kenneth & Sandra Leibowitz **DEP File Number:** SE7-1793
Representative: Bracken Engineering, Inc.
Project Address: 5 Bayside Lane, Bourne
Proposed Project: Construct new garage, additions to existing single family home, second floor deck, stoop, patio, and beach stairs. Install new septic and enlarge existing driveway. Work performed within an AE flood zone and 100 feet of a Wetland Resource Area.

- ▶ **Vote – Excuse Absent Members, if necessary**
- ▶ **Acceptance of the July 21, 2016 Meeting Minutes**
- ▶ **Any other business that may legally come before the Commission**
 - ▶ **Report of the Conservation Agent**
 - ▶ **Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99**
 - ▶ **Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16**



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2016 AUG -3 PM 1:33

TOWN CLERK BOURNE

AMENDED CONSERVATION COMMISSION AGENDA

Thursday, August 4, 2016 ~ 6:30 pm ~ Lower Conference Room, Bourne Town Hall

6:30) Call to order in Open Session

- 1) Executive Session. To discuss strategy with respect to pending litigation: 0 Crab Rock Way. The Chairman declares that an open session would be detrimental to the litigation position of the Town.

Roll Call Vote to convene Executive Session for the purposes stated. The board will reconvene in open session at approximately 7:00 PM.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Phillips Road Sagamore Realty Trust **File Number:** CC16-40
Representative: Bracken Engineering, Inc.
Project Address: 11 Phillips Road, Sagamore Beach
Proposed Project: Construct a porch on an existing cabana building within 100 feet of a Wetland Resource Area.
- 2) **Applicant:** Town of Bourne **File Number:** CC16-41
Representative: Sallie Riggs (Facilitator for Main Street Steering Committee)
Project Address: 90 Main Street, Buzzards Bay Park
Proposed Project: Perform grading, utility installation, construct pathways, and provide access improvements within an AE Flood Zone.
(Under State Act Only)

7:20) Notice of Intent:

- 1) **Applicant:** Andrew Laurence **DEP File Number:** SE7-1950
Representative: Bracken Engineering, Inc.
Project Address: 83 Elgin Road, Bourne
Proposed Project: Rebuild an existing deck, enclose an area in the front of the house, replace existing retaining wall and boardwalk, and perform vegetation maintenance within a VE Flood Zone and wetland resource area.

Conservation Commission
Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

August 4, 2016

RECEIVED

2016 AUG 19 AM 9:10

TOWN CLERK BOURNE

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on August 4, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

II. Members Present: Chm. Robert M. Gray, Rob Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes and Paul Szwed.

Excused Members – Susan Weston

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Sallie Riggs, Michael Blanton, Patti Francoeur, Theresa Devine, Betsy Tracey, Sandra Ferolito, Patricia Busconi, Jeff Goldstein, Joe Agrillo, Richard Crabbe, Betsy Crabbe, Adelaide Carrara, Joseph Carrara, Charlotte Daigle, Neil Langille, Zachary Basinski, Denise Mizzoni, Fran McDonald, Mike Palumbo and Justin Lamoureux.

Mr. Palumbo informed those in attendance that the board had just met in Executive Session, out of the public view, with Town Counsel Robert Troy to review a Decision that was made pertaining to 0 Crab Rock Way, Sagamore Beach. A vote was taken by the Commission to affirm the disapproval of the project.

Request for Determination of Applicability:

1) Phillips Road Sagamore Realty Trust

Zach Basinski – Representative; Bracken Engineering, Inc.

File Number CC16-40

11 Phillips Road, Sagamore Beach

Construct a porch on an existing cabana building within 100 feet of a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. Mr. Palumbo took over as chair.

Zach Basinski addressed the board. He explained that the applicant is seeking to add a 133 sq. ft. porch on the front part of the house. He stated it will be a sonotube foundation which will be hand dug.

Board Comment – None.

Public Comment – None.

Agent Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously. 5-0-0.

Chm. Gray returned to chair the meeting.

2) Towne of Bourne

Sallie Riggs – Facilitator for Main Street Steering Committee.

File Number CC16-41

90 Main Street, Buzzards Bay Park

Perform grading, utility installation, construct pathways, and provide access improvements within an AE Flood Zone.

(Under State Act only)

Sallie Riggs addressed the board. She stated nearly two years ago, the Board of Selectmen asked the Main Street Steering Committee to develop a plan to restore and upgrade the park. An online survey was conducted for residents to provide input on amenities they'd like to see offered at the park. This project is part of the effort to revitalize Main Street. The Steering Committee applied for funding through the Community Preservation Commission and two Town Meeting votes have appropriated funding for this project. She referred to plan and discussed each phase of the two phase project. Phase I will include pathways, grading, underground utilities and new entrances. Phase II, providing there's sufficient funding, will include a play area, shade structures, a possible splash pad and a pavilion.

Agent Comment – Mr. Haines performed a site visit on July 27, 2016, the additional grading was discussed. Mr. Haines has concerns with regard to storm water shedding into adjacent properties. He discussed meeting the Massachusetts Storm water standards with the landscape architect to make sure all of the water will be contained on the project. On August 4, 2016, Mr. Haines received a new grading and drainage plan which will tie into several storm water drains located off property. The design firm wasn't aware that the drains are not Town of Bourne controlled property. Mr. Haines spoke with Mike Leitzel, Town Engineer, who said permission from the state would be required in order to tie into those storm drains.

Ms. Riggs stated the landscape architect is developing a new grading and drainage plan to include a dry well to meet storm water standards. The new plan should be completed within a week.

Mr. Haines recommends a continuance.

Mr. Palumbo inquired about the online survey. He asked what the number one request was. Ms. Riggs stated a play area was in high demand as was an outdoor movie screen. Ms. Riggs stated she's hoping to begin work on the project this month because the Board of Selectmen have restricted use of the park as of August 1st. Mr. Haines acknowledged Ms. Riggs' efforts as well as Weston and Sampson's.

Chm. Gray would like to give the Steering Committee the opportunity to furnish a new plan.

Ms. Kiebala asked if there's a plan for new restroom facilities. Ms. Riggs stated no, there are facilities at the Army Corps of Engineers and at the Visitor's Center.

Public Comment – Patti Francoeur asked how traffic access to the park will change. Ms. Riggs stated the pedestrian entrances to the park will change; but the vehicle

access will remain the same. She referred to the plan and discussed the proposed changes.

A resident who did not provide his name, inquired about the future plans for Main Street. Chm. Gray stated that is not part of this review and since it's not on the agenda, it can't be discussed. Ms. Riggs offered to meet with the individual afterward to discuss the plans.

Selectman Michael Blanton acknowledged Ms. Riggs and the hard work she has put into this project. He stated the park upgrade will be a significant improvement to Main Street.

Chm. Gray entertained a motion to continue this to the August 18, 2016 meeting. **Mr. Palumbo moved and Mr. Holmes seconded to continue this request to the August 18, 2016 meeting.** The motion carried. 6-0-0.

Notice of Intent:

1) Andrew Laurence

Zach Basinski – Representative; Bracken Engineering, Inc.

DEP File Number SE7-1950

83 Elgin Road, Bourne

Rebuild an existing deck, enclose an area in front of the house, replace existing retaining wall and boardwalk and perform vegetation maintenance within a VE Flood Zone and Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. Mr. Palumbo took over as chair.

Zach Basinski addressed the board. He stated the applicant purchased the property approximately 2 ½ years ago and is proposing to renovate the house which includes; adding a small bump out, a new porch, removing the existing deck and rebuilding a new deck, upgrade several failing retaining walls and removing invasive species inside the natural buffer; which will done by a certified arborist. The applicant is also seeking to remove an existing deteriorating boardwalk and replace it with a new boardwalk.

Board Comment – Mr. Ligor inquired about the vegetation maintenance. Mr. Basinski stated there's invasive species throughout the natural buffer that will be removed.

Mr. Szwed asked if the existing retaining walls and deck will be within the same footprint. Mr. Basinski stated they would be.

Ms. Leduc made an inquiry concerning the removal of the boardwalk in the winter. Mr. Basinski stated the boardwalk will be designed in sections to allow it to be rolled up every winter.

Mr. Ligor asked if the boardwalk will be portable and Mr. Holmes asked about the width of it. Mr. Basinski stated it will be portable and approximately 3 ½ feet wide.

Agent Comment – Mr. Haines performed a site visit on August 3, 2016. The proposed work at the front of the house appears to be standard; he has no issues with this work. The retaining walls are rotting and will be replaced in kind; he has no issues with this work. The multi-level deck will be installed in the exact same footprint; but approximately 10 new sonotubes will be required for the footings which will require earth work. The Coastal Bank is currently stable. He noted that there's a lot of Bittersweet. Mr. Haines recommends adding a Condition requiring a licensed applicator, with no foliar spraying as well as a Condition requiring the applicant to maintain the Bank at height of at least 3 feet and a Condition that the boardwalk needs to be removed seasonally.

Public Comment – None.

Mr. Palumbo entertained a motion to close the hearing. **Mr. Holmes moved to close the hearing. Ms. Kiebala seconded.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 5, 9, 10, 12, 13, 16, 17, 18, 19, 20, 21, 22, 24, and Special Conditions pursuant to the Town By-law, numbers 6 (the vegetation at a height of at least 3 feet), 7, 8, 9. Special Conditions 20 & 24 shall continue in perpetuity. Additional Conditions; the boardwalk must be removed seasonally and the herbicide application must be performed by a licensed Massachusetts applicator and no foliar spraying.

Ms. Kiebala moved and Mr. Holmes seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 5-0-0.

Chm. Gray returned to chair the meeting.

2) Pedro Hernandez / Massachusetts Maritime Academy

Justin Lamoureux – Representative; Horsley Whitten Group.

DEP File Number – SE7-TBD

8 Taylor Road

Construct a parking lot within an AE Flood Zone

(Hearing under State Act only)

Chm. Gray stated the hearing will automatically be continued because the state has not issued a file number. The board will proceed with the review but will not be able to close until a file number is issued.

Justin Lamoureux addressed the board. He referred to the plan and explained the proposed parking lot will have 236 spaces. Access will be off Academy Drive, with 24' access for emergency vehicles. The applicant is proposing porous asphalt for storm water treatment with an interior infiltration grass basin for over flow that the asphalt cannot handle. Native vegetation screening will be planted along both sides of the property and the front of the property that abuts Academy Dr. & Taylor Rd. Interior trees will be planted in tree pits to break up the parking lot. The parking lot will be graded to be a bowl which will allow the run off time to infiltrate through the porous asphalt and the stone base for recharge. A cross walk has been proposed across Academy Drive for the students and a fence along the exterior of the property is also proposed with the exception of the entrance.

Board Comment – Mr. Ligor inquired as to whether or not this will be for student parking. Mr. Lamoureux acknowledged it will be for student parking.

Mr. Holmes asked for clarification on the cross walk over Academy Drive. Mr. Lamoureux stated the cross walk will be flush with handicapped accessibility; adding it has good sight lines for crossing and the entrance location was planned to avoid lights shining into houses across the street.

Ms. Kiebala expressed concern over the location of a particular abutter. Mr. Lamoureux stated the property will be properly screened with evergreens. Additionally, the lighting will be down lit.

Mr. Holmes discussed the plantings. Mr. Lamoureux stated Honey Locusts will be planted within the parking area; Gray Birch, Oak, Lilac, and Red Cedar are among the selected plantings. Mr. Lamoureux also discussed the plan to eradicate the scrub vegetation.

Mr. Ligor stated in an email, Mr. Haines didn't seem enthusiastic about the porous asphalt. He asked Mr. Haines to elaborate.

Agent Comment – Mr. Haines stated he is enthusiastic about the porous asphalt. It's a BMP that's accepted under the Storm water Handbook; however, he is concerned with maintenance; it appears to be a great product if it's maintained properly.

Mr. Ligor asked him to define the recommended maintenance. Mr. Haines stated there are maintenance guidelines in the Storm water Handbook; particularly, sanding, which would require vacuuming at the end of the sanding season. The UNH guidelines state sanding should not be allowed on this type of pavement as it clogs the asphalt and no longer functions as a BMP. Mr. Haines is also concerned with the scheduling of the vacuuming. Everywhere he's read, recommends at least 2-4 times per year of vacuuming. He referred to the packet and advised the board to possibly consider implementing additional Conditions with regard to maintenance.

Ms. Kiebala asked if salt may be used. Mr. Haines stated it can; however, it is recommended to reduce its use. He spoke with Mr. Sala, Highway Superintendent, who informed him this type of asphalt is at the Army Corps parking lot.

Mr. Haines noted that the site does contain a lot of invasive species.

Before taking public comment, Chm. Gray informed the public the Conservation Commission has limited jurisdiction and can only look at construction impacts in a Flood Zone. He added, since this is the only board in the Town who will give the abutters an opportunity to ask questions, the board will be lenient with the public asking questions; but, topics can't be discussed that the board doesn't have jurisdiction over. He asked that questions be limited to the environmental concerns of building the parking lot in a Flood Zone.

Public Comment – Patti Francoeur asked if the Commission considers noise as part of a Conservation concern. Chm. Gray stated unfortunately, no. He advised her to contact the police or possibly the Board of Health if she has a noise complaint.

Patti Francoeur asked what the noise level of the sweeper would be. Mr. Lamoureux stated it will be similar to a street sweeper. Additionally, Ms. Francoeur asked about the height of the fence and what material it would be. Mr. Lamoureux stated it would be 6' in height and will be black chain link.

Ms. Francoeur asked if a neighborhood survey had been conducted. Mr. Lamoureux indicated a neighborhood meeting was held.

Mr. Ligor asked Ms. Francoeur if she had a preference in fence material. She stated chain link won't be effective as a sound barrier. Mr. Lamoureux stated the parking lot has a 10' setback which will be heavily landscaped with evergreens that are a notoriously a great sound barrier.

Mr. Palumbo asked if the fence would be installed on the inside or the outside of the trees. Mr. Lamoureux stated the fence will be installed along the pavement and the trees will be on the property to screen the fence.

Terry Devine asked if she would have input on the type of vegetation that will be planted since her property borders the fence. Mr. Lamoureux stated the landscape architect will work with her to be sure she is satisfied with what is being planted. A discussion pertaining to the various species and the height of those plantings transpired.

An abutter inquired about the possibility of installing a different type of fence other than chain link. Mr. Lamoureux stated the type of fence is still under consideration. Chm. Gray asked what is being considered as an alternative to the chain link. Mr. Lamoureux indicated a white PVC stockade is a possibility.

Adelaide Carrara discussed the chain link fence that abuts her property at the Maritime back parking lot. She stated the chain link fence that was installed at that lot enhances the property; adding, when the plantings become overgrown, she simply calls the academy to trim them.

Neil Langille discussed his concerns over noise and light pollution. He asked if the lighting will be turned off at night. Mr. Lamoureux stated it would not be turned off. Mr. Langille suggested installing a timer / key card system at the entrance so only students have access to the lot; adding, the lot should not be accessible at night. Mr. Lamoureux stated the lighting was designed to light only the parking lot; neighbors will not be affected by the lighting. He indicated both suggestions pertaining to the lot entrance are a possibility. Mr. Langille asked if there would be any security on site or cameras. Mr. Lamoureux assumes there will be academy security who will drive through the lot periodically. He doesn't believe security cameras will be installed. Mr. Langille reiterated the importance of the fence acting as a sound barrier and wonders if concrete walls, as seen on certain highways, would be a possibility. Mr. Lamoureux stated no, concrete would not be a possibility.

Mr. Lamoureux discussed the possibility of installing an educational sign at the site to teach people about water quality and recharged ground water.

Patti Francoeur asked if the asphalt will move at all. Mr. Lamoureux stated no, porous asphalt looks like regular asphalt; but has a binding agent to make it porous.

Sandra Ferolito asked if 236 parking spaces were necessary. Mr. Lamoureux did not have an answer. A comment was made that the lot should help to alleviate on-street parking.

Fran McDonald of Mass. Maritime informed the group that a follow up meeting for the abutters will be held before any construction begins. Chm. Gray stated this hearing will be continued to August 18th and asked if a community meeting date will be set by then. Mr. McDonald stated a date will be set in September.

Mr. Haines stated he reviewed the storm water section of the filing and didn't see anything to indicate the project does not meet the standards; however, he has limited experience with storm water reviews and Massachusetts Storm water Standards.

Chm. Gray reiterated the reason why this hearing is being continued. The board requested permission from the applicant to continue the hearing to August 18, 2016. Mr. Lamoureux granted permission.

Mr. Holmes made a motion to grant the continuance to August 18, 2016. Mr. Palumbo seconded. With no discussion, the motion carried. 6-0-0.

3) David & Cheryl O'Neil

Mike Pimental – Representative; JC Engineering, Inc.

DEP File Number – SE7-1951

325 Shore Road, Monument Beach

Construct a new dwelling and driveway, install a new septic, utilities and perform grading within an AE Flood Zone at 325 Shore Road, Monument Beach.

Chm. Gray recused himself from discussion and vote. Mr. Palumbo took over as chair.

Mr. Pimental discussed the project to construct a new dwelling. He stated the proposed septic system will be a leaching field, located at the back of the property. The closest point of the field to the Bordering Vegetated Wetland and Eel Pond is approximately 156 feet, a reserve area will be on the property, utilities will run in the front of the house and the driveway will be on the southern side of the property. The house will be built to meet FEMA requirements, as it is located in a floodplain. The property is located in an ACEC; but most of the proposed work is located approximately 200 feet from the BVW, except the septic system and a small portion of the house.

Agent Comment – A site visit was performed on August 1, 2016, the site is currently undeveloped. Mr. Haines noted the property has several large trees and the plan indicates the applicant will retain as many of the large trees as possible. Mr. Pimental concurred. There's a slight grade from east to west but there are no severe grade changes on the property. Most of the house falls within an AE Flood Zone only. Mr. Haines has no issues with this project.

Board Comment – Ms. Leduc discussed the grading that will occur.

Public Comment – Denise Mizzoni, an abutter, asked to see the plan. She asked when construction will begin. Mr. Pimental stated he wasn't sure; but, Ms. Mizzoni would be notified ahead of time. Additionally, she asked whether or not the lot would be surveyed. Mr. Pimental stated the house would be staked out but not the property line.

Michael Blanton, an abutter, he asked for clarification of the location of the reserve area. Mr. Pimental referred to the plan to pinpoint the location of the reserve area. Mr. Blanton asked if the proposed location would have any impact on Central Boulevard. Mr. Pimental stated it would not.

Mr. Palumbo entertained a motion to close the hearing. **Mr. Holmes moved to close the hearing. Mr. Ligor seconded.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 12, 13, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers 7, 8, 9, 11. Special Conditions 20 & 24 are continued in-perpetuity.

Ms. Kiebala moved and Mr. Holmes seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried. 5-0-0.

Chm. Gray returned to chair the meeting.

4) Joseph Agrillo Jr., Inc.

Joseph Agrillo Jr. – Representative

DEP File Number – SE7-1952

8 Agawam Point Road, Bourne

Perform vegetation maintenance and enlarge an existing driveway within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Agrillo addressed the board. He purchased the property last fall, stating portions of the yard have been severely neglected. He is seeking to perform landscape improvements, cut back overgrown vegetation and a 20'x 20' driveway expansion. Some of the encroaching vegetation is covering the septic area, pruning will be required to uncover the septic area for maintenance and to recover trees that have been overtaken. Along the water side of the property, he is looking to maintain the current vista. Mr. Agrillo stated the driveway will be arranged accordingly to maintain several Oak trees.

Board Comment – None.

Agent Comment – Mr. Haines stated this site had a previous violation; some cutting along the Coastal Bank. The Bank is currently stabilized with vegetation; it's approximately 80% vegetated. Mr. Haines doesn't feel it necessary at this time to plant additional vegetation; it should just be allowed to grow. Mr. Haines noted some invasive species; i.e., Bittersweet, however; the applicant is not seeking to perform any invasive species control. The DEP identified some problems with the filing. Mr. Haines included the filing memo with the packet. Most of the problems pertained to the Coastal Bank, work on the Coastal Bank and some issues with the invasive species; i.e., Multiflora Rose, Bittersweet, Morris Honeysuckle, etc. There's a Wetland on the west side, which is encroaching on an area that was landscaped. The applicant will not clear anything on that slope; which will keep the project out of the 50 foot setback. Mr. Haines referred to a photo and noted, in between the house and the Coastal Bank shown, there's a grassy area which appears to be a secondary rise; there is no proposed work in this area. An area of the driveway is within 100 feet of the Coastal Bank which was cleared as part of the non-permitted activity. There was originally an issue with the easement to the east of the property. Mr. Haines asked the applicant to revise the plan to show no work would be performed on that easement and no debris may be stockpiled in that area. Mr. Haines mentioned he did not have a problem with the roadway clearing; which is primarily invasive species.

Chm. Gray discussed the DEP's question pertaining to the Wetland to the west. He stated the Wetland is an isolated land subject to flooding. Under the state law, there would no buffer to that; however, the By-law trumps the state law and it has a 100 foot buffer.

Mr. Haines suggested the board implement a Special Condition pertaining to the required height of the existing vegetation maintenance along the Coastal Bank. A brief discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion to close the hearing. **Mr. Ligor moved to close the hearing. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 12, 13, 16, 17, 19-22, 24 and Special Conditions pursuant to the town By-law, number 8. Additional Special Condition; (1) to maintain the Coastal Bank vegetation no lower than 3 feet.

Ms. Kiebala moved and Mr. Palumbo seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 6-0-0.

Chm. Gray noted that Mr. Haines will be revising the existing checklist; it hasn't been updated in several years. He suggested the same be done for the Landscape Policy, stating it might be advisable for Mr. Haines to see if there are certain municipal projects that should be completed under the Landscape Policy; i.e., trimming on the sides of the road for sight of view and beach maintenance.

Request for Certificate of Compliance

1) Kenneth & Sandra Leibowitz

Zach Basinski – Representative; Bracken Engineering, Inc.

DEP File Number – SE7-1793

5 Bayside Lane, Bourne

Construct new garage, additions to existing single family home, second floor deck, stoop, patio and beach stairs. Install new septic and enlarge existing driveway. Work performed in AE Flood Zone and within 100 feet of a Wetland Resource Area.

Chm. Gray asked Mr. Haines if a site visit was performed. If so, did he determine compliance with the Order that was set? Mr. Haines stated there was a site visit performed and noted two issues that were not on the original plan. The homeowner provided information from the previous agent which allowed administrative approval. Mr. Haines recommends issuing the COC.

Mr. Palumbo moved to grant the Order of Conditions. Mr. Holmes seconded. The motion carried 6-0-0.

Other Business

- Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Mr. Holmes moved to excuse absent members. Mr. Palumbo seconded.** With no discussion, the motion carried. 6-0-0.

- Approval of Previous Meeting Minutes –

Chm. Gray entertained a motion to approve the minutes of the July 21, 2016 meeting.

Ms. Leduc noted one typographical error.

Ms. Kiebala moved and Mr. Holmes seconded to adopt the minutes as amended the July 21, 2016 meeting. The motion carried 5-0-1. Mr. Palumbo abstained.

- Any other business that may legally come before the Commission – Mr. Holmes suggested moving future Executive Sessions to a different location. A brief discussion transpired pertaining to notifying Commission members and the public of future Executive Sessions.

- Report of the Conservation Agent - Mr. Haines, in the future, may include in his report, any administrative decisions that he makes.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

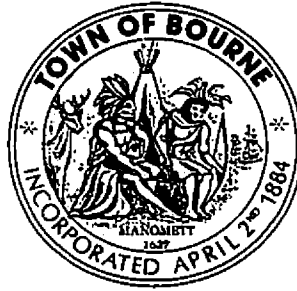
- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Palumbo moved to adjourn. Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

The meeting adjourned at 8:34 PM.

Minutes submitted by: Carol Mitchell



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2016 AUG 16 AM 8:39
TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, August 18, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) Applicant: Richard Buttrick File Number: CC16-42
Representative: David R. MacLean
Project Address: 31 Baxendale Road, Cataumet, MA
Proposed Project: Perform seawall maintenance within a VE Flood Zone and Wetland Resource Area

- 2) Applicant: Donald W. Jones Jr. File Number: CC16-43
Representative: David R. MacLean
Project Address: 44 Baxendale Road, Cataumet, MA
Proposed Project: Perform seawall maintenance within a AE Flood Zone and Wetland Resource Area

- 2) Applicant: Valeri Construction File Number: CC16-44
Representative: Warwick & Associates Inc.
Project Address: 67 Lewis Point Road
Proposed Project: Replacing the existing failed septic system with a new Title 5 system within 100 feet of a Wetland Resource Area.

- 4) Applicant: Town of Bourne File Number: CC16-41
Representative: Sallie Riggs (BFDC Representative)
Project Address: 90 Main Street, Buzzards Bay Park
Proposed Project: Perform grading, utility installation, construct pathways, and provide access improvements within an AE Flood Zone.
(Meeting Under State Act Only, Continued from August 4, 2016)

7/20) Notice of Intent:

- 1) **Applicant:** William Burchill **DEP File Number:** SE7-XXXX
 Representative: Bracken Engineering, Inc.
 Project Address: 12 Bryant Road, Bourne
 Proposed Project: Raze the existing home; build a new home, deck, and garage; and install a new
 septic system and associated utilities within an AE Flood Zone and within 100
 feet of a Wetland Resource Area
- 2) **Applicant:** Pedro Hernandez/Massachusetts Maritime Academy
 DEP File Number: SE7-1953
 Representative: Horsley Witten Group
 Project Address: 8 Taylor Road
 Proposed Project: Construct a parking lot within an AE Flood Zone
 (Hearing Under State Act Only, Continued from August 4, 2016)

Other Business:

- ▶ ISWM - Discussion of the draft Grant of Conservation Easement and Conservation Restriction to the Commonwealth of Massachusetts Department of Fish and Game.
- ▶ Notice of Violation – Construction of floating dock/pier at 821 Shore Road.
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Meeting Minutes
 - ▶ July 26, 2016 Executive Session Minutes
 - ▶ August 4, 2016 Executive Session Minutes
 - ▶ August 4, 2016 Meeting Minutes
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Administrative Approvals
 - ▶ Correspondence
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission

2016 SEP 6 AM 8 33 **Meeting Minutes**

TOWN CLERK'S OFFICE Town Hall Lower Conference Room
BOURNE, MASS

24 Perry Ave., Buzzards Bay, MA 02532

August 18, 2016

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on August 18, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

II. Members Present: Chm. Robert M. Gray, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes and Paul Szwed.

Excused Members – Susan Weston and Rob Palumbo

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, David MacLean, Sallie Riggs, Barbara Frappier, Jim Mulvey, Mary Huether, Patti Francoeur, Theresa Devine, Betsey Tracey, Betsy Crabbe, Charlotte Daigle, Zachary Basinski, Joe Longo, Pedro Hernandez, Paul O'Keefe, Paul Forgione and Daniel Barrett

Request for Determination of Applicability:

- 1) Richard Buttrick
David R. MacLean– Representative
File Number CC16-42
31 Baxendale Road, Cataumet

Perform seawall maintenance within a VE Flood Zone and Wetland Resource Area.

David MacLean addressed the board. He discussed the seawall which he states has been in existence for at least 60 years. He explained that approximately 15 years, a repair

was done incorrectly and is now eroding and deteriorating. An experienced seawall builder, Steve Fielding, will perform the repair. He will launch his boat in Megansett, gather rocks and drop them at the beach. The work will be done entirely by hand.

Agent Comment – Mr. Haines performed a site visit on August 16, 2016. The seawall is currently stable and functioning; however, there are areas that should be repointed and there are some areas of erosion undermining the wall. The applicant is utilizing best management practices by bringing in all of the materials by boat and performing the work by hand. There are no issues with this project.

Board Comment – Ms. Leduc asked if the rocks will be stockpiled on the beach. Mr. MacLean stated any stockpiling will be minimal because of the tidal situation. Mr. Fielding will bring the stones in at high tide and will work at the base of the wall at low tide. Ms. Leduc asked if any of the existing wall will be removed. Mr. MacLean stated the concrete blocks will be removed by boat.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried unanimously. 5-0-0.

2) Donald W. Jones Jr.

David R. MacLean - Representative.

File Number CC16-43

44 Baxendale Road, Cataumet

Perform seawall maintenance within a VE Flood Zone and Wetland Resource Area.

David MacLean addressed the board. He discussed the location of the existing wall and stated about a 1 month ago, approximately 30 feet of the wall let go. The applicant is concerned that destabilization of the Bank will occur. The applicant has lined up the same individual, Steve Fielding, to perform the proposed work; which will be handled in the same manner as the Buttrick's repair.

Board Comment – Mr. Ligor inquired as to the height of the existing wall. Mr. MacLean stated it's approximately 3 feet high. Mr. Ligor asked if the wall would remain at that height and wonders if it should be slightly taller as there is a lot of vegetation growing behind it. Mr. MacLean described the area surrounding the wall; stating the heavy vegetation isn't growing directly up against the wall. Mr. Ligor asked

if the same type of stone will be used and if it will be dry fit. Mr. MacLean stated yes, it will be dry fit and all of the stones that have been breached will be reused.

Mr. Szwed asked the cause of the erosion. Mr. MacLean stated the wall is in excess of 60 years old. Bank erosion, corrosion, ice buildup etc. have led to the wall's deterioration.

Agent Comment – Mr. Haines performed a site inspection on August 16, 2016. He stated the wall has had a failure and needs to be repaired. There are no issues with this project.

Public Comment – None.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 5-0-0.

3) Valeri Construction

Barbara Frappier – Representative; Warwick & Associates Inc.

File Number CC16-44

67 Lewis Point Road

Replacing the existing failed septic system with a new Title 5 system within 100 feet of a Wetland Resource Area.

Barbara Frappier addressed the board. She described the proposed project, to replace a failed cesspool, and its proximity to the Coastal Bank and Resource Area. As described in the RDA, a filtration barrier will be used. Mr. Haines asked that a stockpile of hay bales be kept on site to allow for placement based on topography where necessary. Ms. Frappier agreed.

Board Comment – Mr. Holmes asked for the size of the concrete slab. Ms. Frappier stated the slab is 10'x12'.

Agent Comment – Mr. Haines performed a site inspection on August 11, 2016. He observed leaching water in the driveway; the system has clearly failed. There are no issues with this project.

Public Comment – None.

Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination. The motion carried unanimously. 5-0-0.

4) Town of Bourne

Sallie Riggs – (BFDC) Representative

File Number CC16-41

90 Main Street, Buzzards Bay Park

Perform grading, utility installation, construct pathways and provide access improvements within an AE Flood Zone.

Under State Act only. Continued from August 4, 2016.

Sallie Riggs addressed the board. She originally presented the proposed project to the board on August 4, 2016. At the time, there were issues concerning the storm water drainage off the site. A new plan was requested to address those concerns. A revised plan has been submitted; all of the storm water will now be contained on the site.

Board Comment – None.

Agent Comment – Mr. Haines stated the revised site plan now shows the installation of dry wells; alleviating the original concern of storm water discharge into the adjacent state owned storm water system. A letter was received from the project engineer at Weston and Sampson stating the project meets Massachusetts Storm Water Standards. Mr. Haines feels his previous concerns with regard to storm water discharge have been addressed.

Public Comment – None.

Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination. The motion carried unanimously. 5-0-0.

Notice of Intent:

1) William Burchill

Zach Basinski – Representative; Bracken Engineering, Inc.

DEP File Number SE7-1954

12 Bryant Road, Bourne

Raze the existing home; build a new home, deck and garage, install a new septic system and associated utilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. Mr. Holmes took over as chair.

Zach Basinski addressed the board. He stated the house was built in 1930. He discussed the size and topography of lot and described the proposed project; to demolish the existing structure, build a new structure in the exact same footprint. A new Title 5 compliant septic system will be installed. The project requires the removal of the basement to meet the current Flood Zone requirements. There are no proposed topography changes on the lot.

Board Comment— Mr. Ligor asked if the proposed house will be built on the same footprint. Mr. Basinski stated it will be with the exception of a small bump out at the back.

Mr. Holmes asked if the septic system will be installed under the driveway. Mr. Basinski stated it will be next to the driveway.

Mr. Ligor briefly discussed the vegetation on the site.

Ms. Leduc inquired as to whether or not the retaining wall will be kept in place or removed during construction. Mr. Basinski stated it will remain in place.

Agent Comment – Mr. Haines performed a site inspection on August 11, 2016, the site is in a Flood Zone but the salt marsh is located across the street. Only a small portion of the septic system will be within 100 feet of that; this project is primarily Flood Zone only. There are no concerns with this project.

Public Comment – An abutter, Mary Huether, has no objection with this project; however, she expressed concern over construction debris ending up on her property. Mr. Haines stated the Order of Conditions specify that construction debris will have to be removed. Mr. Basinski stated the builder is reputable and will be responsible for cleanup. Additionally, the building permit and the Order of Conditions require him to maintain a clean site. If he fails to abide by the stipulations, the project will be shut down.

Mr. Holmes entertained a motion to close the hearing. **Mr. Ligor moved to close the hearing. Mr. Szwed seconded.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-6, 9, 12, 13, 16-22, 24, and Special Conditions pursuant to the Town By-law, numbers 7-9. Special Conditions 20 & 24 shall continue in perpetuity.

Ms. Kiebala moved and Mr. Ligor seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 4-0-0.

Chm. Gray returned to chair the meeting.

**2) Pedro Hernandez / Massachusetts Maritime Academy
Joe Longo – Representative; Horsley Witten Group.
DEP File Number – SE7-1953
8 Taylor Road**

Construct a parking lot within an AE Flood Zone

(Hearing under State Act only. Continued from August 4, 2016)

Mr. Szwed recused himself from discussion and vote.

Mr. Longo of Horsley Witten addressed the board. He provided a brief presentation summarizing the proposed project which was presented by his colleague on August 4, 2016.

Board Comment – Ms. Kiebala asked if the top soil that's being removed will have to be replaced. Mr. Longo stated any top soil removed with the roots of the knotweed will be replaced with clean fill. The required size gravel will go underneath the porous asphalt. Ms. Kiebala asked what the depth of the gravel will be. Mr. Longo stated it will be approximately 9" in depth.

Mr. Holmes asked if the size of the proposed screening will be satisfactory to alleviate the neighbor's privacy concerns. Mr. Longo stated it would and briefly discussed the proposed plantings that have been selected for screening. Mr. Longo stated another meeting with the neighbors will be held before construction starts.

Agent Comment – Mr. Haines stated Mr. Longo answered many of his questions during his presentation. Mr. Haines' primary concerns pertained to the maintenance of the asphalt. He recommended the board consider adding the following Special Conditions should an Order be issued; (1) pavement vacuuming shall occur a minimum of 2-4 times per year; and may occur more frequently should operation and maintenance personnel observe sediment or organic debris buildup on the pavement surface. Pavement vacuuming shall occur during fall cleanup to remove dead leaves and spring cleanup to remove debris and sediment. (2) Operation and maintenance records shall be made available to members of the Conservation Commission or its agent upon request. Prior to the start of work, the applicant shall supply the Commission with the contact

information for obtaining those records. Mr. Haines explained that without access to the maintenance records, it will difficult to enforce the Special Conditions.

Public Comment – Jim Mulvey asked if any structure; i.e., a guard shack, will be constructed on the proposed site. Mr. Longo stated there will not. He also inquired as to whether or not a compulsory evacuation of parked cars should be a Condition. Paul O’Keefe, Vice President of Operations, discussed the Maritime’s evacuation policy during weather emergencies. A brief discussion ensued.

Theresa Devine, an abutter, expressed her disappointment with this project moving forward. She feels the parking lot will have a negative impact on her property value.

Mr. Haines briefly discussed the Town’s Emergency Management Program.

Betsy Crabb, an abutter, inquired about the proposed fence. She stated her property line is only 10 feet from the proposed lot; therefore, she deserves the most privacy. Mr. Longo stated the proposed chain link will be screened by evergreens; she won’t see cars or fence once the trees are fully grown. Ms. Crabb stated she should not have to wait for the trees to become fully grown in order to obtain privacy. A brief discussion transpired with regard to the types of evergreens that will be planted.

Mr. Ligor discussed the size of the plantings vs. the height of the fence.

Chm. Gray asked if they’re locked into a chain link fence. Ms. Leduc suggested inserted privacy slats into the chain link to add privacy until the evergreens become full grown. Chm. Gray suggested installing stockade fence closest to the abutter’s property. Mr. Longo feels stockade in small sections will throw the look off. Chm. Gray suggested installing a windscreen on the chain link similar to what’s installed on tennis court fencing. It cuts down the wind and it adds privacy. Mr. Longo liked the idea of installing a screen or privacy slats.

Patti Francouer, an abutter, is concerned about potential pollution from vehicles that aren’t properly maintained. She is also concerned about how the debris collected from the vacuuming will be disposed of. Mr. Longo described the vacuuming process and stated the waste will be disposed of properly.

Mr. Mulvey asked if there’s a backup plan if the surface loses its permeability. Mr. Longo stated proper maintenance keeps the asphalt porous.

Mr. Haines stated the project narrative indicates the pavement will need to be replaced in 15-20 years. Mr. Longo concurred.

Chm. Gray entertained a motion to close the hearing. **Ms. Kiebala moved to close the hearing. Mr. Holmes seconded.** With no discussion, the motion carried 4-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 9, 12, 13, 16-24 and Special Conditions 1 and 2 as Mr. Haines recommended previously.

Ms. Leduc asked about the number of times the lot will be vacuumed. After a brief discussion, the board decided the Special Condition should specify 2-4 times per year.

Chm. Gray entertained a motion to move the Draft to Final. **Mr. Ligor moved and Mr. Holmes seconded to move the Draft Order of Conditions to Final Order of Conditions.** The motion carried 4-0-0.

Mr. Szwed returned to the meeting.

Other Business

- ISWM – Discussion of the draft Grant of Conservation Easement and Conservation Restriction to the Commonwealth of Massachusetts Department of Fish and Game.

Dan Barrett, General Manager of ISWM, addressed the board. He stated ISWM is seeking to gain access to Joint Base Cape Cod and connect to the base's treated effluent line that runs along Canal View Drive just east of ISWM's property line. Since the effluent lies in the upper cape water supply reserve, an easement is required; in accordance with Article 97. Legislation was filed; the legislation passed on July 30, 2016. Mr. Barrett explained, Article 97 grants custody, care and control of the reserve to the Massachusetts Department of Fish and Game. The Article also requires a guarantee of no net loss of Article 97 land; which is Conservation land. Mr. Barrett stated he and Mr. Guerino met with the commissioner of the Department of Fish and Game. The commissioner would like to place a conservation restriction on 77 acres of land; not just the 1500 square feet of land as required for the connection. After a brief discussion, **Mr. Ligor moved and Mr. Holmes seconded to accept the conservation restriction.** The motion carried 5-0-0.

- Notice of Violation – Construction of floating dock/pier at 821 Shore Road.

Mr. Haines performed a file search and could not find any Order of Conditions or Notice of Intent for this property. He went to DNR and received documentation showing DNR revoked the float permit in 2011 for non-payment. He could find no documentation stating the construction of the floating dock was legally approved by the Commission. He sent a Notice of Violation; which will allow the applicant to come forward with any documentation that they may have prior to enforcement.

Mr. Holmes asked if the property owner will be able to get the permit back now that it's been revoked. Mr. Haines stated the property is located in an ACEC; which has further restrictions. The property owner has expressed interest in appearing before the Commission on September 1, 2016. Chm. Gray stated it is likely that a structure existed there for some time. It may have been a structure that pre-dated the Wetlands Protection Act; but it's unlikely that the structure pre-dates the Chapter 91 program. There are pictures of the previous structure on file. It now appears that the structure has been completely rebuilt.

Mr. Ligor asked if the Commission has the authority to order the removal of the dock. Chm. Gray stated not at this time; however, if it's determined that the structure is illegal and permits were necessary, an Enforcement Order will be issued requiring the property owner to remove the dock and go through the permitting process.

Mr. Haines stated the first step is to see what type of documentation the property owner has.

- Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Mr. Ligor moved to excuse absent members. Mr. Holmes seconded.** With no discussion, the motion carried. 5-0-0.

- Approval of Previous Meeting Minutes –

Chm. Gray entertained a motion to accept the July 26, 2016, Executive Session minutes. Mr. Haines reminded the board that should changes be required, contact him directly to make the necessary changes. He will bring the revised minutes back for final approval once the changes have been made. Mr. Haines stated once the minutes are approved, they will be encumbered. A brief discussion ensued. **Mr. Holmes moved and Ms. Kiebala seconded to approve the July 26, 2016 Executive Session minutes.** With no further discussion, the motion carried 5-0-0.

Chm. Gray entertained a motion to approve the August 4, 2016 Executive Session minutes. Mr. Haines noted one typographical error in the title. **Ms. Kiebala moved to accept, with the title correction, the minutes of the August 4, 2016 Executive Session minutes. Mr. Holmes seconded.** With no further discussion, the motion carried. 5-0-0.

Chm. Gray entertained a motion to approve the August 4, 2016 open session minutes. **Ms. Kiebala moved and Mr. Holmes seconded to approve, as written, the minutes of the August 4, 2016 open session meeting.** With no further discussion, the motion carried. 5-0-0.

- Report of the Conservation Agent – Mr. Haines stated he has received several phone calls regarding residents willing and able to perform volunteer work on Conservation areas. He questioned whether or not the board has allowed residents to perform these actions in the past and is concerned about liability.

Mr. Ligor asked for Chm. Gray's input. Chm. Gray stated since the Town has very little resources financially and manpower, most of the work that's been done on Conservation land has either been done by volunteers and/or citizens groups. Chm. Gray has asked Mr. Haines to review and update some of the Conservation policies; i.e., the Landscape Policy. Mr. Haines stated he's in favor of resident's performing volunteer work; however, it should be tracked and controlled. Mr. Ligor suggested creating a policy of the dos and don'ts of volunteering on Conservation land. A discussion ensued.

Mr. Mulvey suggested the board contact the AmeriCorps to volunteer in the future.

- Any other business that may legally come before the Commission –

Mr. Haines informed the board of several of his administrative approvals;

- Mass Maritime- Harrington Hall: Resurfacing of existing driveways, conversion of existing paved sidewalks to concrete, and installation of handicap ramp within AE Flood Zone.
- 4 Snow Circle: Removal of existing unstable elevated deck and stairs and building of new elevated deck on existing footings within 100 feet of Wetland Resource Area.
- 44 Benedict Road: Removal of hazard tree as identified by certified arborist within VE & AE flood zone and within 100' of Wetland Resource Area.

- Correspondence – Mr. Haines informed the board of correspondence he's received.

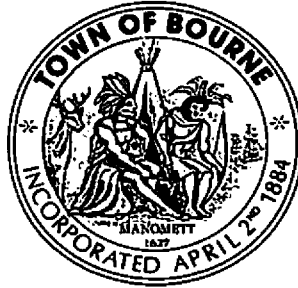
- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Holmes moved to adjourn. Mr. Ligor seconded.** With no discussion, the motion carried. 5-0-0. The meeting adjourned at 8:35 PM.

Minutes submitted by: Carol Mitchell



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2016 AUG 30 AM 11:50

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, September 1, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Jared MacDonald **File Number:** CC16-45
Representative: Same
Project Address: 809 Scenic Highway, Bourne
Proposed Project: Demolition of an existing porch and construction of a new expanded covered porch within Riverfront Area and 100 feet of a wetland resource area.

7:10) Notice of Intent:

- 1) **Applicant:** Joseph Federico Jr. **DEP File Number:** SE7-XXXX
Representative: Lakeview Engineering Associates
Project Address: 1 Captains Row, Bourne
Proposed Project: Replacing stones on existing jetties within a VE floodzone and within a wetland resource area.

7:20) Request for Extension Permit for Orders of Conditions:

- 1) **Applicant:** Noreen P. Michienzi Trust **DEP File Number:** SE7-1865
Representative: Holmes and McGrath, Inc.
Project Address: 1 and 11 Trowbridge Road, Bourne
Proposed Project: Construction and maintenance to an existing commercial building, and to reconfigure and improve existing parking lot.

7:25) Request for Certificate of Compliance:

- 1) **Applicant:** Agrillo Family Trust **DEP File Number:** SE7-1740
Representative: Grace C. Moore (Trustee)
Project Address: 23 Quamhasset Road, Bourne
Proposed Project: Construct a combination fixed and float pier within a wetland resource area.
- 2) **Applicant:** Paul Weiner **DEP File Number:** SE7-1844
Representative: Same
Project Address: 460 Wings Neck Road, Pocasset
Proposed Project: Vegetation removal for lawn, vista pruning, and clear a new path for beach access within AE & VE flood zones and within a wetland resource area and the 100 foot buffer.
- 3) **Applicant:** Maria Hickey Landscapes **DEP File Number:** SE7-1270
Representative: Same
Project Address: 160 Wings Neck Road
Proposed Project: Construct a single family home with attached garage, guest house, septic system, in-ground pool, gazebo, and associated utilities and grading.

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Meeting Minutes
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Administrative Approvals
 - ▶ Correspondence
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

September 1, 2016

RECEIVED

2016 SEP 26 AM 9:29

TOWN CLERK BOURNE

I. Call to order

Chairman Robert M. Gray, called to order the meeting of the Conservation Commission at 7:00 PM on September 1, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. Additionally, he asked for all cell phones to be placed on vibrate and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

II. Members Present: Chm. Robert M. Gray, Thomas Ligor, Betsey Kiebal, Melvin P. Holmes, Susan Weston and Paul Szwed.

Excused Members – Rob Palumbo

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Jim Mulvey, Jared MacDonald, Joseph Federico Jr., Mrs. Federico, Steve Poole, Gary Moore and Grace C. Moore.

Request for Determination of Applicability:

1) Jared MacDonald

Jared MacDonald– Representative

File Number CC16-45

809 Scenic Highway, Bourne

Demolition of an existing porch and construction of a new expanded covered porch within Riverfront Area and 100 feet of a Wetland Resource Area.

Jared MacDonald addressed the board. He stated the proposed project is an expansion of the existing porch approximately 8 feet on each side; going from a small front porch to a full farmers porch.

Agent Comment – Mr. Haines performed a site visit on August 9, 2016. Mr. Haines noted that the construction of the porch had already started; however, the applicant stopped work once he was notified that he needed to file with the Commission. The work is located approximately 90 feet from the Bank, is over 100 feet from the water, is 175 feet from the Herring River (across the street) and is located within an ACEC and the Bournedale Overlay District. The proposed work will be performed on an existing landscape area and will be supported by sonotube footings. Mr. Haines does not feel the project presents a risk to either of the Resource Areas; but discussed an exemption that is open for interpretation and may apply under the Wetland Protection Act. It talks about accessory structures outside 50 feet of the mean high water line in a River Front Area or Bank; but doesn't include covered porches.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously. 6-0-0.

Chm. Gray briefly explained the Determination to the applicant.

In an effort to abide by the timeline listed on the Agenda, Chm. Gray deferred the Notices of Intent and moved to the Other Business section of the Agenda.

Other Business:

- Approval of Minutes - Chm. Gray entertained a motion to approve the minutes of the August 18, 2016 meeting. **Ms. Kiebal moved and Mr. Holmes seconded to approve, as written, the minutes of the August 18, 2016 meeting.** With no discussion, the motion carried. 6-0-0.

- Report of the Conservation Agent – Mr. Haines discussed correspondence he received from Attorney Jerry Condon who wrote a letter to inform the Commission that he believes erroneous information was presented to the Commission by the representatives for 90 Circuit Avenue, on May 19, 2015. At that meeting, the board discussed the location of a particular tree; which at the time, was believed to be located on the abutter's property. In the attorney's opinion, the tree is located on the project property. Attorney Condon wants this noted for the record and the file. A brief discussion ensued. No board action is required.

Notice of Intent:

1) Joseph Federico Jr.

Steve Poole – Representative; Lakeview Engineering Associates

DEP File Number SE7-1955

1 Captains Row, Bourne

Replacing stones on existing jetties within a VE Flood Zone and within a Wetland Resource Area.

Mr. Poole addressed the board and discussed the proposed project. Mr. Federico would like to take stones that have fallen from the two stone jetties and dry fit them back onto the jetties. A small excavator with an attached claw will be used to pick up the rocks and place them back onto the jetty. The site will be accessed from the Federico's driveway and by an existing pathway that goes down to the beach. Mr. Poole referred to photographs he submitted to describe the proposed work. An erosion control barrier will be used during low tide and will be removed daily.

Board Comment – Mr. Ligor expressed concern with using any type of machinery. A brief discussion transpired pertaining to the type of equipment that will be used, the size of the rocks that will be lifted and the possibility of the equipment leaking oil or hydraulic fluid from the equipment.

Ms. Leduc asked if Mr. Federico will be performing the proposed work himself and whether or not he has built a jetty before. Mr. Federico stated he will be performing the work himself and that he has built walls before but not in the water. Ms. Leduc expressed concern that the repair work will not be able to withstand the force of the water. Mr. Federico stated he does not want to rebuild the jetty, he simply wants to dry fit many of the rocks that have washed out over time. Ms. Leduc opened a brief discussion with regard to the erosion control barrier that will be used.

Mr. Ligor reiterated his concern concerning the possibility that the excavator could leak fluid at the proposed site. Additionally, he discussed the possibility of disturbing vegetation and/or wildlife. A brief discussion ensued.

Chm. Gray inquired as to the status of obtaining a Chapter 91 license. Mr. Poole stated the previous agent recommended the applicant first obtain an Order of Conditions and then apply for a Chapter 91 permit.

Mr. Holmes asked if the applicant has any knowledge as to how old the jetties are. Mr. Federico stated they are listed on the deed and appear to have been built sometime in the 1940's. Chm. Gray stated they were most likely constructed prior to the Wetlands Protection Act. Once the Order of Conditions has been given and the Chapter 91 license obtained, periodic maintenance of the structure will be required. A discussion ensued.

Mr. Ligor asked for clarification with regard to how the stones will be secured. Mr. Federico stated they will be dry fit, no cement will be used.

Ms. Leduc asked if the low tide line on the plan is approximate. Mr. Poole stated the surveyor didn't topo the low tide line. Ms. Leduc asked if the applicant will forego repairing any part of the jetty that may be in the water. Mr. Federico stated yes, he will not complete any repairs in the water.

Agent Comment – Mr. Haines clarified that the intent of the proposed project is to work with the rocks in the immediate vicinity of the jetty. He performed a site inspection on August 23, 2016, as previously discussed, the DEP had two comments with regard to the need of a Chapter 91 license and coordination with the U.S. Army Corps of Engineers. There is active work being performed on the property along the top of the Coastal Bank under an Order of Conditions; SE7-1874. Mr. Haines stated erosion controls need to be updated until the grass has stabilized. The path leading down to the beach is approximately 6-8 feet wide with Cedar Trees on either side. He suggested adding an additional Condition; should any trees need to be removed, replacing it with in-kind Cedar Trees will be required. Mr. Haines expressed concern with the proposed silt fence/anchors at the mean low water mark. He clarified that the barrier will need to be completely removed with each tide. Mr. Haines suggested requiring the use of spill controls to address concerns with regard to leaking fluid from the equipment. He also suggested stockpiling erosion controls on site.

Mr. Szwed asked for clarification of the proposed work site. Mr. Poole stated the work will be performed between the two jetties.

Public Comment – None.

Chm. Gray entertained a motion to close the hearing. **Ms. Kieballa moved and Ms. Weston seconded to close the hearing.** With no discussion, the motion carried. 6-0-0.

A brief discussion transpired pertaining to By-law Special Condition 12.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 9, 12, 13, 16, 17, 19, 20, 21,

22, 24 and Special Conditions pursuant to the Town By-law, numbers 8, 9, and 14; with four additional Special Conditions; (1) replanting in-kind native vegetation should any be removed, (2) erosion control stockpiled on site in the case of ground disturbance, (3) spill controls to be kept with the equipment at all times and (4) coordination with Army Corps. required and provide evidence to the Commission.

Mr. Ligor moved and Ms. Weston seconded to move the Draft Order of Conditions to Final Order of Conditions. The motion carried unanimously. 6-0-0.

Request for Extension Permit for Order of Conditions

1) Noreen P. Michienzi Trust

Holmes and McGrath, Inc.

DEP File Number SE7-1865

1 and 11 Trowbridge Road, Bourne

Construction and maintenance to an existing commercial building, and to reconfigure and improve existing parking lot.

Agent Comment - Mr. Haines stated the Order will expire on September 20, 2016. The applicant is requesting a one year extension. The applicant would like to reconfigure two parking spaces to more safely access their parking lot. He feels this is minor and will most likely work with the applicant administratively.

Board Comment – Ms. Kiebala opened a brief discussion pertaining to this request and the applicant's request for an easement. Chm. Gray stated the easement request is a separate issue and has no bearing on this request.

Ms. Weston moved and Mr. Holmes seconded to grant the extension for one year. With no discussion, the motion carried. 6-0-0.

Request for Certificate of Compliance

1) Agrillo Family Trust

Grace C. Moore (Trustee)

DEP File Number SE7-1740

23 Quamhasset Road, Bourne

Construct a combination fixed and float pier within a Wetland Resource Area.

Agent Comment – A site inspection was performed. Mr. Haines stated the only deviation he observed was the use of 3” steel pilings instead of 2.5” as shown. He recommends issuing a certificate.

Board Comment – None.

Mr. Holmes moved and Ms. Weston seconded to grant the Certificate of Compliance. With no discussion, the motion carried 6-0-0.

2) Paul Weiner

DEP File Number SE7-1844

460 Wings Neck Road, Pocasset

Vegetation Removal for lawn, vista pruning, and clear a new path for beach access within AE & VE Flood Zones and within a Wetland Resource Area and the 100 foot buffer.

Agent Comment – Mr. Haines performed a site visit. The landscaping appeared to be as shown on the approved plan. He recommends issuing a certificate.

Board Comment – None.

Ms. Weston moved and Ms. Kiebala seconded to grant the Certificate of Compliance. With no discussion, the motion carried 6-0-0.

3) Maria Hickey Landscapes

DEP File Number SE7-1270

160 Wings Neck Road

Construct a single family home with attached garage, guest house, septic system, in-ground pool, gazebo and associated utilities and grading.

Agent Comment – A site visit was performed. Mr. Haines stated a COC was originally denied in 2003; the plan showed a 30’ vegetated setback that was not complied with at

that time. The applicant has since planted with a mixture of native species; it appears that a substantial effort was made to become compliant. He recommends issuing a certificate.

Mr. Ligor moved and Ms. Weston seconded to grant the Certificate of Compliance. With no discussion, the motion carried 6-0-0.

- Vote – Excuse Absent Members – Chm. Gray entertained a motion to excuse absent members. **Mr. Ligor moved to excuse Mr. Palumbo and Mr. Holmes seconded.** With no discussion, the motion carried. 6-0-0.

- Any other business that may legally come before the Commission –

Mr. Haines briefly discussed an administrative approval of a hazardous tree removal at 2 Jefferson Road. Additionally, he discussed his meeting with the Army Corps., regarding the Gray Gables saltmarsh restoration. A discussion ensued.

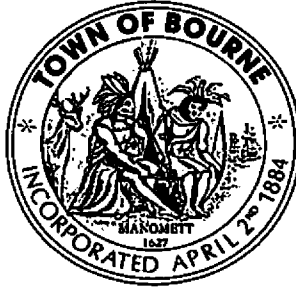
- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

III. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Kiebala moved to adjourn. Ms. Weston seconded.** With no discussion, the motion carried. 6-0-0. The meeting adjourned at 7:47 PM.

Minutes submitted by: Carol Mitchell



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2016 SEP 13 AM 11:08

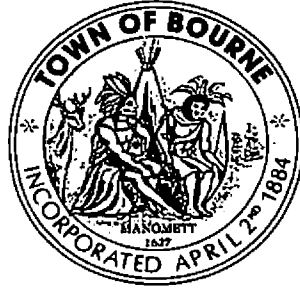
TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, September 15, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** A. Wayne Sampson **File Number:** CC16-46
Representative: Same
Project Address: 429 Barlows Landing Road, Bourne
Proposed Project: Construct a garage and a three season porch within AE flood zone.
(Hearing Under State Act Only)
- 2) **Applicant:** Thomas Page **File Number:** CC16-47
Representative: Same
Project Address: 37 Bourne Neck Drive, Bourne
Proposed Project: Enclose existing porch and relocate stairs within AE flood zone.
(Hearing Under State Act Only)
- 3) **Applicant:** Joseph Agrillo Jr. **File Number:** CC16-48
Representative: Same
Project Address: 144 Wings Neck Road, Bourne
Proposed Project: Perform maintenance/repair to concrete walkway and railing on a stone groin within a VE flood zone and wetland resource area.
- 4) **Applicant:** Colonial Gas **File Number:** CC16-49
Representative: Tighe & Bond
Project Address: 17 Pasture Road, Bourne
Proposed Project: Install a residential service connection within AE and VE flood zone.
- 5) **Applicant:** Colonial Gas **File Number:** CC16-50
Representative: Tighe & Bond
Project Address: 117 Williams Avenue, Bourne
Proposed Project: Install a residential service connection within 100 feet of a wetland resource area.



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2016 SEP 15 PM 3:57

TOWN CLERK BOURNE

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Representative: Tighe & Bond
Project Address: 17 Pasture Road, Bourne
Proposed Project: Install a residential service connection within AE and VE flood zone.
- 5) **Applicant:** Colonial Gas **File Number:** CC16-50
Representative: Tighe & Bond
Project Address: 117 Williams Avenue, Bourne
Proposed Project: Install a residential service connection within 100 feet of a wetland resource area.

Applicant: Colonial Gas **File Number:** CC16-51
Representative: Tighe & Bond
Project Address: 12 - 29 Back River Road, Bourne
Proposed Project: Gas line extension from #12 to #29 Back River Road within AE flood zone and within 100 feet of a wetland resource area.

7) **Applicant:** Keith A. Mann **File Number:** CC16-52
Representative: Atlantic Design Engineers, LLC
Project Address: 590 & 602 Head of the Bay Road, Buzzards Bay
Proposed Project: Construction of solar array and installation of associated utilities within AE flood zone and 100 feet of a wetland resource area

Request to Amend and Extend Order of Conditions:

1) **Applicant:** Town of Bourne **DEP File Number:** SE7-1879
Representative: Barry Johnson (Bourne Open Space Committee)
Project Address: 212 Main Street, Bourne
Proposed Project: Amend the existing Order of Conditions to include limited tree clearing and the installation of playground equipment within AE flood zone and within 100 feet of a wetland resource area. Extend the Order of Conditions to allow additional work and maintenance to be performed.

Other Business:

- ▶ Notice of Violation – Removal of trees and construction of a retaining wall at 39 Buttermilk Way within AE flood zone and within 100 feet of a wetland resource area.
- ▶ Notice of Violation – Unauthorized vegetation clearing and vehicle parking on Town of Bourne Conservation Land at 16 Central Boulevard. Alteration is within AE flood zone, 100 feet of a wetland resource area, and an Area of Critical Environmental Concern (ACEC).
- ▶ Open Meeting Law Complaint regarding meeting minutes from 8/7/14, 8/21/14, 2/19/15, 5/7/15, 8/6/15, 10/15/15, & 11/19/15
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of the September 1, 2016 Meeting Minutes
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Meeting Minutes

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2016 NOV -2 AM 7:53

Town Hall Lower Conference Room TOWN CLERK BOURNE

24 Perry Ave., Buzzards Bay, MA 02532

September 15, 2016

I. Call to order

Robert Palumbo, called to order the meeting of the Conservation Commission at 7:00 PM on September 15, 2016. Mr. Palumbo explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Mr. Palumbo addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed.

Members Present: Robert Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Paul Szwed and Susan Weston (7:08).

Excused Members – Robert Gray

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Jim Mulvey, Paul Huehmer, Rosemary Huehmer, Carolann Brigham, Thomas Page, Tim Scully, Wayne Sampson, Brenda Gaskill, Paul Gaskill, John Fife, Mrs. Fife, Rita Sherrin, Joseph Agrillo Jr., Joseph Agrillo III, Jean Dow, Amanda Crouch-Smith, Catherine Sampson, Alberto Fernandez, Keith Mann, Lori Cooney, Dick Anderson, Rich Tabaczynski, Ron Matheson, Carol Brigham, Karen Gibides, Richard Anderson, Lesley Perry, Mardi Mauney and Barry Johnson.

Request for Determination of Applicability:

- 1) A. Wayne Sampson
A. Wayne Sampson– Representative
File Number CC16-46

429 Barlows Landing Road, Bourne
Hearing under State Act Only

Construct a garage and a three season porch within AE Flood Zone.

Mr. Sampson addressed the board. He referred to a map of his property and explained at one time, there was a stable on his property. With permission from the Town, the stable was moved to preserve it for the Historical Commission. He'd like to build a garage on a foundation where the stable was removed from. The garage will have to be moved slightly because of the zoning setback. Additionally, there is a screened porch attached to the back of the building. He'd like to make that a permanent three season porch and add a second floor master bedroom on top. The building inspector is requiring the existing sonotubes be replaced with a foundation. There is no change in the grading of the property. The project has been approved by the Historical Commission.

Board Comment – None.

Agent Comment – Mr. Haines performed a site visit on August 8, 2016. The site is completely flat and fully developed. The proposed garage will be located in a previously disturbed area. There are no issues with this project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried unanimously.

Mr. Palumbo briefly explained the Determination to the applicant.

2) Thomas Page

Thomas Page – Representative

File Number CC16-47

37 Bourne Neck Drive, Bourne

Hearing under State Act Only

Enclose existing porch and relocate stairs within AE Flood Zone.

Mr. Page addressed the board. He is seeking to enclose his existing porch with regular windows and relocate the stairway. His wife has developed arthritis, the current

location of the stairs makes it difficult for her to gain access to the porch. He'd like to move the stairs closer to the driveway to make it easier for her.

Board Comment – None.

Agent Comment – Mr. Haines performed a site inspection on September 9, 2016, stating it is a straightforward project. The applicant will enclose the deck, install a flight of stairs and a small landing on sonotube footings. There are no issues with the project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously.

3) Joseph Agrillo Jr.

Joseph Agrillo Jr. – Representative

File Number CC16-48

144 Wings Neck Road, Bourne

Perform maintenance/repair to concrete walkway and railing on a stone groin within a VE Flood Zone and Wetland Resource Area.

Mr. Agrillo addressed the board. He referred to a plan depicting a jetty with a concrete walkway on it. The concrete is deteriorating and needs repair. He would like to saw cut and remove the steel railing posts imbedded in the concrete, install new railings and repair the concrete in the same location.

Board Comment - Mr. Palumbo asked how the applicant will prevent debris from going into the water. Mr. Agrillo stated he will install a wood form on the side, anchor it and brace it appropriately; larger gaps in the stone will be filled by hand with a pre-mixed stiff batch of concrete. This will prevent any poured concrete from running into the water. Fine cracks will be filled with Owens Corning insulation. This will keep the runoff contained. Mr. Palumbo asked if the existing concrete will all be removed. Mr. Agrillo stated it will be removed in sections; some of the concrete is usable.

Mr. Ligor referred to the submitted photographs and noted large gaps. He asked how the applicant will fill those in. Mr. Agrillo stated they will be filled in with stone and

mortar. Mr. Ligor stated he runs the risk of mortar getting into the water. Mr. Agrillo agreed there may be a slight risk. Mr. Ligor asked how he will prevent that. Mr. Agrillo stated he'll use a stiff concrete and insulation. Mr. Ligor asked how the walkway will be structurally sound. A brief discussion transpired with regard to the methods Mr. Agrillo will use to make the walkway structurally sound and to also prevent concrete/debris from falling in the water.

Mr. Holmes asked how long the project will take. Mr. Agrillo stated he will have to work with the tide; so, approximately three weeks.

Mr. Ligor asked why a concrete walk would have been installed on top of the jetty. Mr. Agrillo stated he didn't know; adding, there are floating piers at the end of the jetty. Mr. Ligor asked if the floating piers were there prior to the groin or after. Mr. Agrillo stated he doesn't know the whole history of the property; however, he did some research and found a plan from the 1940s which shows the jetty, a boat ramp and a railroad track.

Mr. Palumbo asked if the applicant ever considered installing an aluminum walkway with posts and do away with the concrete altogether. Mr. Agrillo stated that would be a bigger project and would require a Notice of Intent.

Mr. Haines asked where the applicant will be stockpiling his materials. Mr. Agrillo stated primarily, the material will be brought in daily; however, he will also be utilizing a neighbor's property. All materials will be removed on a daily basis.

Agent Comment – Mr. Haines performed a site inspection on September 8, 2016. The walkway has deteriorated; to the point that it's unsafe. His only concern was the material stockpiling of materials; which has been addressed. Mr. Haines asked Mr. Agrillo if he'll be hand delivering the concrete. Mr. Agrillo reiterated all of the holes and gaps will be plugged in by hand and when it's time, a pump truck will pump the concrete out to the pier. Mr. Haines recommends having erosion controls on site in case of inclement weather. Mr. Agrillo agreed. Mr. Haines has no other issues with the project.

Additional Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried. 5-0-1. Ms. Weston abstained.

4) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-49

17 Pasture Road, Bourne

Install a residential service connection within an AE and VE Flood Zone.

Ms. Crouch-Smith addressed the board. She stated this is a basic residential gas extension. She referred to a map to pinpoint the location of the residence. She also noted an area that is subject to Coastal Storm Flowage, the location of a Coastal Bank and Buffer Zone as well as a large isolated Wetland. There will be approximately 586 sq. ft. of work within the unpaved dirt driveway and a small area of lawn. Once the installation is complete, it will be backhauled and restored to its current state.

Agent Comment – Mr. Haines performed a site visit. The site is relatively flat. Work will be performed in an existing gravel driveway. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried unanimously.

5) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-50

117 Williams Avenue, Bourne

Install a residential service connection within 100 feet of a Wetland Resource Area.

Ms. Crouch-Smith addressed the board. She referred to the map to describe the location of the property. She stated the proposed project falls outside of the Flood Zone so the only concern is the Buffer Zone to the pond. The map depicts the 50' buffer and the

100' buffer. The installation will occur within the 50'-100' zone. The proposed gas line will be laid in the existing lawn and will be restored in kind.

Agent Comment – Mr. Haines stated this property grades down toward Flax Pond. He recommends having erosion controls on site in the event of inclement weather. Otherwise, it looks like a straightforward installation.

Board Comment – None.

Public Comment – None.

Mr. Palumbo entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Three Determination.** The motion carried unanimously.

6) Colonial Gas

Amanda Crouch-Smith – Representative – Tighe & Bond

File Number CC16-51

12-29 Back River Road, Bourne

Gas line extension from #12 to #29 Back River Road within an AE Flood Zone and within 100 Feet of a Wetland Resource Area.

Ms. Crouch-Smith addressed the board. She referred to the map and explained a gas line does exist on Back River Road; however, it does not run the entire length of the road. The line will extend approximately 450 linear feet within the existing roadway with a 50' extension to the residence requiring the service. There's a cranberry bog to the southeast and a larger BVW system to the west. The only possible concern is approximately 735 sq. ft. of work falls within the 100 year Flood Zone. It also falls within the Bourne Back River ACEC; but, all of the work is within the existing roadway and lawn so no adverse impacts are expected.

Board Comment – None.

Agent Comment – The proposed project is within the ACEC, under the By-law there's a 200' adjoining land, so technically it is also within the Buffer Zone. There are no issues with the project.

Additional Board Comment – Mr. Ligor questioned what appeared to be a body of water in one of the photos. Ms. Crouch-Smith stated it was a shadow from the sun.

Public Comment – None.

Mr. Palumbo entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried unanimously.

5) Keith A. Mann

Rich Tabaczynski – Representative – Atlantic Design Engineer, LLC

File Number CC16-52

590 & 602 Head of the Bay Road, Buzzards Bay

Construction of solar array and installation of associated utilities within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Mr. Tabaczynski addressed the board. He explained the work that's being proposed in the Buffer Zone relates to a ground mounted solar array on the north side of the existing active cranberry bog on Mr. Mann's property. Also associated with the ground mounted solar array is proposed underground utilities which will run within the existing dirt roads that are adjacent to the cranberry bog. (An alternate run has been chosen outside of the Buffer Zone.) He referred to the map which shows the limits of the AE Flood Zone. The utilities will tie into the existing utility poles. There will be a stretch of underground utilities that will run in the Flood and Buffer Zones to the top of the Bank of the Bay. Erosion controls will be used because the proposed work will transpire on the side of an embankment. There will be minimal tree clearing; the proposed work will be performed in areas that have already been disturbed. The size of the array is under 4,000 sq. ft., which puts the project under the exemption of the Wetlands Protection Act for agricultural structures. The exemption also applies to the utility runs that are within the existing dirt roads adjacent to the cranberry bog.

Board Comment – Mr. Holmes reiterated the size; 3,930 sq. ft., and asked how many panels that would be. Mr. Tabaczynski stated that hasn't been finalized; but, it's probably a couple of hundred and will be spilt into a couple of arrays. Mr. Holmes asked which side of Head of the Bay Road will be dug. Mr. Tabaczynski stated the cranberry bog side.

Agent Comment – Mr. Haines stated there are two exemptions that potentially apply to this work. Before listing the exemptions, he made a correction for the record. Originally, the project was listed as 602 Head of the Bay Road; however, the work occurs on two contiguous parcels, 602 & 590. Mr. Haines spoke to the Assessor's Office to be sure all of the abutters were notified.

Mr. Haines then discussed the potential exemptions; the first is the utility exemption. He read the definition and stated this would apply everywhere except for the Flood Plain at Head of the Bay Road. The second exemption falls under agricultural use. Mr. Haines read the definition from 310 CMR 10.04 and stated that he spoke to the Town Planner, Corinne Moore, who informed him that since the array is below 250kw and its primary use is to supply power to the cranberry production and family residences; this is an acceptable agricultural accessory structure. These exemptions do not apply to the lower area in the Flood Plain.

An alternate analysis would be to bring the structure outside of the hundred foot; but that would require clearing approximately 2 acres of trees. Mr. Palumbo asked if there are currently any plans for clearing. Mr. Tabaczynski stated no. A brief discussion transpired pertaining to the alternate location.

Additional Board Comment – Mr. Ligor asked how high off the ground will the solar array be. Mr. Tabaczynski provided the height information. Mr. Ligor asked if there was ample room for wildlife to travel under the array and questioned whether or not migratory movements would be interfered with. Mr. Tabaczynski stated the supports for the panels are basic poles that are set into the ground; adding, there is ample room for travel under the array and migration will not be impeded.

Ms. Weston asked where on the map her home is located. Mr. Mann pinpointed the approximate location.

Mr. Palumbo asked for Public Comment. He asked the public to base their comments on this project only; previous projects aren't relative to this petition.

Public Comment – Ron Matheson addressed the board. He feels this project is another industrial electrical generating facility and opposes the project. He asked the board to postpone their vote to allow them time to research the project further before making a decision. Mr. Palumbo asked if Mr. Matheson has any concerns with the environmental impacts this project may have. Mr. Matheson did not discuss any concerns he simply reiterated his position.

Alberto Fernandez addressed the board and stated commercial solar panels have been strongly associated with the death of hundreds of thousands of birds worldwide. He opposes the project. Ms. Leduc asked what about the solar panels hurts the birds. Mr. Fernandez stated they create a significant amount of heat and radiation energy which

burns the birds. Ms. Leduc asked if that occurs when they land on top of them. He responded, they don't have to land on top of them; but those that do, are instantly dead; adding, the chemicals and pesticides used to control the weeds surrounding the panels are known to harm the environment as well. He fears these will leach into the bay, which he said is already compromised. Mr. Palumbo stated since there's an active cranberry bog on the site, the property owner would have to be cautious about using pesticides. Mr. Mann concurred; stating he's a licensed pesticide applicator.

Mr. Holmes addressed Mr. Fernandez's concerns; stating the majority of solar panels that cause bird migration deaths are the concave panels. Studies show the heat that is generated by concave panels have caused significant issues. The flat panels, which are the type proposed for this project, don't seem to cause half as much trouble with respect to the bird population.

Carol Brigham addressed the board. She agrees with Mr. Matheson and hopes the board postpones their vote. She is concerned about impacts that future generations will be dealing with as a result of this project.

Karen Gibides also requested that the board take more time to review the project. She feels the project is more complicated than it appears to be; requiring additional time to review.

A brief discussion transpired over concerns that this proposed project is tying into a previously approved wind turbine project located on Mr. Mann's property. Mr. Mann stated this is relatively small project compared to the wind turbine project and they are not related.

Mr. Haines explained the reason this project is allowed on this location is because it's under 250 kilowatts. If the solar array generated more than 250 kilowatts or was no longer a primary use for the bog/private residence, then, according to the Town Planner, it would no longer be considered an agricultural accessory structure. A discussion transpired with regard to concerns that Mr. Mann will seek to expand the project in the future. Mr. Mann stated he has no intentions on coming back in the future to request additional solar panels.

Mr. Fernandez expressed concerns that the transformer will produce an increased amount of noise on top of the already noisy wind turbines. Mr. Tabaczynski stated the transformer is relatively quiet. Additionally, the proposed location of the transformer is not near any residences. A discussion ensued.

Mr. Holmes asked approximately how many panels will be installed and Ms. Kiebala asked for the dimensions of the panels. Mr. Tabaczynski stated approximately two hundred 3'x5' panels will be installed.

Ms. Leduc asked if the noise produced by the transformer has been measured in decibels. Mr. Tabaczynski stated noise has never been an issue with previous solar projects. Mr. Palumbo stated noise isn't an issue the board is concerned with; their primary concern is impact on the environment.

Ms. Weston asked if the project requires permitting from any other departments. Mr. Haines stated the project will require a building permit, and approval from several other town departments; i.e., Planning, Zoning and Board of Health. He will inform these departments of the concerns expressed by the attendees.

Ms. Gibides asked what criteria needs to be met by the project in order to receive the board's approval and what would preclude the board from approving it. Mr. Palumbo asked Mr. Haines to review the criteria again since Ms. Gibides wasn't present when the agent explained the project. Mr. Haines reiterated his previous comments. A discussion ensued.

Ms. Gibides asked how much energy the farm requires and how much energy the proposed project will produce in reference to that. Mr. Mann stated the proposed project will produce slightly over 1/3 of the farm's total usage; nowhere near 100%.

Mr. Holmes reiterated his concern over Mr. Mann piecemealing the project. Mr. Ligor stated the project can't get any bigger because the applicant would lose his exemption.

Ms. Gibides asked if this project will expand into Plymouth. She also asked where the transformer will be located. Mr. Palumbo asked her to come up and look at the submitted plan. Mr. Mann described the location of the transformer.

Mr. Matheson asked if the project expands into Plymouth, would that cause the project to lose its exemption. Mr. Palumbo stated the board can't speculate on Mr. Mann's future project plans.

Ms. Gibides asked if abutters receive notification. Mr. Haines stated the immediate abutters were notified. She asked if Plymouth abutters were also notified. Mr. Mann stated they were. Mr. Haines explained the abutter notification process.

A brief discussion transpired pertaining to net-metering.

Mr. Mulvey asked if the project requires approval from the DEP or Army Corps. Of Engineers. Mr. Haines stated neither would be involved in this project and added, if the proposal was in the bogs or altered the bogs, then there would be state and federal interaction. Mr. Mulvey asked if a state or federal setback comes into play. Mr. Haines stated the 100 foot buffer is under the Massachusetts Wetland Protection Act and the town's By-law only.

Ms. Kiebala stated in her opinion, this project meets the requirements of the law and like it or not, it sounds like a permissible project.

After a brief discussion, **Mr. Ligor moved and Ms. Kiebala seconded a Negative Five Determination.** After further discussion, the motion failed. 2-2-1. Mr. Holmes and Mr. Szwed opposed, Ms. Weston abstained.

Some of the board members feel as though they need to research the project further in order to decide whether or not the exemption would apply. Mr. Palumbo asked the applicant if he'd be willing to continue to the October 6, 2016 meeting. Ms. Weston suggested he provide additional information at the next meeting. After a brief discussion, Mr. Mann agreed to continue to the October 6th meeting.

Mr. Palumbo entertained a motion to approve the continuance. **Mr. Holmes moved and Ms. Weston seconded to approve the continuance.** 5-1-0. Mr. Ligor opposed.

Mr. Palumbo advised the audience there would be no further discussion on the matter.

Notice of Intent:

Request to Amend and Extend Order of Conditions:

1) Town of Bourne

Barry Johnson – Bourne Open Space Committee

DEP File Number SE7-1879

212 Main Street, Bourne

Amend the existing Order of Conditions to include limited tree clearing and the installation of playground equipment within an AE Flood Zone and within 100 feet of a

Wetland Resource Area. Extend the Order of Conditions to allow additional work and maintenance to be performed.

Barry Johnson addressed the board. He introduced several members of the Open Space Committee, Richard Anderson and Les Perry. Another member, Mardi Mauney, was present earlier but left prior to their presentation. He acknowledged Mr. Haines and is extremely appreciative for the support he has given toward the project.

Mr. Johnson provided a brief history on the parcel and the project, an inclusive playground. He referred to the submitted plan and briefly described the layout of the project. He then introduced Lori Cooney who started a group called the Bourne Inclusive Playground Group which submitted an application to the CPC for funding of the inclusive playground. She described the layout of playground and the various pieces of playground equipment that will be installed at the site. She added that the walkways will be ADA compliant and the equipment will be installed on poured in place rubber. She stated it will be necessary to clear some trees on the site.

Board Comment – Mr. Ligor asked how many trees will be cleared. Mr. Haines stated it will be approximately 30-40 mature trees and added that the group has made an attempt to save the trees larger in diameter.

Les Perry, a certified arborist, spoke briefly about the condition of many of the trees on the site.

Ms. Leduc asked if the group entertained the idea to move one of the playground sections out of the Wetland Buffer. Ms. Cooney stated that section was chosen in an effort to save some of the larger trees. Mr. Haines elaborated, stating the playground equipment provider felt that changing the layout would interrupt the flow of the pathways. He added, there will be an 80' vegetated undisturbed buffer in between the Wetland Area and the playground. The playground would've had to have been redesigned to stay outside the 100'.

Mr. Palumbo asked for the agent's report.

Agent Comment – Mr. Haines stated the request is to amend and to extend since the original Order of Conditions expires in December 2016. Mr. Haines doesn't feel the additional work poses a risk to the Wetland Resource Area; otherwise, he would have asked for it to be moved. The entire project is within an AE Flood Zone.

Additional Board Comment – None

Public Comment – John Fife, an abutter, feels there are more suitable locations than this parcel; i.e., the Village Green or behind the Community Center. He added that there is a lot of wildlife in the area and their habitat will be disturbed. He noted that dirt bike riders are constantly riding around that area and thinks people may be living in tents near the site as well. Additionally, he was told he would not be allowed to remove any trees at the rear of his property because of the Buffer Zone and questioned why this group is allowed to remove trees. Mrs. Fife asked to see the plan. She feels this is not a suitable location for the playground.

Mr. Ligor questioned how much wildlife could be living in the area since there are dirt bike riders. A discussion ensued.

Mr. Palumbo stated the project was approved on this site. He asked for clarification as to what was originally approved. Mr. Haines stated the original project was vegetative maintenance, the pathways were approved, a Visitor's Center was approved and established and a bridge over an intermittent stream was approved and installed.

Mrs. Fife continued to express her concerns over the location of the playground. Mr. Johnson stated the project has been vetted since January; work has already begun on the site. Mr. Johnson explained the group's vision and why this location was chosen for the project.

Mr. Palumbo entertained a motion on the applicant's request to amend the original Order of Conditions. **Mr. Holmes moved to amend the existing Order of Conditions to include what the applicant is requesting. Mr. Ligor seconded.** With no discussion, the motion carried unanimously.

Mr. Palumbo entertained a motion to extend the Order of Conditions. **Mr. Ligor moved and Mr. Holmes seconded to extend the Order of Conditions.** With no discussion, the motion carried unanimously.

Other Business:

- Notice of Violation – Removal of trees and construction of a retaining wall at 39 Buttermilk Way within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Haines stated he received an anonymous call on September 12, 2016, regarding the clearing of trees and several truckloads of fill on the property. He visited the

property and confirmed some tree work and brush clearing had occurred. The site was partially graded but still contained piles of unstabilized soil. He asked the property owner to spread the soil and stabilize it with erosion controls; rather than leaving it in piles as he was concerned about sedimentation. The work was done within the Flood Zone and within 100 feet of the Coastal Bank. The property owner was instructed to halt additional work including the installation of a retaining wall he was preparing to build. Mr. Haines is recommending an after the fact filing for the tree clearing and the fill. Mr. Haines stated he would like to work quickly with the homeowner to resolve this violation.

Mr. Huehmer along with his wife, Rosemary, addressed the board. He apologized for not following the proper procedure prior to starting the work. He did not realize he needed the Commission's approval prior to beginning the work. He briefly discussed their reasons for the project and apologized again. He submitted a plan of the proposed work.

After a brief discussion, Mr. Palumbo asked Mr. Huehmer to work with the agent to file an RDA for the October 6th meeting. Mr. Palumbo advised the property owners to cease all work until then; unless an emergency situation arose. Mr. Huehmer agreed.

- Notice of Violation – Unauthorized vegetation clearing and vehicle parking on Town of Bourne Conservation Land at 16 Central Boulevard. Alteration is within AE Flood Zone, 100 feet of Wetland Resource Area, and an Area of Critical Environmental Concern (ACEC).

Mr. Haines received a call on September 1, 2016, and was notified of illegal cutting and a vehicle parking on Town of Bourne Conservation Land. He visited the site on September 6th and observed a work van parked on town property. He issued a Notice of Violation to the property owners of 321 Shore Road. On September 8, 2016, Mr. Haines spoke to Marc Vigeant, the property owner at 321, he was aware of the notification, he recognized that per the violation, the area must be allowed to revegetate naturally and no further parking is allowed on town property. Mr. Haines recommends no further action other than monitoring the area to make sure the property owner complies.

Mr. Ligor moved and Mr. Holmes seconded to accept the agent's recommendation on this violation at 16 Central Blvd. With no discussion, the motion carried unanimously.

- Open Meeting Law Complaint regarding meeting minutes from 8/7/14, 8/21/14, 2/19/15, 5/7/15, 8/6/15, 10/15/15 and 11/19/15.

Mr. Palumbo entertained a motion to approve the response letter submitted by Town Counsel and sent out to all parties filed on August 15, 2016, for the alleged Open Meeting Law violations. **Mr. Ligor moved and Mr. Holmes seconded to approve the response letter.** With no discussion, the motion carried unanimously.

- Vote excused Absent Members, if necessary.

Mr. Holmes moved and Mr. Ligor seconded to excuse the chairman, Robert Gray. With no discussion, the motion carried unanimously.

- Acceptance of the September 1, 2016 Meeting Minutes.

Mr. Palumbo entertained a motion to approve the September 1st meeting minutes. Ms. Leduc noted an amendment to the September 1, 2016 meeting minutes. The board concurred. **Ms. Kiebala moved and Mr. Holmes seconded to approve the September 1, 2016 meeting minutes as amended.** With no further discussion, the motion carried unanimously.

- Any other business that may legally come before the Commission – None.

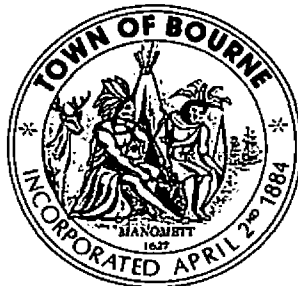
- Report of the Conservation Agent – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Mr. Palumbo entertained a motion to adjourn. **Mr. Holmes moved and Ms. Kiebala seconded to adjourn.** With no discussion, the motion carried unanimously. The meeting adjourned at 9:07 PM.



CONSERVATION COMMISSION AGENDA

Thursday, October 6, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

6:00) Call to order in Open Session

Executive Session. To discuss strategy with respect to pending litigation: 0 Crab Rock Way. The Chairman declares that an open session would be detrimental to the litigation position of the Town.

Roll Call Vote to convene Executive Session for the purposes stated. The board will reconvene in open session at approximately 7:00 PM.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Keith A. Mann **File Number:** CC16-52
Representative: Atlantic Design Engineering Inc.
Project Address: 590 Head of the Bay Road, Buzzards Bay
Proposed Project: Construction of solar array and installation of associated utilities within AE flood zone and 100 feet of a wetland resource area

- 2) **Applicant:** Paul R. D'Angelo **File Number:** CC16-53
Representative: Same
Project Address: 5 Main Street
Proposed Project: Install a chain link fence, grease trap, and associated underground utilities within an AE flood zone and within 100 feet of a wetland resource area.

- 3) **Applicant:** Mark Avakian **File Number:** CC16-54
Representative: Stephen Doyle & Associates
Project Address: 16 Monument Neck Road
Proposed Project: Repair an existing septic system within an AE flood zone.
(Hearing Under State Act Only)

RECEIVED
2016 OCT -4 AM 11:34
TOWN CLERK BOURNE

Notice of Intent:

- Applicant:** Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative: Barrett Energy Resources Group
Project Address: Cape Cod Canal, adjacent to 40 Academy Drive
Proposed Project: Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.
- 2) **Applicant:** Georgio Petruzzello **DEP File Number:** SE7-XXXX
Representative: GCG Associates, Inc.
Project Address: 586 Shore Road
Proposed Project: Raze enclosed porch structure attached to the northern portion of the existing dwelling.
- 3) **Applicant:** Scraggy Neck Recreation Association **DEP File Number:** SE7-1957
Representative: Warwick and Associates, Inc.
Project Address: Scraggy Neck Road Causeway
Proposed Project: Reconstruct and extend the existing stone revetment within a V flood zone and a wetland resource area on the north side of the causeway.

Request for Certificate of Compliance:

- 1) **Applicant:** Francis Madigan **DEP File Number:** SE7- 1251
Representative: Warwick & Associates, Inc.
Project Address: 217 Presidents Road
Proposed Project: Construct a new house within 100 feet of a wetland resource area and remove existing pavement.
- 2) **Applicant:** Peter Coffin **DEP File Number:** SE7-1905
Representative: Warwick & Associates, Inc.
Project Address: 126 Emmons Road
Proposed Project: Lift and relocate existing dwelling, construct additions, install an in-ground swimming pool, installation of Title V septic system and all associated grading, landscaping, utilities and other appurtenances within 100 FT of a wetland resource area.
- 3) **Applicant:** Harry J. and Judith S. Honan **DEP File Number:** SE7-443
Representative: JC Engineering Inc.
Project Address: 40 Catskill Road
Proposed Project: Installation of a floating dock

Other Business:

- ▶ Notice of Violation – Construction of floating dock/pier at 821 Shore Road. (Continued from August 18, 2016 Meeting)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of the previous Meeting Minutes
- ▶ Report of the Conservation Agent
 - ▶ MACC Membership
 - ▶ Correspondence
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Meeting Minutes

RECEIVED

2016 NOV -7 AM 8:55

TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

October 6, 2016

Mr. Palumbo announced that the Commission voted to deny permission or consent to the construction of the proposed project at 0 Crab Rock Way, Sagamore, on land owned by the Town of Bourne under the care, custody and control of the Bourne Conservation Commission.

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on October 6, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed.

Members Present: Chm. Robert Gray, Robert Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, Paul Szwed and Susan Weston.

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Michael Rausch, Paul Gately, Mary Jane Mastrangelo, Jim Mulvey, Paul Huehmer, Rosemary Huehmer, Keith Mann, Rich Tabaczynski, Ron Matthieson, Karen Gibides, Paul D'Angelo, Tom O'Connor, Mrs. O'Connor, Michael Lafortune, Barbara Frappier, Paul Nitschke, Diane Nitschke, Sean MacInnes, Treather Gassman, Carolyn Gassman, B. Paul Bushueff, Steve Barrett, John Miller, Jim O'Connell, Peter Sterling and Phil Austin.

Request for Determination of Applicability:

Ms. Weston recused herself.

1) Keith A. Mann

File Number: CC16-52

Representative: Atlantic Design Engineering Inc.

Project Address: 590 Head of the Bay Road, Buzzards Bay

Proposed Project: Construction of solar array and installation of associated utilities within AE Flood Zone and 100 feet of a Wetland Resource Area.

Hearing under State Act Only

Materials –

- 2 photographs showing the proposed location of the solar arrays.
- A summary of the electrical requirements for the cranberry operations.
- A copy of an excerpt from a document entitled “Farming in Wetland Resource Areas” which discusses that there is no cumulative limit to the number of farm structures on a property.
- A highlighted copy of Chapter 40A, Section 3 Zoning Regulations.
- Multiple examples of approved filings for solar arrays and cranberry bogs in the Town of Carver, including one where a DEP Superseding Order allowed a solar array to be constructed within the bog
- Letter from Bourne Resident Ron Matthieson regarding proposed conditions

Keith Mann, the property owner, addressed a few concerns that were raised at the Conservation meeting held on 9/15/16. He briefly described the proposed project and explained how this solar project qualifies as an agricultural structure. He also discussed the proposed location for the project.

Agent Comment – Mr. Haines stated he had preliminary communication with a DEP representative from the Lakeville Office. It is his opinion that this project would not be exempt and recommends an RDA be filed to determine whether or not there’s any impact to the Resource Area.

Chm. Gray suggested to proceed with only the issue relating to the Wetland and not consider the exemption; adding that the DEP representative who offered his opinion is the DEP’s point person for projects relating to the cranberry industry.

Board Comment – Mr. Szwed asked if any of the power generated will power his residence. Mr. Mann stated all the power produced can be applied just to the farm.

A brief discussion transpired with regard to net metering.

Mr. Holmes stated he researched the project and discussed a Scientific America paper he found on line which offered information on solar fields and mega power plants. He stated after conducting his research, he feels this particular project isn't of the size that warrants major concerns.

Mr. Ligor indicated that he visited the solar farm on MacArthur Blvd. to research the level of noise generated by the transformer. He stated he could not hear the transformer until he went right up to the solar array itself; adding, the panels were not hot to the touch.

Ms. Leduc also conducted research. She reiterated several of the key points made by the other board members and discussed the array's footprint on the ground.

Mr. Palumbo stated he is glad the matter was continued which allowed the board time to better understand the proposed project.

Chm. Gray sked for clarification with regard to a parcel of land listed on the plan, Map 14, Lot 34, which is labeled, Town of Bourne. Rich Tabaczynski of Atlantic Design Engineering stated it is mislabeled.

Ms. Kiebala opened a brief discussion pertaining to the location of the proposed project.

Public Comment – Ron Matthieson expressed his concern that the proposed project will become an industrial electrical project on Mr. Mann's property. Chm. Gray interjected stating the board can only review what's presently before them; a future application is immaterial.

Karen Gibides asked if any of the power generated will be used in Plymouth. Mr. Haines stated this is a net metering project and Chm. Gray added that the power will go to the grid, where it's dispersed is unknown. She expressed frustration that the proposed project may be approved.

Mr. Haines read a written comment submitted by Mr. Matthieson suggesting a Condition be added that states additional solar farms installed on the property in the future would require the removal of this project. In his opinion, Mr. Haines does not feel this is appropriate.

Chm. Gray entertained a motion. **Mr. Ligor moved and Ms. Kiebal seconded a Negative Two Determination.** The motion carried. 6-0-0.

Ms. Weston returned to the meeting.

2) Paul R. D'Angelo
File Number: CC16-53
Representative: Same
5 Main Street

Install a chain link fence, grease trap, and associated underground utilities within an AE Flood Zone and within 100 feet of a Wetland.

Materials –

- Plan titled Proposed Grease Trap and Fence, 8-15- 2016
- 2 site photos
- Wetland and Change Areas Map, Mass DEP
- Online - - Viewer (<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Mr. D'Angelo addressed the board and described the proposed project.

Agent Comment – Mr. Haines performed a site inspection on September 30, 2016. The site is completely developed and paved. He recommends that any stockpiled soil on site be covered to prevent migration of sediment into the nearby catch basins. There are no issues with this project.

Board Comment – None.

Public Comment – Tom O'Connor asked for more information with regard to the installation of associated utilities. Mr. D'Angelo stated the installation is for a grease trap. Mr. O'Connor asked if the grease trap would be emptied regularly and if it was being installed for restaurant use. Mr. D'Angelo stated yes to both.

Mrs. O'Connor expressed concern over the location of the proposed fence which is close to her driveway. She stated based on the submitted plan, it appears that a large area is potential parking. She is worried that vehicles will park in her driveway. Mr. D'Angelo stated a gate will close off the area she is concerned about.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Weston seconded a Negative Two Determination.** The motion carried. 7-0-0.

3) Mark Avakian
File Number: CC16-54
Representative: Stephen Doyle & Associates
16 Monument Neck Road

Repair an existing septic system within an AE Flood Zone.

Hearing under State Act Only

Materials –

- Plan titled Septic Repair Plan, 8-25- 2016
- 1 site photo
- Wetland and Change Areas Map, Mass DEP Online Viewer
(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Stephen Doyle addressed the board. He referred to the plan and described the proposed project.

Agent Comment – Mr. Haines performed a site inspection on September 30, 2016. All proposed work is within an existing landscaped area. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Kiebala moved and Mr. Ligor seconded a Negative Two Determination.** The motion carried. 7-0-0.

4) Marshall M. Sloan
File Number: CC16-55
Representative: Michael Lafortune (Eastern Propane)
115 South Road

Install a 500 gallon above ground propane tank and underground utilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials –

- Plan Showing Existing Conditions and Garage, Revised 9-14- 16
- 2 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer
(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Mr. Lafortune addressed the board. He stated Mr. Sloan wants to remove the oil system in his home and switch to propane. He discussed the proposed location of the propane tank and described the installation of the underground utilities.

Board Comment - Mr. Holmes asked the length of the driveway. Mr. Lafortune stated the measurement from the tank to the house is 550 feet. He guessed the driveway is approximately 400 feet.

Mr. Ligor asked why the decision was made to install the tank above ground as opposed to underground. Mr. Lafortune stated it was the homeowner's decision; for some reason he did not want to excavate. He explained that a concrete slab will be poured and the tank will be anchored to it. Mr. Ligor asked if extreme weather could cause the tank to tip over. Mr. Lafortune stated no and reiterated that the tank will be anchored down to the concrete slab.

Agent Comment – Mr. Haines performed a site inspection on September 29, 2016. Based on site grading and a well-established vegetated buffer, there are no issues with the project.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Kiebala moved and Ms. Weston seconded a Negative Two Determination.** The motion carried. 7-0-0.

5) Elinor O'Neil
File Number: CC16-56
Representative: Warwick & Associates, Inc.
49 Jefferson Road

Raze an existing garage and construct a new garage, driveway, and stormwater drywell within AE Flood Zone. Work includes associated grading, landscaping, utilities, and other appurtenances.

Hearing under State Act Only.

Materials –

- Site Plan Proposed Garage, 9-9- 2016
- 2 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer

(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Barbara Frappier addressed the board and described the proposed project.

Agent Comment – Mr. Haines performed a site inspection on September 29, 2016. Mr. Haines asked if the Oak tree in the back will be removed. Ms. Frappier stated she wasn't sure, but would try to save it. Mr. Haines stated it would not affect the project if it had to be removed, there are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved and Mr. Holmes seconded a Negative Two Determination.** The motion carried. 7-0-0.

- 6) Paul and Diane Nitschke
File Number: CC16-57
Representative: Same
115 Puritan Road

Construct a deck within 100 feet of a Wetland Resource Area.

Materials –

- Site Plan of Land, Revised 9-23-04
- 5 site photos
- Copy of assessors cards for subject properties
- Wetland and Change Areas Map, Mass DEP Online Viewer
- (<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Paul Nitschke addressed the board and discussed the proposed project. He described the lot and stated the deck will be attached directly to the rear of the house.

Board Comment – None.

Agent Comment – Mr. Haines performed a site inspection on September 30, 2016, and has no issues with the construction of the deck. He observed there has been some clearing of the Bank, a flight of stairs has been installed on the Coastal Bank and a boat rack is at the base of the Bank. He spoke with Engineering and this property is considered one contiguous parcel owned by the same land owner. He could not find any

permitting in the Conservation files for this work. The applicant has not been able to provide additional documentation with regard to this work.

Mr. Nitschke stated the property always had a path. Recently, he replaced the dilapidated staircase. He apologized for not following the proper procedure before completing the work. A discussion ensued.

Chm. Gray asked for the agent's recommendation. Mr. Haines recommends a Notice of Intent after the fact for the stairs. The boat rack appears to be within the Mean High Water; that will also require a filing to see if it meets the standards for a structure within the water. Mr. Haines will deal with that issue separately.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Palumbo moved and Ms. Kiebala seconded a Negative Two Determination.** The motion carried. 7-0-0.

A brief discussion transpired concerning leaves that were dumped in the Coastal Resource Area.

7) Paul and Rosemary Huehmer
File Number: CC16-58
Representative: Same
39 Buttermilk Way

Proposed Project: Construct a landscape retaining wall and stone parking area as well as perform landscaping and vegetation maintenance within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Materials –

- Plan to Accompany Certificate of Compliance, October 20, 2014
- 2 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer
(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Mr. Huehmer addressed the board and described the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated this filing is the result of a violation issued on September 9, 2016, for tree clearing and grading. A second visit was performed on September 19, 2016. There is currently a lot of unstabilized soil at the site. Mr. Haines would like to stabilize it in some fashion as quickly as possible. He spoke to the applicant regarding the mitigation plantings within the 25 foot buffer. He told him only native plantings are permitted.

Mr. Haines discussed the applicant's request to cut one of the shrubs. He is having a problem with trespassers from the beach and is hoping that cutting the shrub will eliminate the problem.

Mr. Haines feels the project can be constructed without any further negative impact to the Resource Area; however, he suggests adding Conditions because of the previous violation. He recommends; 1. Mitigation plants consisting of native shrubs be approved by the Conservation Commission, 2. Mitigation plants will be allowed to grow to maturity to establish healthy roots systems, 3. Existing vegetation on the top of the Coastal Bank shall be maintained at a minimum of three feet in height, 4. The Commission be notified upon completion of the work so its agent may perform a follow-up site inspection.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Kiebala moved and Mr. Ligor seconded a Negative Two Determination with the agent's recommended Conditions.** The motion carried. 7-0-0.

8) Treather Gassman

File Number: CC16-59

Representative: MacInnes Consulting, LLC

38 Monument Avenue

Repair an existing septic system within 100 feet of a Wetland Resource Area.

Materials –

- Plan titled Septic System Upgrade Design, September 15, 2016
- 2 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer

(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Sean MacInnes addressed the board and described the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines performed a site inspection on September 26, 2016. He noted on the plan, it appears this is within an easement. He will bring this to the attention of the BOH and will coordinate with the Town Engineer. There is unstabilized soil requiring erosion controls as shown on the plan. Otherwise, he has no issue with the project itself.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Holmes moved and Mr. Palumbo seconded a Negative Two Determination.** The motion carried. 7-0-0.

9) B. Paul Bushueff
File Number: CC16-60
Representative: Same
9 Agawam Point Road

Construct a pool, patio, utility shed, fence, and retaining wall, as well as install associated utilities within 100 feet of a Wetland Resource Area.

Materials –

- Plan titled Site and Sewage Plan, Revised 9-20- 16
 - Pool Plan with 9-20- 16 Modification
 - 4 site photos
 - FEMA flood hazard map
 - Wetland and Change Areas Map, Mass DEP Online Viewer
- (<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Mr. Bushueff addressed the board and described the proposed project.

Board Comment – Mr. Ligor asked what type of pool is being proposed. Mr. Bushueff stated it will be a PermaCrete saltwater pool with a liner. It will have a filter as opposed to sand, backwashing won't be required.

Ms. Weston discussed the proximity of the proposed pool to the top of the Coastal Bank. A discussion ensued.

Agent Comment - Mr. Haines stated all work will be conducted within an existing lawn area. One Cedar Tree may need to be removed. The intention is to build a wall at the 15 foot mark so the grading won't increase closer to the Coastal Bank. This is an Accessory Structure within 50 feet of the Wetland Resource Area. He looked at the FEMA mapping, it's possible that a part of the project may fall within a VE Flood Zone; however, because the pool is elevated in that area, it may be well above the VE Flood Zone. The Building Inspector will determine that. Mr. Haines recommends erosion controls along the top of the Bank.

Ms. Weston stated the house was built before the By-Law and asked if the Accessory Structure regulation comes in to play. A brief discussion ensued.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved and Mr. Palumbo seconded a Negative Two Determination with Special Condition #8 (erosion control).** The motion carried. 7-0-0.

Notice of Intent:

Georgio Petruzzello - DEP File Number: SE7-1958
The applicant requested a continuance to the October 20, 2016 meeting.

- 1) Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative: Barrett Energy Resources Group
Cape Cod Canal, adjacent to 40 Academy Drive

Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.

Materials –

- Plans titled Marine Renewable energy Collaborative of New England (S1-S10), dated 06-06-16.
- September 23, 2016 email correspondence from NHESP representative regarding MESA Review
- Chapter 91 Public Notice
- 2 site photos
- Attachment A: USGS map Showing Project Location
- October 6, 2016 letter from MA Division of Marine Fisheries.
- MRECO October 6, 2016 Technical Memorandum responding to letter from MA Division of Marine Fisheries.
- Survey of Cape Cod Tidal Energy Demonstration Area
- Wetland and Change Areas Map, Mass DEP Online Viewer.
(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Steve Barrett and John Miller addressed the board and provided a lengthy presentation pertaining to Marine Renewable Energy. He discussed the proposed project; how the project will be funded, the proposed location of the project and the collaboration with the Army Corps. of Engineers. He stated the Board of Selectmen endorse this project.

Mr. Barrett explained that two piles will be installed in the Cape Cod Canal, on top will be a platform, which lowers into the water with a marine turbine hanging off of it. The turbine, much like an underwater windmill, harnesses the power of marine currents to drive generators, which in turn produce electricity. Additionally, he discussed the install of the platform, how it will be powered, the dimensions of the turbine, the speed of the turbine blades and the potential impacts to Marine wildlife. He stated a Chapter 91 license will be required as well as an Army Corps. Section 10 permit. Additionally, National Marine Fisheries Service will be responsible for commenting on that permit. He briefly discussed studies that have been conducted in Maine and in other countries which concluded; Marine Wildlife avoid the turbine blades much like they do fishing trolls or other obstacles they may encounter in the water.

The project will operate year round except if there's ice in the canal.

Board Comment – Mr. Ligor raised a concern with regard to impact on sea life; particularly endangered species. Mr. Miller offered additional information received from other studies that have been conducted with regard to impact on wildlife.

Mr. Ligor asked if the turbine generates noise while it's turning that may attract wildlife. Mr. Barrett stated there is no evidence that shows the turbine makes noise that attracts wildlife. He briefly discussed acoustic monitoring that was conducted in Muskeget

Channel. They did not observe any animal species being attracted to the device. Mr. Miller discussed a similar study that was conducted in Scotland. Researchers discovered the noise of the tide was greater than the noise of the turbine.

Ms. Kiebala asked if the project has any impact on tidal flow and whether or not the speed of the turbine could be adjusted. Mr. Barrett stated research is being conducted not only for tidal flow interruption but sedimentation transport; through modeling, any impact was all very near field. He stated the speed of the turbine could not be adjusted.

Mr. Szwed opened a discussion with regard to the depth of the turbine. Mr. Barrett stated the turbine is fairly close to the surface; 3 feet below the surface. A discussion with regard to the tides transpired.

Mr. Holmes feels more research needs to be conducted on mortality impacts on wildlife.

A brief discussion transpired with regard to the equipment withstanding the shifting of ice when the canal freezes.

Agent Comment – Mr. Haines performed a site visit on September 3, 2016, with the Army Corps Canal Manager, Sean McDonald. According to the information provided, the device will be located in a closed government facility. The Division of Marine Fisheries provided comments; however, the thirty day Natural Heritage review period has been suspended pending response to those Division comments. Mr. Haines recommends continuing the filing pending the Natural Heritage determination. After a brief discussion, Mr. Barrett agreed to continue the filing to the October 20, 2016 meeting.

Public Comment – Barbara Frappier asked if the saltwater has any negative impact on the device and if chemicals or lubricants are used to prevent damage to the mechanism. Mr. Miller stated the system is sealed and the lubricant is inside; adding that the state has developed a set of regulations to allow this type of testing.

Chm. Gray stated the filing will be continued to October 20, 2016.

3) Scraggy Neck Recreation Association

DEP File Number: SE7-1957

Representative: Warwick and Associates, Inc.

Scraggy Neck Road Causeway

Proposed Project: Reconstruct and extend the existing stone revetment within a V Flood Zone and a Wetland Resource Area on the north side of the causeway.

Materials –

- Plan of Record dated August 15, 2016 and signed/stamped by Robert M. Perry
- Project Narrative and Alternatives Analysis, August 12, 2016, Coastal Advisory Services; Warwick & Associates & Cape Cod Engineering.
- September 22, 2016 email correspondence from NHESP representative regarding MESA Review
- 4 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer (<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Barbara Frappier along with Coastal Geologist, Jim O'Connell, addressed the board. She discussed the proposed project, to rebuild and extend the wall. Additionally, she discussed the various attempts over the years to stabilize the causeway; the sole access to Scraggy Neck. Ms. Frappier noted a correction to the alteration on page 4 of 9 of her filing.

Board Comment – Mr. Ligor asked if the purpose of the project is to prevent erosion of the roadway, if the project is a revetment and if the causeway is town property. Ms. Frappier stated the project is a revetment to prevent erosion to the roadway and is private property. A brief discussion transpired concerning how the project is being funded and how the repair work will be performed.

Ms. Kiebala asked if any consideration would be given to planting vegetation and eliminating some of the parking spaces in the turn-around. Mr. O'Connell stated for safety reasons, there is no plan to remove the parking area. Ms. Frappier stated the proposal includes planting a significant amount of vegetation on the top and along the sides of the causeway.

Ms. Leduc noted an area of the causeway is heavily vegetated in and amongst the rocks; which could be serving as habitat. She asked if consideration was given to laying a layer of sand over the rocks and vegetating that. Mr. O'Connell stated the saltmarsh is so close that if the revetment were covered with sand it may adversely affect the marsh.

Mr. Ligor asked if any nesting sites may be identified when the work begins. Mr. O'Connell stated he doesn't think they will find any. Ms. Frappier stated she is waiting for the review from Natural Heritage who may require as a Condition, a sweep of the area prior to beginning the work.

Agent Comment – Mr. Haines performed a site inspection on September 26, 2016. There is obvious erosion behind what's existing. There is evidence that the soft-armor solution has failed in some places. He agrees that the functions of the Resource Area are

compromised. There is a Wetland Restriction on this beach; however, it appears that revetments are allowed as long as they have no adverse effects on adjacent property or down cast areas.

Chm. Gray asked Mr. O'Connell if he's in agreement that the project meets the constraints of the restriction order. Mr. O'Connell stated he is.

Mr. Haines stated a similar project was permitted in the past on Tobey Island, so there is precedent from the Commission. Natural Heritage is in the process of reviewing the project. He feels the Commission should consider continuing the filing or adding a Special Condition to the Order stating the Order isn't valid until the applicant receives authorization from Natural Heritage to proceed with the work.

Additional Board Comment – None.

Public Comment – Peter Sterling, a resident of Scraggy Neck, supports the project.

Chm. Gray stated the filing will be continued to the October 20, 2016 meeting.

Request for Certificate of Compliance:

- 1) Francis Madigan
DEP File Number: SE7- 1251
Representative: Warwick & Associates, Inc.
217 Presidents Road

Construct a new house within 100 feet of a Wetland Resource Area and remove existing pavement.

Materials –

- As-built Site Plan, Warwick & Associates Inc., 09-07-16
- 3 site photos
- Wetland and Change Areas Map, Mass DEP Online Viewer
(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Agent Comment – A site visit was performed. Mr. Haines stated there is history with this property in terms of the planting. He believes the project is in compliance with the approved planting plan, the only deviation is there appears to be more woody vegetation then shown originally where beach grass was proposed. A letter from the architect describes interior deviations from the original plan. Mr. Haines provided those to the BOH; however, the Health Agent has not supplied a comment yet. He recommends ongoing Conditions; Special Conditions numbers; 20, 23 and 24, By-law Condition number 11, and additional Special Conditions to continue in perpetuity; 1. The lawn area

shall be limited to the area shown on the plan of record and shall not exceed 10,000 sq. ft. in size, 2. The landscaping portion of the project will be done as specified in the plan of record above; any changes to the plan including utilizing different plant materials must be preapproved by the Conservation Office prior to installation, 3. All vegetation except for the lawn shall be allowed to achieve mature height; vista pruning may be requested in a future filing, 4. All plantings shall be replaced as necessary.

Chm. Gray asked if it is the agent's recommendation to grant with those Conditions. Mr. Haines stated yes, and those Conditions are for perpetuity on the Order. He recommends granting the COC with those as perpetuity.

Mr. Melvin moved to grant the COC with those Conditions. Ms. Kiebala seconded. With no further discussion, the motion carried. 7-0-0.

2) Peter Coffin

DEP File Number: SE7-1905

Representative: Warwick & Associates, Inc.
126 Emmons Road

Lift and relocate existing dwelling, construct additions, install an in-ground swimming pool, installation of Title V septic system and all associated grading, landscaping, utilities and other appurtenances within 100 feet of a Wetland Resource Area.

Materials –

As-built Site Plan, Warwick & Associates Inc., 08-10- 16

3 site photos

Wetland and Change Areas Map, Mass DEP Online Viewer

(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Agent Comment- There were some minor deviations from the approved plan. These include a small stone patio and the pool is slightly small. Mr. Haines feels the deviations are fairly minor and recommends issuing the COC.

Board Comment – None.

Ms. Kiebala moved to grant the COC. Mr. Palumbo seconded. With no further discussion, the motion carried. 7-0-0.

3) Harry J. and Judith S. Honan

DEP File Number: SE7-443

Representative: JC Engineering Inc.
40 Catskill Road

Installation of a floating dock.

Materials –

Plan A, B, & C from Notice of Intent Filing

4 site photos

Wetland and Change Areas Map, Mass DEP Online Viewer

(<http://maps.massgis.state.ma.us/images/dep/omv/wetviewer.htm>)

Agent Comment – Two site inspections have been performed. This dock was originally shown on the plan as being 60 feet in length; however, when the agent arrived on site, it's actually 116 feet in length with a twenty foot float. Mr. Haines has worked with the engineer to reduce that size. It's currently 50 feet in length with a footprint that's approved under the original Order. The language in the original Order states it only needs a Section 10A Harbor Master permit; which is was receiving up until this date; however, those are not transferrable; the property is for sale. There's a 10 year waiting list for that Harbor Master permit in this area. The structure doesn't have a Chapter 91 license; therefore, the dock cannot go back in the water with a new owner until it receives a Chapter 91 license or a new Harbor Master permit. The buyer would have to be made aware of those restrictions. Mr. Haines would like to put a letter in the DNR files with these Conditions and state that the dock can't be larger than 60 feet in length because that's what's approved; and it's now located in a VE Flood Zone. Current regulations state a dock cannot be expanded within a VE Flood Zone. Mr. Haines questioned whether he can apply ongoing Conditions to a Certificate that weren't in the original Order. After a brief discussion, Mr. Haines stated he will attach a letter to the Certificate explaining the restrictions and he will provide a copy to DNR for their files.

Based on Mr. Haines' second inspection on September 30, 2016, the dock is now within the footprint of the original Order; therefore, he recommends granting the COC with the attached letter.

Chm. Gray entertained a motion. **Mr. Holmes motioned and Mr. Ligor seconded to grant the Certificate of Compliance with the attached letter.** With no discussion, the motion carried. 7-0-0.

Notice of Violation –

Construction of floating dock/pier at 821 Shore Road. (Continued from August 18, 2016 Meeting).

Agent Comment – Mr. Haines explained he was notified that there was a new structure in the water. He photographed the structure and brought it to the Commission's attention. Additionally, he issued a Notice of Violation, not an Enforcement, which would allow the applicant to provide the Commission with any materials he may have to show it was permitted within the law.

Mr. Haines went through all of the old aerial photographs and utilized Google to create a timeline of the newer construction. Based on the photographs, it appears that the structure was built, in that approximate location, sometime between 1960 and 1972. So the original structure predates the Wetlands Protection Act, but not Chapter 91. In 2011, DNR photographed the existing structure; which was deemed hazardous and removal was recommended. DNR also discontinued the Section 10A Harbor Master permit for non-payment. Based on aerial photos, it appears that sometime between 2011 and 2015 the structure was removed and then reconstructed. The photo from 2016 shows a brand new structure in that location. Mr. Haines spoke with Dave Hill, in the Lakeville Mass DEP office, he stated a Chapter 91 license has not been issued for this structure and he feels since it is pile driven, a Chapter 91 license would be required.

Chm. Gray made a point that since there is no way of knowing when the structure was actually built, it may be better stated that the structure predates the 1978 Coastal Regulations vs. the Wetlands Protection Act. A brief discussion transpired with regard to Dave Hill's assessment.

Ms. Frappier provided a history of the structure and presented old photographs to corroborate when it was built. A discussion transpired with regard to the unpaid permit fees. Mr. Austin provided a lengthy history of the structure and the property. A discussion ensued.

Chm. Gray asked the board if Mr. Austin filed a Notice of Intent to legitimize the reconstruction and the addition of a ramp from the walkway to the floats, is that something that can be reviewed and approved. A discussion ensued. The applicant will file.

Public Comment – None.

Mr. Haines answered questions and provided information on how the homebuyer of 40 Catskill Road may pursue a Chapter 91 license for the floating dock.

- Vote excused Absent Members, if necessary. – N/A
- Acceptance of Meeting Minutes - Deferred

- Report of the Conservation Agent –

MACC Membership – Mr. Haines asked if the Commission would like to proceed with paying the dues. **Ms. Weston moved and Mr. Palumbo seconded to not pay the MACC Membership dues.** With no discussion, the motion carried. 7-0-0.

Correspondence – Mr. Haines discussed correspondence he received from the Cape Cod Commission, the Pine Barrens Partnership, Department of Army and Eco-Tech, Inc. Eco-Tech, Inc. stated they have completed the oil spill restoration. Chm. Gray asked Mr. Haines to visit the site to see if he's in agreement that Eco-Tech, Inc. has finalized the restoration effort. A discussion ensued.

- Any other business that may legally come before the Commission – None.

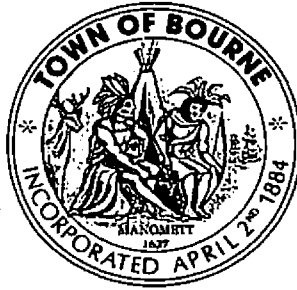
- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Chm. Gray entertained a motion to adjourn. **Ms. Kiebala moved and Mr. Palumbo seconded to adjourn.** With no discussion, the motion carried. 7-0-0. The meeting adjourned at 9:45 PM.

Minutes Submitted by: Carol Mitchell



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2016 OCT 18 PM 1:14

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, October 20, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Colonial Gas Company **File Number:** CC16-61
Representative: Tighe & Bond
Project Address: 14 Wright Lane, Buzzards Bay
Proposed Project: Install a service connection within an AE flood zone.
(Hearing Under State Act Only)
- 2) **Applicant:** Colonial Gas Company **File Number:** CC16-62
Representative: Tighe & Bond
Project Address: 49 King Phillip Road, Pocasset
Proposed Project: Install a service connection within an AE flood zone and 100 feet of a wetland resource area.
- 3) **Applicant:** Jonathan Schroeder **File Number:** CC16-63
Representative: Same
Project Address: 21 Mariners Lane, Pocasset
Proposed Project: Construction of a shed within AE flood zone
(Hearing Under State Act Only)
- 4) **Applicant:** Allan Arch **File Number:** CC16-64
Representative: Same
Project Address: 56 Chickadee Lane, Pocasset
Proposed Project: Invasive species control on a Coastal Bank

Request to Amend Order of Conditions:

1) **Applicant:** Joyce Lewis **DEP File Number:** SE7-1875
Representative: J.K. Holmgren Engineering
Project Address: 127 Leeward Road, Mashnee Island
Proposed Project: Amend the existing Order of Conditions to maintain the existing dwelling and add an addition within a V flood zone.

Notice of Intent:

- 1) **Applicant:** Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative: Barrett Energy Resources Group
Project Address: Cape Cod Canal, adjacent to 40 Academy Drive
Proposed Project: Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.
(Continued from October 6th)
- 2) **Applicant:** Georgio Petruzzello **DEP File Number:** SE7-XXXX
Representative: GCG Associates, Inc.
Project Address: 586 Shore Road
Proposed Project: Raze enclosed porch structure attached to the northern portion of the existing dwelling.
(Continued from October 6th)
- 3) **Applicant:** Scraggy Neck Recreation Association **DEP File Number:** SE7-1957
Representative: Warwick and Associates, Inc.
Project Address: Scraggy Neck Road Causeway
Proposed Project: Reconstruct and extend the existing stone revetment within a V flood zone and a wetland resource area on the north side of the causeway.
(Continued from October 6th)

Other Business:

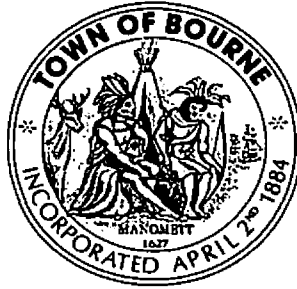
- ▶ Request from the Scraggy Neck Recreation Association for guidance from the Commission regarding an ongoing beach nourishment project (SE7-1491)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of the September 15, 2016 and October 6, 2016 Executive Session Meeting Minutes

► Report of the Conservation Agent

► Correspondence

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



RECEIVED

2016 OCT 20 PM 2:42

TOWN CLERK BOURNE

AMENDED CONSERVATION COMMISSION AGENDA

Thursday, October 20, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Colonial Gas Company **File Number:** CC16-61
Representative: Tighe & Bond
Project Address: 14 Wright Lane, Buzzards Bay
Proposed Project: Install a service connection within an AE flood zone.
(Hearing Under State Act Only)
- 2) **Applicant:** Colonial Gas Company **File Number:** CC16-62
Representative: Tighe & Bond
Project Address: 49 King Phillip Road, Pocasset
Proposed Project: Install a service connection within an AE flood zone and 100 feet of a wetland resource area.
- 3) **Applicant:** Jonathan Schroeder **File Number:** CC16-63
Representative: Same
Project Address: 21 Mariners Lane, Pocasset
Proposed Project: Construction of a shed within AE flood zone
(Hearing Under State Act Only)
- 4) **Applicant:** Allan Arch **File Number:** CC16-64
Representative: Same
Project Address: 56 Chickadee Lane, Pocasset
Proposed Project: Invasive species control on a Coastal Bank and within Riverfront Area

Request to Amend Order of Conditions:

1) **Applicant:** Joyce Lewis **DEP File Number:** SE7-1875
Representative: J.K. Holmgren Engineering
Project Address: 127 Leeward Road, Mashnee Island
Proposed Project: Amend the existing Order of Conditions to maintain the existing dwelling and add an addition within a V flood zone.

Notice of Intent:

- 1) **Applicant:** Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative: Barrett Energy Resources Group
Project Address: Cape Cod Canal, adjacent to 40 Academy Drive
Proposed Project: Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.
(Continued from October 6th)
- 2) **Applicant:** Georgio Petruzzello **DEP File Number:** SE7-XXXX
Representative: GCG Associates, Inc.
Project Address: 586 Shore Road
Proposed Project: Raze enclosed porch structure attached to the northern portion of the existing dwelling, and construct a single story one car garage.
(Continued from October 6th)
- 3) **Applicant:** Scraggy Neck Recreation Association **DEP File Number:** SE7-1957
Representative: Warwick and Associates, Inc.
Project Address: Scraggy Neck Road Causeway
Proposed Project: Reconstruct and extend the existing stone revetment within a V flood zone and a wetland resource area on the north side of the causeway.
(Continued from October 6th)

Other Business:

- ▶ Request from the Scraggy Neck Recreation Association for guidance from the Commission regarding an ongoing beach nourishment project (SE7-1491)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of the September 15, 2016 and October 6, 2016 Executive Session Meeting Minutes

► **Report of the Conservation Agent**

► **Correspondence**

► **Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99**

► **Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16**

Conservation Commission

2016 NOV 18 AM 9 01

Meeting Minutes

TOWN CLERK'S OFFICE Town Hall Lower Conference Room
BOURNE, MASS

24 Perry Ave., Buzzards Bay, MA 02532

October 20, 2016

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on October 20, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Members Present: Chm. Robert Gray, Robert Palumbo, Thomas Ligor, Betsey Kiebal, Melvin P. Holmes, Paul Szwed and Susan Weston (7:07).

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Amanda Crouch-Smith, Jim Mulvey, Mary Jane Mastrangelo, Joyce Lewis, Jonathan Schroeder, Neil Langille, Victor McGowan, Scott Faria, Susan Harrington and Jim O'Connell.

Requests for Determination of Applicability:

1) Colonial Gas Company

File Number: CC16-61

Representative - Amanda Crouch-Smith - Tighe & Bond

14 Wright Lane, Buzzards Bay

Install a service connection within an AE Flood Zone.

Hearing under State Act Only

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Ms. Crouch-Smith addressed the board and offered a brief description of the proposed project.

Board Comment - None.

Agent Comment - Mr. Haines performed a site inspection on October 19, 2016. This is a straight forward service connection, there are no issues with the project.

Board Comment - None.

Public Comment – Resident, Neil Langille, stated this is a simple gas connection.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

2) Colonial Gas Company

File Number: CC16-62

Representative - Amanda Crouch-Smith - Tighe & Bond
49 King Phillip Road, Pocasset

Install a service connection within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Ms. Crouch-Smith addressed the board and offered a brief description of the proposed project.

Board Comment - None.

Agent Comment - Mr. Haines performed a site inspection on October 19, 2016. This is a straight forward service connection. Although they may not be necessary, Mr. Haines recommends having erosion controls on site in case of inclement weather. There are no issues with the project.

Board Comment - None.

Public Comment – Abutter, Victor McGowan, spoke on behalf of the property owner who was in Florida. He questioned whether or not the gas line will be installed at the front of the house where an existing gas pipe is. Ms. Crouch-Smith stated yes, that's the proposed location. She stated that she spoke with the property owner earlier that day and addressed that concern with him.

Chm. Gray entertained a motion. **Mr. Holmes moved and Mr. Palumbo seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-1. Ms. Weston abstained.

3) Jonathan Schroeder

File Number: CC16-63

Representative – Same

21 Mariners Lane, Pocasset

Construction of a shed within an AE Flood Zone.

Hearing under State Act Only

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Mr. Schroeder addressed the board and discussed the proposed project; to construct a 14' x 18' shed in his back yard. It will be secured by twelve 4' sonotubes.

Agent Comment – Mr. Haines stated he looked at both the assessor's maps and the aerial photographs, the proposed location is on the edge of the 200' buffer. The site is completely developed and the shed will be constructed on an existing lawn. There are no issues with this project.

Board Comment – None.

Public Comment – Mr. Mulvey stated often times with projects similar to this, the board will require a condition that the shed be fastened down to prevent it from becoming loose; thus, preventing hazardous materials stored inside the shed from causing contamination. Chm. Gray stated Building Inspector Laporte will determine the requirements for the project to meet construction standards in that Flood Zone. Mr. Haines stated he spoke to Mr. Laporte at length regarding this. The shed will be required to be anchored to the sonotubes; but, it doesn't have to be elevated.

A brief discussion transpired concerning the ability to enforce conditions set with regard to hazardous materials that will be stored inside the shed. Mr. Schroeder stated gasoline will not be stored inside the shed.

Board Comment – Mr. Ligor asked if any trees will have to be removed. Mr. Schroeder indicated two bushes will be removed.

Chm. Gray entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried. 7-0-0.

Chm. Gray explained the Negative Determination to the applicant and the next step in the process.

- 4) Allan Arch
File Number: CC16-64
Representative - Same
56 Chickadee Lane, Pocasset

Invasive species control on a Coastal Bank and within a Riverfront Area.

Hearing under State Act Only

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Mr. Haines was asked to represent the project on behalf of the applicant. The request is for the removal of Oriental Bittersweet on the Coastal Bank above an engineered revetment.

Agent Comment – Mr. Haines performed a site inspection on October 9, 2016; the Bittersweet is fairly heavy in places. He spoke to the contracted landscaper, Aces Landscaping, who is a licensed applicator with the state of Massachusetts. Glyphosate herbicide will be applied directly to the cut stem. The proposed work is within a jurisdictional Resource Area; it's within a Coastal Bank and the Riverfront Area. He recommends adding conditions should the Commission decide to grant a Negative Determination; 1) The Negative Determination allows only the removal and maintenance of the invasive species, Oriental Bittersweet, (*Celastrus orbiculatus*); no damage or alteration to any native plant species is allowed, 2) Work must be performed by a licensed pesticide applicator, 3) no foliar spraying is allowed; herbicide will be applied directly to the cut stem of the plant.

Board Comment – Ms. Leduc asked if a site inspection was performed. If so, what is growing on the Bank in addition to the Bittersweet and will there be enough vegetation remaining to be sure the Bank remains stabilized. Mr. Haines stated he did perform a site visit and referred to the submitted photos to discuss the existing vegetation on the Bank. He feels the Bank will remain stable.

Mr. Holmes asked if the Cedar Trees will remain. Mr. Haines stated the applicant will only be permitted to cut the Bittersweet out and paint the stems. Ms. Leduc asked if any of the other invasive species will be removed. Mr. Haines stated the applicant has only submitted a request for the Bittersweet; which is killing the other shrubs.

Ms. Kiebala asked how large of an area it is. Mr. Haines stated he hasn't measured the square footage, but it's fairly large; several hundred feet. Ms. Kiebala feels it may difficult to isolate the Bittersweet. Mr. Holmes agreed. Mr. Haines stated a Notice of Intent may be required. He reiterated that foliar spraying will not be permitted.

Chm. Gray doesn't feel a Notice of Intent will provide any additional information than what's being presented; adding conditions to the determination would be sufficient.

Mr. Ligor noted the pitch of the Bank. He questioned what will support the Bank once the Bittersweet is cut back. A brief discussion ensued.

Additional Board Comment – None.

Public Comment – Mr. Mulvey stated a Negative Three Determination would address some of the board's concerns. He asked who determined certain growth was invasive species and what variety is growing there. Mr. Haines stated the Bittersweet is the only vine he saw growing there. He stated there are other invasives on the Bank; however, this request is strictly to control the Bittersweet. Mr. Haines stated in his opinion, it's very clear what the pesticide applicator will have to do; however, there is no follow-up with a Negative Determination so there is some sense of trust involved.

Mr. Mulvey asked if a condition may be added that the roots be left of any growth that is killed will the herbicide. Mr. Haines stated yes, this would be to cut and apply herbicide; a condition may be applied that prohibits ground disturbance.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Three Determination with the three conditions recommended by the**

agent and a fourth condition prohibiting ground disturbance. With no discussion, the motion carried. 7-0-0.

Request to Amend Order of Conditions:

1) Joyce Lewis

DEP File Number: SE7-1875

Representative - J.K. Holmgren Engineering
127 Leeward Road, Mashnee Island

Amend the existing Order of Conditions to maintain the existing dwelling and add an addition within a V Flood Zone.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Scott Faria of J.K. Holmgren Engineering, addressed the board on behalf of the applicant. He discussed the original Order of Conditions that was issued in November 2013. The original Order of Conditions called for the razing of the existing dwelling #127; now, instead of tearing down #127, the applicant is seeking to remodel the existing house, constructing a 14' x 25' addition and a small deck off of that.

Board Comment - Chm. Gray questioned whether or not in the original request was the original structure flood compliant and was the proposed structure going to be rebuilt meeting current Flood Zone elevations. He asked how it relates to this request now. Mr. Faria stated the proposed addition will match the existing elevation. Chm. Gray questioned if the post construction addition and the original house will not meet the current Flood Zone standard. Mr. Faria stated that is correct. Chm. Gray asked Mr. Haines if he has spoken to the building inspector regarding this. Mr. Haines stated he was not able to speak with Mr. Laporte concerning this; adding that other than the building code aspect, he has no other issues with the project because the lot is entirely developed already. A discussion ensued.

Mr. Szwed asked for the existing Orders. Mr. Haines provided the members with the existing Orders. A brief discussion transpired with regard to the project being required to meet the building code. Mr. Haines discussed two options; continue the matter until he's had a chance to meet with the building inspector or implement the same language from the original Order in the amended Order.

Additional Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved and Ms. Kiebala seconded to close the public hearing.** With no discussion, the motion carried. 7-0-0.

Chm. Gray asked the agent if the Draft Order was ready. Mr. Haines stated none of the conditions will change from the original Order and asked the chair if he wanted the original Order reread. Chm. Gray stated that wouldn't be necessary but clarified the only change to the amended Order is referencing the new claim. Mr. Haines concurred.

Chm. Gray entertained a motion to accept the plan change to allow Mr. Haines to incorporate it into the amended Order. **Ms. Weston moved and Mr. Ligor seconded to accept the plan change to allow Mr. Haines to incorporate it into the amended Order.** With no discussion, the motion carried. 7-0-0.

Chm. Gray informed the representative that once he receives the amended Order, it has to be re-recorded at the Registry of Deeds.

Notice of Intent:

- 1) Marine Renewable Energy Collaborative of New England, Inc.

DEP File Number: SE7-1956

Continued to November 3, 2016.

- 2) Georgio Petruzzello

DEP File Number: SE7-1958

Representative - GCG Associates, Inc.

586 Shore Road

Raze enclosed porch structure attached to the northern portion of the existing dwelling, and construct a single story one car garage.

Continued from October 6th

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Sue Harrington of GCG Associates, Inc., addressed the board. She stated this was formerly a boarding school but is now considered a single family dwelling. She briefly described the proposed project and its proximity to the 50' Buffer.

Agent Comment – Mr. Haines performed a site inspection. He stated his major concern with this project is the distance between the structure and the Coastal Bank. He questioned if the demolition will occur from the landward side of the house or does equipment need to access the structure by the Coastal Bank. Ms. Harrington stated for stability, the demolition will have to occur on the landward side.

Board Comment – Mr. Ligor asked if the foundation wall will be staying. Ms. Harrington stated the foundation will be removed. It will be filled to grade and will match the slope on the front and back. A discussion ensued.

Mr. Ligor inquired about erosion controls. Ms. Harrington stated staked straw waddles will be used.

Mr. Haines opened a brief discussion with regard to the existing porch which is located on the seaside of the home.

Additional Board Comment – None.

Public Comment – Mr. Mulvey asked about storm water controls. Mr. Haines stated Ms. Harrington has storm water controls designed into her system for the impervious driveways; a drywell will collect all storm water runoff.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved and Ms. Weston seconded to close the public hearing.** With no discussion, the motion carried. 7-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 5, 6, 9, 10, 12, 13, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers 7, 8 and 9. Special Conditions 20 & 24 shall continue in perpetuity. Ms. Weston suggested adding a Condition that all work be done from the landward side of the building. Mr. Haines agreed.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final.

Ms. Weston moved and Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions. With no discussion, the motion carried. 7-0-0.

3) Scraggy Neck Recreation Association

DEP File Number: SE7-1957

Representative: Warwick and Associates, Inc.

Scraggy Neck Road Causeway

Proposed Project: Reconstruct and extend the existing stone revetment within a V Flood Zone and a Wetland Resource Area on the north side of the causeway.

Continued from October 6th

Materials Reviewed –

October 7th letter from Natural Heritage

Jim O'Connell addressed the board. The hearing was continued from October 6th because the opinion from the Natural Heritage and Endangered Species Program had not been received. The letter from Natural Heritage was received on October 7th and states the project will not adversely affect the Resource Area. Mr. O'Connell submitted the letter into the record.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Ms. Weston moved and Mr. Holmes seconded to close the public hearing.** With no discussion, the motion carried. 6-0-1. Ms. Kiebala abstained.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40, numbers 1-3, 9, 10, 12, 13, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers 7, 8 and 9. Special Conditions 20 & 24 shall continue in perpetuity.

Chm. Gray entertained a motion to move the Draft Order of Conditions to the Final.

Ms. Weston moved and Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions. With no discussion, the motion carried. 6-0-1. Ms. Kiebala abstained.

Other Business:

- Request from Scraggy Neck Recreation Association for guidance from the Commission regarding an ongoing beach nourishment project (SE7-1491) –

Mr. Haines explained the original Order, SE7-1491 for beach nourishment, was issued on March 4, 2004. It was extended twice to 2013 and further extended to March 4, 2017 under the Permit Extension Act. The Notice of Intent was for 500 cubic yards of beach nourishment; which the applicants have admittedly reached at this point. The Order of Conditions does not specify a total amount for beach nourishment; the beach nourishment number is strictly under the Notice of Intent. Peter Sterling, the head of the Scraggy Neck Recreation Association, contacted Mr. Haines seeking guidance as to whether or not the Commission will allow a further extension of the Order of Conditions since the number's been reached.

Mary Jane Mastrangelo, a member of the association, provided a brief history of the beach nourishment project. She briefly discussed an oil spill that required beach sand to be removed because of contamination. She stated each spring, the association evaluates the condition of the beach to see if sand needs to be added to fill in holes and cover rocks that have been exposed over the course of the winter. Mr. Haines stated there is a Restriction Order in place prohibiting the removal of rocks from the beach. Ms. Mastrangelo stated if the sand isn't added, the beach becomes unsafe.

Chm. Gray stated the Order is valid until March 2017. He asked Ms. Mastrangelo how she wants to proceed. After a lengthy discussion, the board decided to evaluate the Order in 2017 and if the Commission is inclined to extend the Order for 3 additional years, Mr. Haines will attach a letter to the extension document stating the Commissioners extended the Order with the requisite condition that a limit be set of up to 200 cubic yards be allowed per year as required.

Mr. Ligor asked if it's the goal of the association to cover the exposed rocks with the sand so they aren't seen. Ms. Mastrangelo stated the sand will cover some of the exposed rocks which will help to prevent injury to swimmers and body surfers.

Mr. Haines stated the sand gets placed along the high tide line and the water disperses the sand.

A brief discussion transpired with regard to the winter storm cycle and how it impacts the amount of sand needed each year for beach nourishment. Chm. Gray stated the amount of sand, 500 cubic yards, came from the Notice of Intent; however the way the language is written, it is not clear if the Order restricted them to 500 cubic yards in total or if it was 500 cubic yards for the first application; supplementing additional sand each year

thereafter. Chm. Gray recommends inserting language to better clarify this when re-examined in 2017.

A brief discussion transpired with regard to who has been hired to deliver the sand, how it is transported to the beach and the equipment that is used to disperse it.

The Scraggy Neck Recreation Association will file for an extension in 2017.

- Vote excused Absent Members, if necessary – N/A
- Acceptance of Meeting Minutes – Acceptance of the September 15, 2016 and the October 6, 2016 Executive Session Meeting Minutes.

Chm. Gray entertained a motion to approve the minutes of the September 15, 2016 meeting. Mr. Haines noted 1 typographical error. **Ms. Kiebala moved and Mr. Holmes seconded to approve the minutes of the September 15, 2016 meeting as amended.** With no discussion, the motion carried. 7-0-0.

Approval of the October 6, 2016 Executive Session minutes – Deferred.

- Correspondence – Mr. Haines received a letter from a citizen regarding the maintenance and upkeep of the Four Ponds Conservation area. In particular, they were concerned about the blaze / trail marking system and noted some parking issues. Ms. Leduc asked what the issues are. Mr. Haines stated the citizen feels the trails aren't well marked and the parking area needs to be expanded. Ms. Leduc feels marking the spaces will help with the parking situation and agrees that the blazes are hard to follow. Mr. Haines will look into these issues.

- Any other business that may legally come before the Commission – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

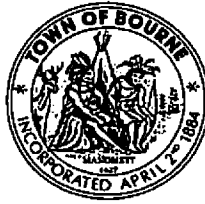
- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

Mr. Mulvey briefly discussed encumbering the Executive Session minutes. Mr. Haines stated he is going to speak to Attorney Troy with regard to distributing, approving and encumbering the Executive Session minutes.

II. Adjournment

Chm. Gray entertained a motion to adjourn. **Mr. Holmes moved and Mr. Palumbo seconded to adjourn.** With no discussion, the motion carried. 7-0-0. The meeting adjourned at 8:19 PM.

Minutes Submitted by: Carol Mitchell



CONSERVATION COMMISSION AGENDA

Thursday, November 3, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Lawrence J. Murphy **File Number:** CC16-65
Representative: Same
Project Address: 11 Red Brook Pond Drive, Cataumet
Proposed Project: Install a new shed within an AE flood zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Peter Foley **File Number:** CC16-66
Representative: P. Valeri, Construction
Project Address: 17 Robin Lane, Pocasset
Proposed Project: Replace a leaching field within an AE flood zone
(Hearing Under State Act Only)

- 3) **Applicant:** Colonial Gas Company **File Number:** CC16-67
Representative: Tighe & Bond
Project Address: 67 Tahanto Road, Pocasset
Proposed Project: Install a gas service connection within an AE flood zone, 100 feet of a Wetland Resource Area and Riverfront Area

- 4) **Applicant:** Colonial Gas Company **File Number:** CC16-68
Representative: Tighe & Bond
Project Address: 143 Shore Road, Bourne
Proposed Project: Install a gas service line within an AE flood zone and within 100 feet of a Wetland Resource Area

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- 5) **Applicant:** Lavinia Giardina **File Number:** CC16-69
Representative: Mahoney & Douglas, LTD
Project Address: 153 Captains Row, Mashnee Island
Proposed Project: Remove an unground storage tank within a V flood zone and within 100 feet of a Wetland Resource Area

Notice of Intent:

- 1) **Applicant:** Matthew Monroe **DEP File Number:** SE7-1959
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Mark A. Leary **DEP File Number:**
Representative: Bracken Engineering, Inc.
Project Address: 63 Bellavista Drive, Pocasset
Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new septic system, within an AE flood zone and within 100 feet of a Wetland Resource Area
- 3) **Applicant:** David C. Warner **DEP File Number:**
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: Restore a 25' vegetated buffer along the top of a seawall within a V flood zone and within 100 feet of a Wetland Resource Area
- 4) **Applicant:** Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative: Barrett Energy Resources Group
Project Address: Cape Cod Canal, adjacent to 40 Academy Drive
Proposed Project: Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.
(Continued from October 20th)

Request for Certificate of Compliance:

- 1) **Applicant:** Richard & Janis Shephard **DEP File Number:** SE7-1891
 Representative: Bracken Engineering, Inc.
 Project Address: 14 Cannonicus Avenue, Pocasset
 Proposed Project: Install an upgraded mounded septic system to service the existing dwelling within
 AE floodzone.
- 2) **Applicant:** Lavinia Giardina **DEP File Number:** SE7-1349
 Representative: Same
 Project Address: 153 Captains Row, Mashnee Island
 Proposed Project: Installation and maintenance of a new Title 5 sewage disposal system within an A
 flood zone and within 100 feet of a Wetland Resource Area.

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Update on Bourne Rotary Gas Spill Restoration
- ▶ Correspondence
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 3, 2016

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2016 DEC 22 PM 12:05
TOWN CLERK BOURNE

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on November 3, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Members Present: Chm. Robert Gray, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes (7:01), Paul Szwed and Susan Weston (7:10).

Excused Members: Robert Palumbo

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Carol Murphy, Larry Murphy, Amanda Crouch-Smith, Lynn Valeri, Zachary Basinski, Paul Gately, Kate Mahoney, Christine Gustafson, Lavinia Giardina and Nancy Fernald.

Requests for Determination of Applicability:

1) Lawrence J. Murphy

File Number: CC16-65

Representative – Lawrence J. Murphy

11 Red Brook Pond Drive, Cataumet

Install a new shed within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Larry Murphy read a statement to the board which described the proposed project, the proposed location of the shed and its purpose.

Board Comment – None.

Agent Comment – Mr. Haines performed a site inspection on October 25, 2016, the work will be performed within an existing landscaped area. All of the work will be done by hand; no machinery will be used. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Ms. Kiebala moved and Mr. Holmes seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-0.

2) Peter Foley

File Number: CC16-66

Representative – Lynn Valeri – P. Valeri, Construction
17 Robin Lane, Pocasset

Replace a leaching field within an AE Flood Zone.

Hearing under State Act Only

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Lynn Valeri addressed the board and described the proposed project.

Agent Comment – Mr. Haines stated this is a very straightforward project. It's outside of the Riverfront Area and is in the Flood Zone only. All work is in an existing landscaped area. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Ligor moved and Mr. Holmes seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-0.

Chm. Gray explained the Determination to the applicant.

3) Colonial Gas Company

File Number: CC16-67

Representative – Amanda Crouch-Smith- Tighe & Bond
67 Tahonto Road, Pocasset

Install a gas service connection within an AE Flood Zone, 100 feet of a Wetland Resource Area and Riverfront Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Amanda Crouch-Smith addressed the board and described the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated this is a straightforward service connection; the only difference is, it is in the Pocasset Riverfront Area. All work will be performed in an existing landscaped area. Even though it is fairly close to the Resource Area, the grade is relatively flat. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

4) Colonial Gas Company

File Number: CC16-68

Representative – Amanda Crouch-Smith – Tighe & Bond
143 Shore Road, Bourne

Install a gas line within an AE Flood Zone and within 100 Feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Amanda Crouch-Smith addressed the board and described the proposed project.

Board Comment – None.

Agent Comment – Mr. Haines stated this is a very straightforward install. The work will be performed within the existing driveway. Email correspondence has been added to the file between the agent and the representative with regard to a stone wall that is located on the property. There are no issues with the project.

Board Comment – None.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Weston seconded a Negative Two Determination.** With no discussion, the motion carried. 6-0-0.

5) Lavinia Giardina

File # CC16-69

Representative – Kate Mahoney – Mahoney & Douglas, LTD

153 Captains Row, Mashnee Island

Remove an underground storage tank within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Kate Mahoney addressed the board and described the proposed project. She stated she was unable to cut into the tank because of its thickness; but believes the tank is empty because when she pounded on it, it reverberates as empty. The former owner converted to natural gas 15 years ago; therefore, the tank has been out of commission for that amount of time. Ms. Mahoney stated soil boring was performed which showed no evidence of contamination.

Board Comment – Mr. Ligor referred to the submitted photos and discussed the proximity of the tank to the Resource Area. He also discussed the need to pump any remaining fuel prior to the excavation beginning. Ms. Mahoney stated any remaining fuel would be pumped prior to moving the tank. A discussion ensued.

A brief discussion transpired with regard to erosion controls being required as a condition and the amount of time the tank has been in place.

Ms. Leduc opened a discussion with regard to the backhoe that will be used and how it will access the excavation site.

Agent Comment – Mr. Haines stated he doesn't have serious concerns with regard to erosion; however, having hay bales on site is recommended in the case of inclement weather. He asked the applicant to agree that in the event that contaminated soil is discovered, that she contact the agent immediately; Ms. Mahoney agreed. She stated the Fire Department will be on site during the excavation.

Mr. Ligor asked if there's any risk of fire when cutting into the tank with potential sparks from the saw. Ms. Mahoney stated if it were gasoline, yes; however, number 2 fuel oil is not ignitable in this manner.

Additional Agent Comment – Mr. Haines reiterated that he'd like to be contacted should any contaminated soil be discovered. Additionally, he would like to have hay bales on site as a precaution.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Weston seconded a Negative Two Determination, with added Conditions that hay bales be kept on site and the agent be notified of any contaminated soil.** With no further discussion, the motion carried. 6-0-0.

Chm. Gray deviated from the Notices to accommodate the applicant who also had a Certificate of Compliance on the agenda.

Lavinia Giardina
DEP File Number: SE7-1349
Representative – Same
153 Captains Row, Mashnee Island

Installation and maintenance of a new Title V sewage disposal system within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – Mr. Haines performed a site inspection at the same time that he inspected the site for the tank removal. He noted email correspondence with Agent Guarino of the Board of Health. She informed him that the property is still in need of a Title V inspection. Mr. Haines recommends issuing the Certificate of Compliance; however, further coordination may be required with the Board of Health.

Mr. Holmes moved and Ms. Weston seconded to grant the Certificate of Compliance. With no discussion, the motion carried. 6-0-0.

Notice of Intent:

- 1) Matthew Monroe
DEP File Number: SE7-1959
Representative – Grady Consulting, LLC
895 Sandwich Road, Bourne

Perform septic repair within 100 feet of a Wetland Resource Area

Continued to November 17, 2016

- 2) Mark A. Leary
DEP File Number: SE7-1960
Representative: Bracken Engineering
63 Bellavista Drive, Pocasset

Raze the existing dwelling, construct a new single-family home and install a new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Chm. Gray recused himself from discussion and vote. He asked Mr. Holmes to chair the hearing.

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping.

Zach Basinski addressed the board and described the proposed project.

Board Comment – Ms. Leduc discussed a previous violation that was to be addressed by the property owner last spring. A fence was destroyed, the Coastal Dune was run over and trees were removed. The owner was supposed to replant trees; which he has not done. Mr. Basinski stated he was unaware of the violation. Mr. Haines stated he will conduct further research on the alleged violation. After further discussion, Mr. Holmes suggested a continuance.

Mr. Ligor moved and Ms. Weston to continue the hearing to November 17, 2016. With no further discussion, the motion carried. 5-0-0.

- 3) David C. Warner
DEP File Number: SE7-1962
Representative: Warwick & Associates

276 Scraggy Neck Road, Cataumet

Restore a 25' vegetated buffer along the top of a seawall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

Continued to November 17, 2016

Materials Reviewed – Site Photographs, Site Plan of Record and DEP Wetlands Change Mapping. Attachment to Notice of Intent prepared by Warwick and Associates.

Mr. Gray returned to chair the meeting.

- 4) Marine Renewable Energy Collaborative of New England, Inc.
DEP File Number: SE7-1956
Representative – Barrett Energy Resources Group
Cape Cod Canal, adjacent to 40 Academy Drive

Installation of two pilings and a supporting platform in the Cape Cod Canal for the purposes of testing a tidal energy device.

Continued from October 20th

Chm. Gray stated the applicant was waiting for two items; a letter of concurrence from the property owner, the Army Corps and a letter from Natural Heritage.

Mr. Haines stated neither the applicant nor the representative could be present and asked Mr. Haines to speak on their behalf. Mr. Haines stated a letter dated December 14, 2014, from the U.S. Army Corps of Engineers in support of the Renewable Tidal Energy Project at the Cape Cod Canal was received. A letter from Natural Heritage and Endangered Species Program dated November 3, 2016, was also received stating the project will not adversely affect the actual Resource Area habitat of state protected rare species and the project will not result in a prohibited take. Mr. Haines added, there was a public concern raised with regard to the possible release of oil/lubricant from the turbine. He suggested adding a Special Condition regarding spill materials on site. After a brief discussion, the board decided that Special Condition would not be necessary.

Chm. Gray entertained a motion to close the public hearing. **Ms. Weston moved and Ms. Kiebal seconded to close the public hearing.** With no discussion, the motion carried 6-0-0.

Mr. Haines - Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 3, 12, 16, 19, 22 and Special Conditions pursuant to the Town By-law number 14.

Chm. Gray asked if anyone would like to add Conditions. With no additions, Chm. Gray entertained a motion to move the Draft to the Final.

Ms. Kiebala moved and Ms. Weston seconded to move the Draft Order of Conditions to the Final Order of Conditions. With no discussion, the motion carried. 6-0-0.

Request for Certificate of Compliance:

- 1) Richard & Janis Shephard
DEP File Number: SE7-1891
Representative – Bracken Engineering, Inc.
14 Cannonicus Avenue, Pocasset

Install an upgraded mounded septic system to service the existing dwelling within an AE Flood Zone.

Agent Comment – A site visit was performed and the agent recommends issuing the Certificate.

Chm. Gray entertained a motion to grant the Certificate.

Mr. Holmes moved and Ms. Weston seconded to issue the Certificate of Compliance. With no discussion, the motion carried. 6-0-0.

Other Business:

- Vote excused Absent Members, if necessary – **Mr. Holmes moved and Ms. Weston seconded to excuse Robert Palumbo.** With no discussion, the motion carried. 6-0-0.
- Acceptance of Meeting Minutes – Acceptance of the October 6, 2016 and the October 6, 2016 Executive Session Meeting Minutes.

Chm. Gray entertained a motion to approve the minutes of the October 6, 2016, Open Session meeting. **Mr. Holmes moved and Ms. Weston seconded to approve the minutes of the October 6, 2016, Open Session meeting as submitted.** With no discussion, the motion carried. 6-0-0.

Approval of the October 6, 2016, Executive Session minutes – After a brief discussion, **Mr. Holmes moved and Ms. Weston seconded to accept and encumber the minutes of the October 6, 2016, Executive Session meeting.** With no further discussion, the motion carried. 5-0-1. Chm. Gray abstained.

- Report of the Conservation Agent – None.

- Update on Rotary Gas Spill Restoration – Mr. Haines stated he was unable to perform a site visit. Chm. Gray offered a brief history on the spill. Mr. Haines will perform a site visit and will provide an update to the board at the next meeting.

- Correspondence – None.

- Any other business that may legally come before the Commission – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Chm. Gray entertained a motion to adjourn. **Ms. Weston moved and Ms. Kiebala seconded to adjourn.** With no discussion, the motion carried. 6-0-0. The meeting adjourned at 7:57 PM.

Minutes Submitted by: Carol Mitchell



2016 NOV 15 PM 11:00

TOWN CLERK
BOURNE, MA

CONSERVATION COMMISSION AGENDA

Thursday, November 17, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** P. Valeri, Construction **File Number:** CC16-70
Representative: Warick & Associates, Inc.
Project Address: 41 Little Bay Lane, Buzzards Bay
Proposed Project: Replace the existing failed septic with a new Title V system within an AE flood zone and 100 feet of a wetland resource area

Notice of Intent:

- 1) **Applicant:** Tom Shioutakon **DEP File Number:** SE7-1961
Representative: Earl Lantery, P.E.
Project Address: 0 Monument Neck Rd, Gray Gables
Proposed Project: Construct a single family residence and install a septic system within an AE flood zone and 100 feet of a wetland resource area
- 2) **Applicant:** Matthew Monroe **DEP File Number:** SE7-1959
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a wetland resource area
(Continued from 11/3/2016)
- 3) **Applicant:** David C. Warner **DEP File Number:** SE7-1962
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: Restore a 25' buffer along the top of a seawall within a flood zone and within 100 feet of a wetland resource area
(Continued from 11/3/2016)

- 4) **Applicant:** Mark A. Leary **DEP File Number:** SE7-1960
 Representative: Bracken Engineering, Inc.
 Project Address: 63 Bellavista Drive, Pocasset
 Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new
 septic system, within an AE flood zone and within 100 feet of a wetland resource
 area
 (Continued from 11/3/2016)

Request for Certificate of Compliance:

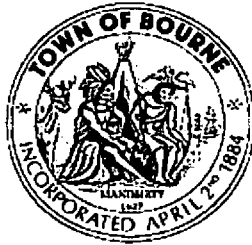
- 1) **Applicant:** Lavinia A. Giardina **DEP File Number:** SE7-853
 Representative: Same
 Project Address: 153 Captains Row, Mashnee Island
 Proposed Project: Construction of a stone riprap revetment and construction of four timber stairways
 within VE floodzone, coastal beach, and coastal bank.

Request to Extend Order of Conditions:

- 1) **Applicant:** Town of Bourne **DEP File Number:** SE7-1748
 Representative: Same
 Project Address: Off Circuit Avenue. (Hens Cove), Bourne
 Proposed Project: Maintenance and improvement dredging within Hen's Cove and associated beach
 nourishment at Circuit Avenue, Bell Buoy Avenue, and Patuisset beaches, and
 coastal dune enhancement on Bassetts Island.

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
 - ▶ Update on Bourne rotary spill restoration
 - ▶ Correspondence
 - ▶ Trustees of the Reservation Forest Management Plan for Lyman Family Reserve.
- ▶ Questions and Answers re:
- ▶ Questions and Answers re:



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TOWN CLERK BOURNE

Amended CONSERVATION COMMISSION AGENDA

Thursday, December 1, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** William Hogan and Cynthia
Representative: Same
Project Address: 23 Beverly Road, Bourne
Proposed Project: Construct a shed within a V flood zone and 100 feet of a wetland resource area.
File Number: CC16-71

Notice of Intent:

- 1) **Applicant:** Joseph N. Accardi
Representative: JC Engineering, Inc.
Project Address: 38 Buttermilk Way, Bourne
Proposed Project: Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE flood zone
Hearing Under State Act Only
DEP File Number: SE7-
- 2) **Applicant:** Matthew Monroe
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a wetland resource area
(Continued from 11/17/2016)
DEP File Number: SE7-1959
- 3) **Applicant:** Mark A. Leary
Representative: Bracken Engineering, Inc.
Project Address: 63 Bellavista Drive, Pocasset
Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new septic system, within an AE flood zone and within 100 feet of a wetland resource area
(Continued from 11/17/2016)
DEP File Number: SE7-1960

- 4) **Applicant:** David C. Warner **DEP File Number:** SE7-1962
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: License and maintain the existing seasonal wooden pile supported dock and to restore a 25' buffer along the top of a seawall within a V flood zone and within 100 feet of a wetland resource area.
(Continued from 11/17/2016)

Request to Amend Existing Order of Conditions:

- 1) **Applicant:** Patrick Ross **DEP File Number:** SE7-1809
Representative: Same
Project Address: Off Toby's Island
Proposed Project: Amend an existing Order of Conditions to expand the current 2.9 acre aquaculture grant west of Toby's Island to include a 1.6 acre site north of Ram Island in Little Bay, Bourne.

Request for Certificate of Compliance:

- 1) **Applicant:** Future Generation Wind, LLC **DEP File Number:** SE7-1761
Representative: Atlantic Design Engineers, Inc.
Project Address: Head of the Bay Road, Bourne
Proposed Project: Modifications to an existing gravel access road within Riverfront Area and within 100 feet of a wetland resource area.
- 2) **Applicant:** Peter and Allison Grasso **DEP File Number:** SE7-1919
Representative: JC Engineering, Inc.
Project Address: 37 Buttermilk Way
Proposed Project: Raze the existing dwelling and construct a new dwelling with associated utilities within an AE flood zone and within 100 feet of a wetland resource area.

Other Business:

► Notice of Violation – Clearing of vegetation within bordering vegetated wetland (abandoned cranberry bogs) at 162 Puritan Road, Bourne.

► Notice of Violation – Clearing of vegetation within the buffer zone to bordering vegetated wetland and inland bank at 1251 County Road, Cataumet.

► Vote – Excuse Absent Members, if necessary

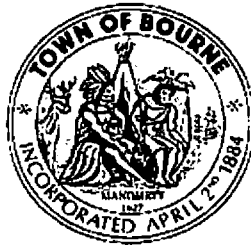
► Acceptance of Previous Meeting Minutes

► Report of the Conservation Agent

► Correspondence

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



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2016 NOV 17 AM 9:45

TOWN CLERK BOURNE

AMENDED CONSERVATION COMMISSION AGENDA

Thursday, November 17, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** P. Valeri, Construction **File Number:** CC16-70
Representative: Warick & Associates, Inc.
Project Address: 41 Little Bay Lane, Buzzards Bay
Proposed Project: Replace the existing failed septic with a new Title V system within an AE flood zone and 100 feet of a wetland resource area

Notice of Intent:

- 1) **Applicant:** Tom Shioutakon **DEP File Number:** SE7-1961
Representative: Earl Lantery, P.E.
Project Address: 0 Monument Neck Rd, Gray Gables
Proposed Project: Construct a single family residence and install a septic system within an AE flood zone and 100 feet of a wetland resource area
- 2) **Applicant:** Matthew Monroe **DEP File Number:** SE7-1959
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a wetland resource area
(Continued from 11/3/2016)
- 3) **Applicant:** David C. Warner **DEP File Number:** SE7-1962
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: License and maintain the existing seasonal wooden pile supported dock and to restore a 25' buffer along the top of a seawall within a V flood zone and within 100 feet of a wetland resource area.
(Continued from 11/3/2016)

Applicant: Mark A. Leary **DEP File Number:** SE7-1960
Representative: Bracken Engineering, Inc.
Project Address: 63 Bellavista Drive, Pocasset
Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new septic system, within an AE flood zone and within 100 feet of a wetland resource area
(Continued from 11/3/2016)

Request for Certificate of Compliance:

1) **Applicant:** Lavinia A. Giardina **DEP File Number:** SE7-853
Representative: Same
Project Address: 153 Captains Row, Mashnee Island
Proposed Project: Construction of a stone riprap revetment and construction of four timber stairways within VE floodzone, coastal beach, and coastal bank.

Request to Extend Order of Conditions:

1) **Applicant:** Town of Bourne **DEP File Number:** SE7-1748
Representative: Same
Project Address: Off Circuit Avenue. (Hens Cove), Bourne
Proposed Project: Maintenance and improvement dredging within Hen's Cove and associated beach nourishment at Circuit Avenue, Bell Buoy Avenue, and Patuisset beaches, and coastal dune enhancement on Bassetts Island.

Other Business:

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent
 - ▶ Update on Bourne rotary spill restoration
 - ▶ Correspondence
 - ▶ Trustees of the Reservation Forest Management Plan for Lyman Family Reserve.
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Meeting Minutes**

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

November 17, 2016

RECEIVED

2017 JAN 30 AM 9:04

TOWN CLERK BOURNE

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on November 17, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones and asked if anyone in the audience was audio or video recording the meeting to acknowledge that.

Members Present: Chm. Robert Gray, Robert Palumbo, Thomas Ligor, Betsey Kiebala, Melvin P. Holmes, and Paul Szwed (7:07).

Excused Members: Susan Weston

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Carol Murphy, Michael Rausch, Barbara Frappier, Christine Gustafson, Lavinia Giardina, Earl Lantery, Carl Spillhouse, Richard Kangas, Rick Grady and Bruce MacDonald.

Requests for Determination of Applicability:

1) P. Valeri Construction

File Number: CC16-70

Representative – Barbara Frappier of Warwick & Associates, Inc.

41 Little Bay Lane, Buzzards Bay

Replace the existing failed septic with a new Title V system within an AE Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site photographs, DEP Wetland Change Map and Site Plan.

Barbara Frappier addressed the board and discussed the proposed project.

Board Comment – None.

Agent Comment – A site inspection was performed on November 16, 2016. The area of the proposed work is a previously disturbed lawn. The grading on the site will require a silt fence as shown on the plan of record. There are no issues with the project.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-0.

Notice of Intent:

- 1) Tom Shioutakon
DEP File Number: SE7-1961
Representative – Earl Lantery, P.E.
0 Monument Neck Road, Gray Gables

Construct a single family residence and install a septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Materials Reviewed – Attachment A - Project Narrative, prepared by Lantery Associates, April 29, 2011 Violation Notice for subject property, Minutes (pg. 5) from May 5, 2011 discussing the violation, Site photographs, DEP Wetland Change Map and Site Plan.

Mr. Lantery addressed the board and discussed the proposed project. He described the parcel of land and the layout of the proposed residence. Additionally, he discussed the property owner's intention to protect/preserve the Resource Area.

Board Comment – None.

Agent Comment – A site inspection was performed on November 9, 2016. The property is located within the ACEC Back River. Although the house is located outside the 100

foot setback, it is subject to the 200 foot setback as required in the By-law. He stated the delineation of the salt marsh appeared accurate in the field. He included in the packet a previous violation on the property from April 2011, for vegetation clearing in the Buffer Zone. The Conservation Commission decided at that time that the property owner would work administratively with the agent and replant a 25 foot buffer of native vegetation, the rest was to be used a Llama pasture. Mr. Haines stated it was unclear at the time of his inspection whether or not that replanting occurred; however, the native vegetation has grown back. If the Commission decides to issue an Order, he recommends a Special Condition be added that no vegetation clearing is allowed outside the proposed limit of work, shown as the green dotted line on the plan of record; any future clearing or vista pruning would require a new filing with the Bourne Conservation Commission.

Chm. Gray offered a brief history on the previous violation:

Board Comment – Ms. Leduc asked if there is Coastal Bank located on the property; and if not, should there be? A brief discussion ensued.

Public Comment – Abutter, Carl Spillhouse, addressed the board. He offered clarification on the marsh and discussed the previous violation of the clearing. He expressed concern that a future homeowner may think it's permissible to continue to keep that area cleared. Mr. Palumbo clarified, stating any future clearing/pruning would have to be approved by the Commission.

Abutter, Richard Kangas, addressed the board. He too is concerned about clearcutting and opened a discussion concerning approximately 20 yards of fill that was dumped on the property. After a brief discussion, Chm. Gray asked the representative if the fill can be used during the regrading of the property. Mr. Lantery stated there is a lot of organics mixed in, his intent is to reuse the fill on the property. Mr. Haines elaborated further and a brief discussion ensued.

Board Comment – Ms. Kiebala asked if additional fill will be needed. Mr. Lantery stated he will know better once he's cleaned the organics out of the existing fill pile.

Mr. Ligor asked how many yards of fill is in the pile. Mr. Lantery stated the pile is approximately 12'-15' high by 20'-25' wide. Mr. Ligor stated it will be quite a task to clean the fill. Mr. Lantery stated it will be less expensive than hauling it away and bringing in all new fill. Mr. Haines clarified that only clean fill may be used for construction purposes. Chm. Gray stated that is a standard Condition.

With no further discussion, **Mr. Holmes moved and Mr. Palumbo seconded to close the public hearing.** The motion carried 5-0-1. Mr. Szwed abstained.

Mr. Haines – The plan of record was dated August 12, 2016, and stamped by Harry Earl Lantery Jr. Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-6, 9, 10, 12, 13, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers, 4, 7-9, 11, and an additional Special Condition that any future clearing or vista pruning will require a new filing with the Bourne Conservation Commission.

With no additional Conditions, **Ms. Kiebala moved and Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no further discussion, the motion carried. 6-0-0.

- 2) Matthew Monroe
DEP File Number: SE7-1959
Representative – Grady Consulting, LLC
895 Sandwich Road, Bourne
(Continued from 11/3/2016)

Perform septic repair within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Site Plan and DEP Wetlands Change Mapping.

Rick Grady addressed the board and discussed the proposed project; stating there's a minor revision to the plan based on feedback given from the Board of Health. Initially, it was thought that the property contained five bedrooms, it actually contains seven; therefore, two rows of chambers have been added to the system. Mr. Grady referred to the site plan and discussed the layout of the property, the erosion controls that will be used and the grading of the property.

Board Comment – Chm. Gray made a comment with regard to the sub-division on the back side where the plan depicts the location of an Isolated Wetland, off of Pleasure Point Road on lot 15. He stated the actual Wetland is on 9, 11 and 15; and while the Wetlands appear to be isolated, they're in fact culverted and flow by culvert to the Cape Cod Canal, so they're actually BVW. Chm. Gray advised the board that they don't have to act on this tonight, but reiterated that 9, 11 and 15 are all BVW. He advised Mr. Haines that a large enforcement file should exist on this matter as it was the subject of a long-term investigation by the DEP and the Bourne Conservation Commission when Pleasure Point Road was installed. He stated this project was done without permits.

Mr. Haines asked if the Commission would be satisfied with the applicant submitting a revised plan after the fact, acknowledging the BVW, which will be documented in the Order. After a brief discussion, it was decided that the wetlands delineation required further investigation and plan revisions may be required.

Public Comment – None.

Chm. Gray entertained a motion to continue the matter. **Mr. Ligor moved and Mr. Holmes seconded to continue the matter to December 1, 2016.** With no further discussion, the motion carried. 6-0-0.

- 3) David C. Warner
DEP File Number: SE7-1962
Representative: Warwick & Associates
276 Scraggy Neck Road, Cataumet

License and maintain the existing season wooden pile supported dock and to restore a 25' vegetated buffer along the top of a seawall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 11/3/2016)

Materials Reviewed – Page 17 from “The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts”, Massachusetts Plant Advisory Group, April 1, 2005, Project Narrative created by Warwick & Associates, Site photographs, DEP Wetlands Change Map and Site plan.

Ms. Frappier stated the project started with an outstanding Order of Conditions that never received a Certificate of Compliance. Part of the original Order required that a 25' vegetated buffer be planted on top of the seawall. She stated that may have occurred; however, the plantings are no longer there. Additionally, there are questions surrounding the dock's license. After a brief discussion, Ms. Frappier requested another continuance to December 15, 2016; which will allow her to research this further.

Public Comment – None.

Board Comment – None.

Agent Comment - Mr. Haines stated the narrative calls for Rosa rugosa along with three other species to be planted. He stated Rosa rugosa is a non-native species and is no longer planted. He asked the board's opinion on changing the planting to one of the other species mentioned in the narrative. After a brief discussion, the board and Ms. Frappier decided to remove the Rosa rugosa from the narrative.

Mr. Holmes moved and Mr. Ligor seconded to continue the matter to December 15, 2016. With no further discussion, the motion carried 6-0-0.

Chm. Gray acknowledged Bruce MacDonald, former chair of the Bourne Conservation Commission.

- 4) Mark A. Leary
DEP File Number: SE7-1960
Representative – Bracken Engineering
63 Bellavista Drive, Pocasset

Raze the existing dwelling, construct a new single-family home and install a new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Applicant requested a continuance to 12/1/2016)

Chm. Gray entertained a motion to continue the matter. **Mr. Ligor moved and Mr. Holmes seconded to continue the matter to December 1, 2016.** With no discussion, the motion carried. 6-0-0.

Request for Certificate of Compliance:

- 1) Lavinia A. Giardina
DEP File Number: SE7-853
Representative – Same
153 Captains Row, Mashnee Island

Construction of a stone riprap revetment and construction of four timber stairways within a VE Flood Zone, Coastal Beach and Coastal Bank.

Materials Reviewed – Site photographs, DEP Wetlands Change Map and As-built plan.

Agent Comment – Mr. Haines stated the Order of Conditions was the result of a 1991 Enforcement Order; building a Coastal Revetment in front of four different homes; the Order is actually on four separate properties. The work was completed in 1992, there is an As-built on file from 1992 and a letter from Holmes and McGrath stating the work on the revetment was completed in compliance with the Order. Mr. Haines stated he only reviewed the property whose owner requested the Certificate of Compliance; the other three properties would have to request their own certificate. He noted one deviation from Special Condition number 44, which stated there would be a 5 foot buffer of *Rosa rugosa* along the top of the revetment. There's also a By-law Condition, number 5, stating that 5 feet of native vegetation was required along the top of the revetment. There is no

evidence that this work was completed. Mr. Haines feels this is a minor deviation considering this is a 25 year old order. If the Commission feels it necessary, Mr. Haines is willing to work with the new property owner to plant the vegetation that was previously required.

Board Comment – Mr. Ligor asked if the order has been open for 25 years and whether or not anything was planted as required. Mr. Haines stated when he performed the site inspection, there were no plantings. Mr. Ligor asked what is there now. Mr. Haines stated there is turf grass there.

Mr. Holmes asked what the purpose would have been for the plantings. Ms. Kiebala stated it would have been required to prevent erosion and wash out. Ms. Leduc stated it also creates a bit of a habitat. Ms. Giardina referred to historical photos of the site to show there has been no erosion. Chm. Gray added that the purpose of the vegetative strips between the turf grass and in this case, the revetment, would be that the vegetative strip would capture any nitrogen run off that may have occurred when the property owner fertilized their lawn. It would have been an attempt to limit the amount of nitrogen released into the coastal water. Chm. Gray suggested that Mr. Haines work with the new property owner to see if they can mutually agree upon planting a low growth species. A discussion ensued.

Mr. Palumbo moved and Mr. Holmes seconded to grant the Certificate of Compliance with an ongoing Condition of By-law number 5. With no further discussion, the motion carried. 6-0-0.

Request to Extend Order of Conditions:

- 1) Town of Bourne
DEP File Number: SE7-1748
Representative – Same
Off Circuit Avenue (Hens Cove), Bourne

Maintenance and improvement dredging within Hen's Cove and associated beach nourishment at Circuit Avenue, Bell Buoy Avenue and Patuisset beaches and Coastal Dune enhancement on Bassetts Island.

Agent Comment – Mr. Haines stated the Town performs several maintenance improvement dredging projects throughout the years. The extension is required to keep the filing active. The Town is working toward developing a comprehensive dredging

permit which will cover all of the projects the Town has done to date. This extension will assist in the development of that permit. This will be a 3 year extension.

Board Comment – Ms. Leduc asked if this has already expired. Mr. Haines stated it was extended under the Permit Extension Act.

Mr. Holmes moved and Mr. Palumbo seconded to grant the 3 year extension. With no discussion, the motion carried. 6-0-0.

Other Business:

- Vote excused Absent Members, if necessary – **Mr. Palumbo moved and Mr. Holmes seconded to excuse Susan Weston.** With no discussion, the motion carried. 6-0-0.

- Acceptance of Previous Meeting Minutes –

Chm. Gray entertained a motion to approve the minutes of the October 20, 2016, meeting. Mr. Haines noted two amendments pertaining to Materials Reviewed. **Ms. Kiebala moved and Mr. Holmes seconded to approve the minutes of the October 20, 2016, meeting as amended.** With no discussion, the motion carried. 6-0-0.

- Report of the Conservation Agent –

- Update on Rotary Gas Spill Restoration –

Mr. Haines performed a site visit on November 14, 2016. It appears that the restoration has been completed satisfactory. The vegetation growth appears to be doing well and there aren't a lot of invasive species. Mr. Haines stated there is a problem with a lot of sand and sediment coming out of the state storm water system. Mr. Haines spoke to George Sala of the DPW with regard to this. Mr. Sala stated the DPW has no affiliation with that storm water system. He asked the Commission for suggestions on how to address this concern.

Chm. Gray suggested he contact Envirotech to see whether or not they have a representative who will meet Mr. Haines at the site to discuss the concern which can then be addressed by the state. Mr. Haines agreed.

- Correspondence – Diane Lang, Superintendent at the Trustees of Reservations, contacted Mr. Haines with regard to habitat management for the New England Cottontail. This involves quite a bit of forest clearing, cutting and possible prescribed

burning to reestablish some of the coastal maritime shrub, which is the primary habitat for this species. The clearing would occur within the Flood Zone and within 100 feet of salt marsh and will occur in Wareham, Plymouth and Bourne. They provided Mr. Haines with a proposed location but have not presented a full cutting plan yet. She would like to know what the Commission requires to enable the project to move forward.

Board Comment – Ms. Leduc discussed the proposed location and expressed concern over disrupting the ongoing habitat restoration for Brook Trout. Chm. Gray stated it's the same group working on that project. Ms. Leduc doesn't feel the location for the clearing/burning is logical because it appears to be too close to the Trout Brook restoration project.

Mr. Ligor stated he would be hesitant to grant permission for open burning because that area of the state is in a severe drought. A discussion ensued. The board recommends the organization file a Notice of Intent.

Ms. Leduc suggested that Mr. Haines discuss the matter with his counterparts in Wareham and Plymouth for their feedback. Mr. Haines agreed.

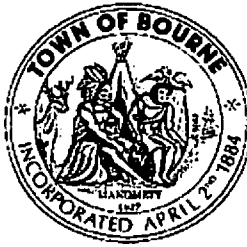
- Any other business that may legally come before the Commission – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Mr. Holmes moved and Mr. Palumbo seconded to adjourn. With no discussion, the motion carried. 6-0-0. The meeting adjourned at 8:26 PM.



RECEIVED

2016 DEC 21 PM 12:12

TOWN CLERK BOURNE

AMENDED CONSERVATION COMMISSION AGENDA

Thursday, December 1, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** William Hogan and Cynthia **File Number:** CC16-71
Representative: Same
Project Address: 23 Beverly Road, Bourne
Proposed Project: Construct a shed within a V flood zone and 100 feet of a wetland resource area.

7:05) Notice of Intent:

- 1) **Applicant:** Joseph N. Accardi **DEP File Number:** SE7-
Representative: JC Engineering, Inc.
Project Address: 38 Buttermilk Way, Bourne
Proposed Project: Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE flood zone
Hearing Under State Act Only

- 2) **Applicant:** Matthew Monroe **DEP File Number:** SE7-1959
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a wetland resource area
(Continued from 11/17/2016)

- 3) **Applicant:** Mark A. Leary **DEP File Number:** SE7-1960
Representative: Bracken Engineering, Inc.
Project Address: 63 Bellavista Drive, Pocasset
Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new septic system, within an AE flood zone and within 100 feet of a wetland resource area
(Continued from 11/17/2016)

- 4) **Applicant:** David C. Warner **DEP File Number:** SE7-1962
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: License and maintain the existing seasonal wooden pile supported dock and to restore a 25' buffer along the top of a seawall within a V flood zone and within 100 feet of a wetland resource area.
(Continued from 11/17/2016)

Request to Amend Existing Order of Conditions:

- 1) **Applicant:** Patrick Ross **DEP File Number:** SE7-1809
Representative: Same
Project Address: Off Toby's Island
Proposed Project: Amend an existing Order of Conditions to expand the current 2.9 acre aquaculture grant west of Toby's Island to include a 1.6 acre site north of Ram Island in Little Bay, Bourne.

Request for Certificate of Compliance:

- 1) **Applicant:** Future Generation Wind, LLC **DEP File Number:** SE7-1761
Representative: Atlantic Design Engineers, Inc.
Project Address: Head of the Bay Road, Bourne
Proposed Project: Modifications to an existing gravel access road within Riverfront Area and within 100 feet of a wetland resource area.
- 2) **Applicant:** Peter and Allison Grasso **DEP File Number:** SE7-1919
Representative: JC Engineering, Inc.
Project Address: 37 Buttermilk Way
Proposed Project: Raze the existing dwelling and construct a new dwelling with associated utilities within an AE flood zone and within 100 feet of a wetland resource area.

► Notice of Violation – Clearing of vegetation within bordering vegetated wetland (abandoned cranberry bogs) at 162 Puritan Road, Bourne.

▶ Notice of Violation – Clearing of vegetation within bordering vegetated wetland and the 100 foot buffer zone at 1251 County Road, Cataumet.

▶ Vote – Excuse Absent Members, if necessary

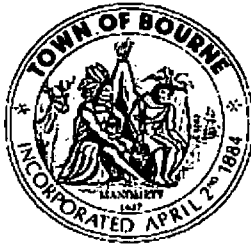
▶ Acceptance of Previous Meeting Minutes

▶ Report of the Conservation Agent

▶ Correspondence

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



RECEIVED

2016 NOV 28 AM 11:30

CONSERVATION COMMISSION AGENDA
Thursday, December 1, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** William Hogan and Cynthia
Representative: Same
Project Address: 23 Beverly Road, Bourne
Proposed Project: Construct a shed within a V flood zone and 100 feet of a wetland resource area.
File Number: CC16-71

Notice of Intent:

- 1) **Applicant:** Joseph N. Accardi
Representative: JC Engineering, Inc.
Project Address: 38 Buttermilk Way, Bourne
Proposed Project: Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE flood zone
DEP File Number: SE7-
- 2) **Applicant:** Matthew Monroe
Representative: Grady Consulting, LLC
Project Address: 895 Sandwich Road, Bourne
Proposed Project: Perform septic repair within 100 feet of a wetland resource area
(Continued from 11/17/2016)
DEP File Number: SE7-1959
- 3) **Applicant:** Mark A. Leary
Representative: Bracken Engineering, Inc.
Project Address: 63 Bellavista Drive, Pocasset
Proposed Project: Raze the existing dwelling, construct a new single-family home, and install a new septic system, within an AE flood zone and within 100 feet of a wetland resource area
(Continued from 11/17/2016)
DEP File Number: SE7-1960

- 4) **Applicant:** David C. Warner **DEP File Number:** SE7-1962
Representative: Warwick and Associates, Inc.
Project Address: 276 Scraggy Neck Road, Cataumet
Proposed Project: License and maintain the existing seasonal wooden pile supported dock and to restore a 25' buffer along the top of a seawall within a V flood zone and within 100 feet of a wetland resource area.
(Continued from 11/17/2016)

Request to Amend Existing Order of Conditions:

- 1) **Applicant:** Patrick Ross **DEP File Number:** SE7-1809
Representative: Same
Project Address: Off Toby's Island
Proposed Project: Amend an existing Order of Conditions to expand the current 2.9 acre aquaculture grant west of Toby's Island to include a 1.6 acre site north of Ram Island in Little Bay, Bourne.

Request for Certificate of Compliance:

- 1) **Applicant:** Future Generation Wind, LLC **DEP File Number:** SE7-1761
Representative: Atlantic Design Engineers, Inc.
Project Address: Head of the Bay Road, Bourne
Proposed Project: Modifications to an existing gravel access road within Riverfront Area and within 100 feet of a wetland resource area.
- 2) **Applicant:** Peter and Allison Grasso **DEP File Number:** SE7-1919
Representative: JC Engineering, Inc.
Project Address: 37 Buttermilk Way
Proposed Project: Raze the existing dwelling and construct a new dwelling with associated utilities within an AE flood zone and within 100 feet of a wetland resource area.

Other Business:

- ▶ Notice of Violation – Clearing of vegetation within bordering vegetated wetland (abandoned cranberry bogs) at 162 Puritan Road, Bourne.
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of Previous Meeting Minutes
- ▶ Report of the Conservation Agent

► Correspondence

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Meeting Minutes

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 1, 2016

RECEIVED

2017 JAN 23 AM 9:42

TOWN CLERK BOURNE

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on December 1, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Chm. Gray noted that the meeting was being recorded. He asked that anyone in the audience who was recording or videotaping to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting La. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

Members Present: Chm. Robert Gray, Thomas Ligor, Melvin P. Holmes, Betsey Kiebala (7:05) and Paul Szwed.

Excused Members: Robert Palumbo and Susan Weston

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Zac Basinski, William Hogan, Cynthia Hogan, Greg Cotter, Deborah Raymond, Patrick Ross, Julie Hart, Griffin Beaudoin, Bradley Bertolo, Jim Mulvey, Allison Grasso and Peter Grasso.

Requests for Determination of Applicability:

1) William and Cynthia Hogan

File Number: CC16-71

Representative: Same

23 Beverly Road, Bourne

Construct a shed within a V Flood Zone and 100 feet of a Wetland Resource Area.

Materials Reviewed – Site photographs, DEP Wetland Change Map and Site Plan.

Mr. Hogan addressed the board and explained he'd like to put a pre-built shed in his backyard for storage.

Board Comment – None.

Agent Comment – A site visit was performed on November 28, 2016. The proposed location of the shed is a flat, grassed area. Mr. Haines feels there will be no impact to the salt marsh; however, it is approximately 40-45 feet to the edge of the salt marsh and the Commission should take the By-law language into consideration when making its decision. Additionally, the filing is the result of a building permit; therefore, the shed will have to meet Building Code Standards for construction within a V Zone.

Board Comment – Mr. Ligor asked if the proposed location is within the 50 foot Buffer Zone. Mr. Haines replied that the back of the shed will be approximately 40-45 from the Salt Marsh. Mr. Ligor asked if there is room to move the shed forward. The applicant agreed to move the shed forward 5 feet.

Public Comment – None.

Chm. Gray entertained a motion. **Mr. Holmes moved and Ms. Kiebala seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-0.

Chm. Gray explained the Determination to the applicant.

Notice of Intent:

1) Joseph N. Accardi

DEP File Number: SE7-

Representative – Bradley Bertolo, JC Engineering, Inc.

38 Buttermilk Way, Bourne

Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE Flood Zone.

(Hearing Under State Act Only)

Materials Reviewed – Site photographs, DEP Wetland Change Map and Site Plan.

Chm. Gray recused himself from discussion and vote. He asked Mr. Holmes to chair the hearing.

Brad Bertolo addressed the board. He referred to the site plan and discussed the proposed project.

Board Comment – Mr. Holmes asked if there is a septic system. Mr. Bertolo stated no, it is sewer.

Mr. Ligor asked if there will be concrete pilings. Mr. Bertolo stated it's located in an AE Flood Zone; therefore, it is not required to be on piers. There will be wood framed walls with appropriate vents.

Agent Comment – A site inspection was performed on November 28, 2016. The site is flat and entirely disturbed. There are no issues with the project. Since a file number hasn't been generated by the DEP, Mr. Haines did not generate an Order of Conditions. The matter will need to be continued.

Mr. Holmes asked the applicant if continuing the matter to December 15, 2016 is acceptable. The applicant agreed.

Additional Board Comment – Mr. Ligor asked if there will be a cellar. Mr. Bertolo stated there will be a crawl space.

Public Comment – None.

Mr. Holmes entertained a motion to continue the matter. **Ms. Kieba moved and Mr. Ligor seconded to continue the matter to December 15, 2016.** With no discussion, the motion carried 4-0-0.

Chm. Gray returned to chair the meeting.

2) Matthew Monroe
DEP File Number: SE7-1959
Representative – Grady Consulting, LLC
895 Sandwich Road, Bourne

(Continued from 11/17/2016)

Perform septic repair within 100 feet of a Wetland Resource Area.

Materials Reviewed – Site Photographs, Revised Site Plan, DEP Wetland Change Map and Conservation Restriction for adjacent properties on Pleasure Point Road.

Chm. Gray stated at the November 17th hearing, there were questions concerning an off-site Wetland Area. The Commission requested a revised plan, which has been submitted.

Agent Comment – Mr. Haines and Mr. Gray performed a second site investigation on November 29, 2016. Mr. Haines looked at the plans out in the field and they appear to accurately delineate the portion of the Vegetated Wetland closest to the house, to the north of the proposed work; this would be the closest Resource Area for their septic design setbacks. It does appear that there's a connection to a culvert located on Pleasure Point Road. There is also a vegetated drainage ditch located at 9 Pleasure Point Road; previous submittals have flagged this drainage ditch as a Bordering Vegetative Wetland. The additions to the plan include; language about the Conservation restrictions, a revision to what was previously labeled as IVW to BVW, added language that states the Wetland delineation is to be used for the septic system installation only, additional Wetlands may be located on the subject property or on adjacent properties which were not identified as part of the delineation. Mr. Haines suggested the Commission mirror this language as a Special Condition in the Order. Mr. Haines noted there was a lot of debris; i.e., old tires, appliances, etc. along the boundary between Wetland flags WF1 and WF6, he suggested the Commission add a Special Condition stating the debris must be removed.

Board Comment – Mr. Ligor asked where the debris came from. Mr. Haines stated this has historically been a rental property and most likely some of the debris was dumped by former tenants.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved and Mr. Ligor seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - The plan of record will be shown as revised on December 1, 2016, to include all of the changes that were made and stamped by Richard J. Grady. Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-4, 10, 13, 16, 17, 19, 20, 22, 24 and Special Conditions pursuant to the Town By-law numbers, 7, 9, 11, and additional Special Conditions to include the Wetland delineation line as mentioned above as well as the removal of the dump debris located between Wetland flags 1 and 6.

Chm. Gray entertained a motion to move the Draft to the Final. **Mr. Ligor moved and Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-0.

- 3) Mark A. Leary
DEP File Number: SE7-1960
Representative – Bracken Engineering
63 Bellavista Drive, Pocasset

Raze the existing dwelling, construct a new single-family home and install a new septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 11/17/2016)

Materials Reviewed – Site Photographs, Revised Site Plan and DEP Wetland Change Map.

Chm. Gray recused himself from discussion and vote. He asked Mr. Holmes to chair the hearing.

Zac Basinski addressed the board and briefly discussed the proposed project. This hearing was continued from November 17th to allow the agent and the representative to investigate a previous violation on the property that was never addressed by the property owner. Mr. Basinski discussed a planting plan that was drafted and submitted to replant trees that were removed from the property without consent from the Commission. The new plantings will consist of Dogwoods, Sweet Pepperbush, Shadbush, and Winterberry. There were 8 trees removed and the property owner is proposing to install approximately 10 new plants in different varieties.

Board Comment - Mr. Ligor asked if the work will interfere with the small dune on the property. Mr. Basinski stated the small dune will be reestablished once the work has been completed and beach grass will be planted.

Agent Comment – Mr. Haines reviewed the audio recordings from April 7, 2016, where the violation was discussed previously. At that hearing, the Commission suggested that the agent work with the applicant to resolve the issue; there was no discussion of an additional filing for the work. In terms of the dune, that issue was raised by the applicant, not the agent or the Commission. He agreed to restore the dune on his own. Mr. Haines stated the dune doesn't really have a lot of function or value. It appears as though it was created when the roadway was installed. Mr. Haines suggested adding an additional Special Condition, stating that all plantings shall be allowed to grow to maturity, any dead or diseased plantings shall be replaced with similar native vegetation. He noted the vegetation is not being replaced in kind, there were trees that were taken down which will be replaced with shrubs; however, he is satisfied with the planting plan.

Additional Board Comment – Mr. Ligor asked if the existing fence will be removed. Mr. Basinski stated the fence will remain; however, one or two sections will be removed to access the proposed work area, but will be reset once the work is completed.

A brief discussion transpired concerning whether or not a dumpster will be utilized and the proposed location of the dumpster.

Public Comment – None.

Mr. Holmes entertained a motion to close the public hearing. **Ms. Kiebalá moved and Mr. Szwed seconded to close the public hearing.** With no discussion, the motion carried. 4-0-0.

Mr. Haines - The plan of record will be shown as revised on November 30, 2016, and stamped by Alan M. Grady. Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-6, 12, 13, 16-24, and Special Conditions pursuant to the Town By-law numbers, 7, 8, 9, 11, and additional Special Conditions with regard to the plantings growing to maturity as previously stated and be replaced if necessary.

Mr. Holmes entertained a motion to move the Draft to the Final. **Mr. Ligor moved and Mr. Szwed seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 4-0-0.

Chm. Gray returned to chair the meeting.

- 4) David C. Warner
DEP File Number: SE7-1962
Representative: Warwick & Associates
276 Scraggy Neck Road, Cataumet

License and maintain the existing season wooden pile supported dock and to restore a 25' vegetated buffer along the top of a seawall within a V Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 11/17/2016)

Materials Reviewed – Project Narrative created by Warwick & Associates, Site photographs, DEP Wetland Change Map and Revised Site plan.

Agent Comment – Mr. Haines stated the hearing was continued because the applicant was unsure as to whether or not the dock was licensed. They have determined the dock has a Chapter 91 license; therefore, the request is for the planting only. Mr. Haines reminded the board there was an expired Order of Conditions that required the 25' buffer to be planted. He suggested that should the Commission decide to grant a new Order, a Condition be added to mirror the narrative, which states all plantings must be allowed to grow to maturity, any plantings that do not survive will be replaced in kind. There will be no pruning, cutting or removal of vegetation without additional review by the Conservation Commission or its agent.

Board Comment – None.

Public Comment – Mr. Mulvey questioned the term buffer in this case. Mr. Haines discussed the previous Order and explained it required a 25' Vegetated Buffer be planted.

Chm. Gray entertained a motion to close the public hearing. **Ms. Kiebala moved and Mr. Holmes seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - The plan of record will be shown as revised on October 25, 2016. Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-3, 10, 13, 16, 17, 19, 20, 22, 24, and Special Conditions pursuant to the Town By-law number, 7 and an additional Special Condition with regard to the planting as stated previously.

Mr. Holmes seconded to move the Draft Order of Conditions to the Final Order of Conditions. With no discussion, the motion carried. 5-0-0.

Request to Amend Existing Order of Conditions:

- 1) Patrick Ross
DEP File Number: SE7-1809
Representative – Same
Off Toby's Island

Amend an existing Order of Conditions to expand the current 2.9 acre aquaculture grant west of Toby's Island to include a 1.6 acre site north of Ram Island in Little Bay, Bourne.

Materials Reviewed - Description of Proposal from the applicant, Letter from Tim Mullen of Bourne DNR, Letter from MA DFW NHESP and Site plan.

Mr. Ross explained he has been growing oysters on a site in Buzzards Bay. He is seeking to expand the area and use the additional area as a nursery to start the process with smaller seed. This would allow floating cages and floating bags to be used which is a different process than what is currently being used. Once the oysters grow to two inches, they will be brought to the current approved site for final grow out. He discussed the letter he received from the Natural Heritage and Endangered Species Program which requests a Condition prohibiting the use of netting. Mr. Ross stated he doesn't use netting and has no intentions of using netting.

Board Comment – Mr. Holmes asked if the proposed location will it interfere with boat traffic. Mr. Ross stated this subject was discussed extensively at the Board of Selectmen's hearing and the DNR Director felt the proposed location was sufficiently out of the channel. He stated there's also a requirement to file all buoys that are set to mark the location with the Coast Guard.

Ms. Kiebala asked if there are any buoys or markings in the current area. Mr. Ross stated there are a few lobster buoys and several DNR buoys. A discussion ensued. Ms. Kiebala asked if the operation will be seasonal. Mr. Ross stated the oysters take 2-3 years to grow out; therefore, it is a year round operation.

Ms. Leduc asked how the gear will be transported. Mr. Ross stated all equipment will be transported by boat. Ms. Leduc asked if the bags will be anchored and how many connections to the ground will the array have. Mr. Ross stated each line will have four anchors.

Mr. Holmes referred to the two letters that were submitted and discussed the reluctance of the shellfish constable to support this location. He asked how the applicant will handle any losses that may result from a boat shifting off course into the nursery. Mr. Ross explained he thinks the shellfish constable's reluctance in supporting this location is because he preferred the original proposed location that was chosen by the applicant, but that location wasn't favored by local residents or the Board of Selectmen. Mr. Haines concurred. He stated he spoke to Mr. Mullen who fully supports this program. Mr. Ross stated he has discussed the location with the local residents, if they feel that additional markings are necessary once the cages have been set, he is happy to do so.

Mr. Ligor asked how many oysters are at the original site. Mr. Ross estimates there are 600,000 oysters at that site; they are in cages resting on the bottom. Mr. Ligor asked if the applicant has noticed any changes in the water quality. Mr. Ross stated he's noticed a lot of fish use the structure as a spawning area; however, the location has too much exchange for the water quality to be impacted. There may start to be some visible effects inside Little Bay once there's a significant amount of shellfish established.

Ms. Leduc asked how the cages will be cleaned. Mr. Ross stated the proposed floating cages have two big pontoons which float on the surface and the cages sit below. The pontoons allow the growers to flip the cages up to air dry every few months. The cages and the bags that are in the original location are brought in and power washed three times per year.

Agent Comment – Mr. Haines reviewed the Narrative between what was originally proposed and the Narrative for the amendment which are substantially the same. Essentially, this is the same work being proposed, just in a different location. He reiterated that he spoke with DNR Director, Mr. Mullen, who supports the project. Mr. Haines suggests the Conditions in the amended Order mirror those in the previous Order with the exception of the following Special Conditions; (1) any Conditions or requirements of this project as determined by Natural Heritage and Endangered Species Program through MESA review process are automatically incorporated into this Order of Condition, the area is also subject to all Conditions imposed by the Massachusetts Division of Marine Fisheries, the Town of Bourne's Department of Natural Resources and any other applicable federal, state or local agency. (2) A statement that the amended Order of Conditions allows for an additional expansion of 1.6 acres of grant area to the north of Ram Island in Little Bay, as described in the letter accompanying the documentation submitted on October 28, 2016, the original 2.9 acre grant was approved on a previous Order of Conditions.

Public Comment – Mr. Mulvey noted that Mr. Ross was the first serious aquaculturist to come into town. Additionally, he asked if an upweller will be used. Mr. Ross stated an upweller will not be used at this time. Mr. Mulvey asked why the ConCom is involved with aquaculture. Chm. Gray stated it is the Conservation Commission's responsibility to administer and enforce regulations set forth in the Wetlands Protection Act which include agriculture and aquaculture. Mr. Haines stated the Commission's approval is also required in the grant approval process.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved and Ms. Kiebala seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines – Draft Amended Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1, 3, 16, 17, 19, 20, 21, 22, 24, 30 and Special Conditions pursuant to the Town By-law number, 8 and the two additional Special Conditions as stated previously.

Mr. Ligor moved and Mr. Holmes seconded to move the Amended Draft Order of Conditions to the Final Amended Order of Conditions. With no discussion, the motion carried. 5-0-0.

Request for Certificate of Compliance:

- 1) Future Generation Wind, LLC
DEP File Number: SE7-1761
Representative – Atlantic Design Engineers, Inc.
Head of the Bay Road, Bourne

Modifications to an existing gravel access road within a Riverfront Area and within 100 feet of a Wetland Resource Area.

Griffin Beaudoin addressed the board and stated he was present to answer any questions the board may have.

Agent Comment – Mr. Haines performed a site inspection on November 28, 2016. He stated this is a straightforward dirt road modification of an existing cranberry bog road. The bog road looked well maintained, there appeared to be no areas of washout or sedimentation. He recommends issuing the Certificate of Compliance.

Board Comment – None.

Ms. Kiebala moved and Mr. Holmes seconded to grant the Certificate of Compliance. With no further discussion, the motion carried. 5-0-0.

- 2) Peter and Allison Grasso
DEP File Number: SE7-1919
Representative – JC Engineering, Inc.
37 Buttermilk Way, Buzzards Bay

Raze the existing dwelling and construct a new dwelling with associated utilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Agent Comment – Mr. Haines performed a site inspection and noted there was a fair amount of deviation from the original Order of Conditions. After going through the file and with the help of the applicant, based on emails and notes/plans to that effect in the file, he feels confident that the majority of the work was approved administratively by the previous agent. The two minor deviations that he couldn't find paperwork for, included a row of non-cemented pavers which create a walkway to a small patio and a fire pit adjacent to the seawall. Mr. Haines doesn't feel either deviation is a risk to the resource area. He supplied photos so the Commission can determine whether or not to grant the certificate.

Board Comment – None.

Mr. Holmes moved and Ms. Kiebala seconded to grant the Certificate of Compliance. With no further discussion, the motion carried. 5-0-0.

Other Business:

- Notice Of Violation – Clearing of vegetation within Bordering Vegetated Wetland (abandoned cranberry bogs) at 162 Puritan Road, Bourne.

Julie Hart addressed the board. She stated she obtained the property through an auction in January and a lot of the back documentation is not available. It was her understanding that this was a bog in disrepair; and, according to the tax records, this is considered an active bog. She stated she was told there was a significant amount of work that was previously done. She doesn't have any documentation to show when the work was performed. The only document she has was furnished by Mr. Haines, which is the septic

approval. She supplied the board with a Certificate of Compliance. Ms. Hart stated once she received the violation, all work ceased; she was simply trying to clear some land to eventually restore the operation of the bog. Ms. Hart only has a Farm Plan that was submitted in 2009 by Outback Engineering. She spoke with Gary Makuch of the DEP, he checked Google Maps for her and stated that in 2009, it appeared to be an active working bog. Ms. Hart tried to contact the previous owner, Keith Bradley, but was unsuccessful. Additionally, she contacted Outback Engineering to discuss the matter, but they were uncooperative.

Board Comment – Mr. Holmes stated if the bog's been inactive for 5 years, there are protocols she'll need to follow in order for the bog to be considered active again.

Ms. Hart stated Mr. Makuch feels the bog was an active working bog in 2009 and it's his professional opinion that in 2014 there was work being done to maintain the bog; i.e., there was equipment on the land, all of the ditches were maintained and were filled with water. Mr. Makuch stated he has no documentation showing this bog was declared abandoned. A discussion ensued.

Agent Comment – Mr. Haines was notified of the Wetland clearing on Monday, November 21, 2016. He visited the site the following day and photo documented the clearing at that time. He did not find in the file any documentation with regard to this renovation of the bogs; therefore, he issued a Notice of Violation which included cease and desist language. He spoke with the applicant and discussed the limited documentation she has. He noted there appears to be evidence that sand was removed from the property; however, he believes the sand was stripped and sold and not used for bog production.

Mr. Haines stated based on correspondence with the previous agent, the landowner did discuss the project with him and he told her that she would have to prove that the bogs were within agricultural use within the past 5 years. The previous agent provided her with a copy of Restoring Abandoned Cranberry Bogs; an advisory created by the Cranberry Bog Growers Association.

Mr. Haines corresponded with Gary Makuch of the DEP who told him they do not have a file on this project; they've neither declared it neglected or abandoned. Neglected means the bog is in disrepair but it has had some activity within the past 5 years. Abandoned means there has been no activity and the property owner needs to go through the formal local, state and federal filing process. The Army Corps. will also have input on the matter.

Mr. Haines recommends that the Cease and Desist Order continue until there is confirmation from the DEP and/or the Army Corps. of Engineers.

After a brief discussion, Chm. Gray recommended that an on-site inspection with Gary Makuch of the DEP be performed. He would like Mr. Haines to discuss with Gary whether or not the Army Corps. should also be involved. Mr. Gray reminded the board of a presentation that was conducted by Outback Engineering in 2009; who reviewed the Farm Plan with the Commission, this was the first step in renovating the bog system. Chm. Gray stated there presently is no tailwater recovery system; if the bog is brought back into active status as is, it would discharging into Queensewell or Bumps Pond without any water renovation.

Chm. Gray briefly discussed the Farm Plan that was submitted to the Commission as well as the condition of the bog in 2009. He stated the bog had not been considered abandoned at that time. He would like the agent to schedule an on-site inspection with Gary Makuch if the DEP. A discussion ensued.

Chm. Gray entertained a motion to keep the Cease and Desist Order in place. **Mr. Ligor moved and Mr. Holmes seconded to keep the Cease and Desist Order in place.** With no discussion, the motion carried. 5-0-0.

Public Comment – Mr. Mulvey provided a brief history on the activity of the bog.

- Notice of Violation – Clearing of vegetation within a Bordering Vegetated Wetland and the 100 foot Buffer Zone at 1251 County Road, Cataumet.

Greg Cotter and his wife, Deborah Raymond, addressed the board. They offered an apology stating they were unaware that permission was needed by the Commission to perform any clearing. Mr. Cotter referred to a map to describe the layout of the property. He stated the area had become overgrown by invasive species and they were simply trying to restore the area to replant blueberry bushes.

Agent Comment – Mr. Haines was notified of the vegetation clearing on Monday, November 28, 2016. He performed a site inspection on November 29th and estimated approximately ½ acre of vegetation was mowed. The work had been done prior to his arrival. He issued a verbal cease and desist and informed the property owner that no further work could be performed within 100 feet of any Wetland Resource Area. Further investigation revealed that a cleared portion of the area was actually Bordering Vegetated Wetland and not just Buffer Zone to the pond. Mr. Haines stated this area contained a lot of invasive species. A Violation Noticed was mailed to the property owner and Mr. Haines served him with a copy of it at the meeting. Mr. Haines recommended that a

formal delineation of the Wetland be required. Additionally, he suggested the applicant submit an after the fact Notice of Intent along with a planting plan.

After a brief discussion, Chm. Gray recommended that the property owners contact a wetland scientist to prepare a Wetland delineation. Once that's submitted, the board agreed that the agent should decide on the next course of action for the Commission to take. Chm. Gray stated it will be helpful, if possible, to have the delineation completed before the end of December.

- Vote excused Absent Members, if necessary – **Mr. Ligor moved and Mr. Holmes seconded to excuse Rob Palumbo and Susan Weston.** With no discussion, the motion carried. 5-0-0.

- Acceptance of Previous Meeting Minutes – Chm. Gray entertained a motion to approve the minutes of the November 3, 2016, meeting. Mr. Haines noted three amendments. **Mr. Holmes moved and Mr. Ligor seconded to approve the minutes of the November 3, 2016, meeting as amended.** With no discussion, the motion carried. 5-0-0.

- Report of the Conservation Agent – None.

- Correspondence – None.

The next meeting is scheduled for December 15, 2016.

- Any other business that may legally come before the Commission – None.

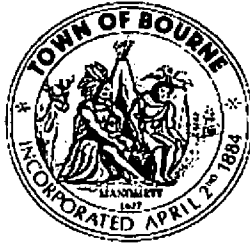
- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Ms. Kieballa moved and Mr. Holmes seconded to adjourn. With no discussion, the motion carried. 5-0-0. The meeting adjourned at 8:48 PM.

Minutes Submitted by: Carol Mitchell



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2016 DEC 13 AM 11:33

TOWN CLERK BOURNE

CONSERVATION COMMISSION AGENDA

Thursday, December 15, 2016 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such to the Commission.

The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Christopher Wilder **File Number:** CC16-72
Representative: Warwick & Associates Inc.
Project Address: 670 Scraggy Neck Road, Cataumet
Proposed Project: Renovate the existing dwelling which includes the expansion of the second story and ground level decks within AE floodzone. Work also includes grading, landscaping, utilities and other appurtenances.
(Hearing Under State Act Only)

Notice of Intent:

- 1) **Applicant:** Joseph N. Accardi **DEP File Number:** SE7-1963
Representative: JC Engineering, Inc.
Project Address: 38 Buttermilk Way, Bourne
Proposed Project: Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE flood zone.
(Continued from 12/1/2016, Hearing Under State Act Only)

Request for Certificate of Compliance:

- 1) **Applicant:** JC Engineering Inc. **DEP File Number:** SE7-1939
Representative: SAME
Project Address: 5 Bournedale Road, Bourne
Proposed Project: Raze of existing structure and rebuild of new dwelling, minor grading, and utility installation within Riverfront Area.

- ▶ Discussion of the Lyman Forest Cutting Plan and the proposed forest management activities.
- ▶ Review of the Town of Bourne's Special Conditions
- ▶ Review of Bourne Conservation Commission Policy 10-3, Policy Regarding the Floodzone
- ▶ Review of Hideaway Village Filing Process with the Commission.
- ▶ Review of the draft Conservation Commission meeting schedule for 2017
- ▶ Discussion of severe weather protocol
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Acceptance of November 17, 2016 Meeting Minutes
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

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Conservation Commission
Meeting Minutes

2017 FEB -6 AM 9:34

TOWN CLERK BOURNE

Town Hall Lower Conference Room

24 Perry Ave., Buzzards Bay, MA 02532

December 15, 2016

I. Call to order

Chm. Gray called to order the meeting of the Conservation Commission at 7:00 PM on December 15, 2016. Chm. Gray explained all of the reviews, unless otherwise stated, are joint reviews. Applications will be processed pursuant to the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40 and pursuant to Article 3.7 of the Town of Bourne Wetlands Protection By-law.

Note: Chm. Gray addressed the audience and explained the 5, 5, 5 rule; which allows the applicant / representative five minutes to make a presentation to the commission members, commission members will take five minutes to seek clarification if needed, the conservation agent will also give a report and five minutes of public input is allowed. He asked for all to silence their cell phones.

Chm. Gray noted that the meeting was being recorded. He asked that anyone in the audience who was recording or videotaping to acknowledge such to the Commission. The proceeding listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the limited extent permitted by the Open Meeting Law. All items within the meeting agenda are subject to deliberation and vote(s) by the Conservation Commission.

Members Present: Chm. Robert Gray, Robert Palumbo, Thomas Ligor, Melvin P. Holmes, Susan Weston (7:10), and Paul Szwed.

Excused Members: Betsey Kiebala

Also Present: Sam Haines, Elise Leduc, Carol Mitchell, Barbara Frappier, Caleb Garone, Eleanor Wendell and Bradley Bertolo.

Requests for Determination of Applicability:

1) Christopher Wilder

File Number: CC16-72

Representative: Barbara Frappier, Warwick & Associates

670 Scraggy Neck Road, Cataumet

Renovate the existing dwelling which includes the expansion of the second story and ground level decks within AE Flood Zone. Work also includes grading, landscaping, utilities and other appurtenances.

(Hearing Under State Act Only)

Materials Reviewed – Wetland Change Areas Map; "Site Plan" dated 11/18/2016; Site photographs.

Barbara Frappier addressed the board and discussed the proposed project.

A brief discussion transpired with regard to the location of a Coastal Bank.

Board Comment – None.

Agent Comment – Mr. Haines performed a site visit and noted the area is relatively flat and consists of lawn. The only issue he had pertained to the Coastal Bank which has been addressed.

Board Comment – None.

Public Comment – Eleanor Wendell, an abutter, questioned what type of utility work will transpire. Ms. Frappier stated utilities and other appurtenances is a catch-all phrase used to prevent the need for an additional permit in the event that a minor detail was overlooked.

Chm. Gray entertained a motion. **Mr. Holmes moved and Mr. Ligor seconded a Negative Two Determination.** With no discussion, the motion carried. 5-0-0.

Notice of Intent:

1) Joseph N. Accardi

DEP File Number: SE7- 1963

Representative – Bradley Bertolo, JC Engineering, Inc.

38 Buttermilk Way, Bourne

Raze the existing dwelling and construct a single family dwelling with associated utilities within an AE Flood Zone.

(Hearing Under State Act Only. Continued from 12/1/2016)

Materials Reviewed – None.

Chm. Gray stated if there will be any deliberation, he will recuse himself from discussion and vote. Mr. Haines stated the matter was continued from December 1, 2016, because a permit number had not yet been issued by the DEP. Since there was no deliberation, Chm. Gray did not recuse himself.

Board Comment – None.

Agent Comment – None.

Public Comment – None.

Chm. Gray entertained a motion to close the public hearing. **Mr. Holmes moved and Mr. Ligor seconded to close the public hearing.** With no discussion, the motion carried. 5-0-0.

Mr. Haines - The permit of record was signed and stamped by John L. Churchill Jr., November 16, 2016. Draft Order of Conditions: All General Conditions, Special Conditions pursuant to M.G.L. Chapter 131, Section 40 numbers 1-3, 5, 6, 12, 13, 16-22, 24 and Special Conditions pursuant to the Town By-law numbers, 7, 8, 9, 20 and 24 will continue in perpetuity.

With no additional Conditions, **Mr. Holmes moved and Mr. Ligor seconded to move the Draft Order of Conditions to the Final Order of Conditions.** With no discussion, the motion carried. 5-0-1. Ms. Weston abstained.

Request for Certificate of Compliance:

- 1) JC Engineering, Inc.
DEP File Number: SE7-1939
Representative – Same
5 Bournedale Road, Bourne

Raze of existing structure and rebuild of new dwelling, minor grading and utility installation within a Riverfront Area.

Agent Comment – A site visit was performed on December 13, 2016. The only deviation was the dwelling was moved approximately 15' east of the proposed location. Mr. Haines doesn't feel this is a substantial deviation and recommends issuance of the Certificate.

Board Comment – Ms. Leduc asked if by moving the dwelling east, is it now closer to the Resource Area. Mr. Haines stated yes; however, it is no closer than the previous existing dwelling.

Mr. Ligor moved and Mr. Palumbo seconded to grant the Certificate of Compliance. With no further discussion, the motion carried. 6-0-0.

Other Business:

- Discussion of the Lyman Forest Cutting Plan and the proposed forest management activities. –

Materials Reviewed - 2015 Lyman Forest Management Plan; December 2016 Cutting Plan; Conservation Plan showing the areas to be managed; and an excerpt from Chapter 5 of the Massachusetts joint regulatory document "Farming in Wetland Resource Areas".

Chm. Gray referred to the plan and advised the members that only fields 8 and 9 on the plan are located in the Town of Bourne. The other fields are located in Plymouth and Wareham.

Caleb Garone, Habitat Specialist for The Trustees, addressed the board. He referred to the submitted plan to describe the proposed project and the purpose of the project.

Board Comment – Ms. Leduc raised concern over the proposed plan for prescribed burning. Mr. Garone stated that would be 2-3 years out; adding, the organization tries to perform 5-6 prescribed fires per year. Their forester and his company perform the prescribed burns and are extremely cautious; there has never been any issues. A plan is being developed and the organization will return to the Commission for approval. Mr. Garone made note that the fire chief has to sign off on the prescribed burn as well.

Mr. Ligor asked if the public will have access to the area. Mr. Garone stated the public currently has access to the area and they will have the same access except in the direct area where the work is being performed. Signage will be used to alert the public of the work being performed and a community open house will be held on January 9, 2017, for neighbors and abutters to obtain additional information on the proposed project.

Mr. Ligor questioned whether or not the clearing will allow motor bikes riders access to the area. Mr. Garone stated that the material left behind on the ground from the clearing will not be desirable for bike riders. A discussion ensued.

Chm. Gray asked what time of year will the proposed prescribed burn occur. Mr. Garone stated typically in the spring or fall; however, there are many factors to consider.

Chm. Gray asked what provisions are taken to flush the area of Eastern Box Turtle or other wildlife that may exist in the area. Mr. Garone discussed the process, he stated they will be working with Natural Heritage & Endangered Species and will follow all of their best management practices.

Ms. Leduc asked if there will be an undisturbed buffer left or will the proposed clearing go right to the edge of the saltmarsh. Mr. Garone stated there will be a buffer on the side by the residences; but in the forest area, they want to go to the edge where the White Pines have grown. A brief discussion transpired with regard to ash migration and water contamination.

Agent Comment – Mr. Haines briefly explained how the applicant's submitted NRCS Management Plan meets the requirements set forth in M.G.L. Chapter 131, Section 40.

Public Comment – Ms. Frappier expressed concern with the proposed prescribed burn occurring in the spring. She feels it may be better to conduct the burn in the fall to avoid disturbing wildlife which may be nesting in the area. A discussion ensued.

Additional Board Comment - Mr. Ligor asked if soil conditions are checked prior to conducting a burn. Mr. Garone explained the various prescriptions that are considered prior to conducting a burn; i.e., vegetation wetness, drought, humidity, wind direction, wind speed etc.; it's an extremely regulated activity.

Mr. Haines noted that when the cutting plan is performed, there are Conditions under the Wetlands Protection Act that are automatically initiated.

After a brief discussion with regard to Commission members visiting the site, Mr. Garone concluded by thanking the Commission for opportunity to present the proposed plan.

- Review of the Town of Bourne's Special Conditions – Mr. Haines stated some of the Special Conditions seem to be repetitive and would like to see if some of them may be combined.

He referred to Special Condition 3 and By-law Condition 8 and feels they can be combined. After a brief discussion, it was decided to keep them separate.

Special Condition 5 – The current wording is incorrect. The board agreed to revise the language to say; in full compliance with Appendix G of 780 CMR Mass. State Building Code.

Special Condition 9 – Mr. Haines recommends adding a sentence requiring additional erosion controls to be stockpiled on site. The Commission agreed.

A brief discussion transpired with regard to the agent creating a cover letter with a re-emphasis of Special Condition 28, which at the discretion of the agent, may require the contractor to meet onsite with the agent to review the project prior to commencing.

Special Conditions 20 and 24 – Mr. Haines stated these are almost universally continued in perpetuity. The agent is going to incorporate those Conditions to automatically be applied in all NOIs.

Mr. Szwed asked why the Conditions are listed in the order they're currently listed in. A brief discussion transpired with regard to renumbering the Orders.

Special Condition 26 – Chm. Gray suggested relocating this Condition to the docks, floats, dredging section.

Special Condition 27 – Mr. Haines questioned whether or not this should be two separate Conditions. He explained why he thought it should be separated, the board agreed.

Docks and Piers – Mr. Haines feels almost all of these Conditions are pursuant to the regulations of the Town By-law rather than M.G.L. c. 131, s. 40, Conditions. After a brief discussion, the board agreed that mostly all of these Conditions are pursuant to the regulations of the Town By-law.

-Review of Bourne Conservation By-laws – Mr. Haines would like the header to read as it does in the Wetland Protection By-law; Wetland Protection By-law, Article 3.7 Wetland and Natural Resources Protection As Amended at Town Meeting October 26, 2009. The board agreed.

- Bourne's Special Conditions 2 & 3 (Scenic Roads Act / Shade Tree Act) – Mr. Haines explained that almost every major road in Bourne is considered to be a scenic road. Additionally, the cutting of any public trees requires a permit. He is currently working with George Sala to streamline these because if these Special Conditions are applied to a project unnecessarily, it causes significant delays for the applicant. After a brief discussion, the board decided to remove these two Conditions from the Order of Conditions checklist.

- Special Condition 6 – Mr. Haines is concerned with the language in this Condition. After a brief discussion, the board decided to revise the language in this Condition.
- Special Condition 7 – After a brief discussion, the board decided this Condition is necessary and should remain on the Order of Conditions checklist.
- Special Condition 10 – After a brief discussion, the board decided to revise the language in this Condition.
- Special Condition 11 – After speaking with the Board of Health, Mr. Haines revised the language in this Condition.
- Special Conditions 12, 13 and 14 – Mr. Haines feels these are valid Conditions. The board agreed, they will remain on the checklist.

Mr. Haines supplied the board with additional Special Conditions he uses frequently and stated he would like them to be added to the Order of Conditions checklist. A discussion ensued.

- Review of Bourne Conservation Commission Policy 10-3, Policy regarding the Flood Zone. – After a brief discussion, the board decided to revise this policy to allow the agent to decide which projects will require an RDA or an NOI. Mr. Haines will revise the policy and present it to the board at a future meeting for their approval.
- Review of Hideaway Village filing process with the Commission – Mr. Palumbo briefly explained to the board the existing filing process for applicants residing at the condominium complex, Hideaway Village. Mr. Haines noted two revisions he'd like to make to the policy; 1) in the third sentence from the bottom which discusses parcels 48, 49 and 50, Mr. Haines stated parcels 49 and 50 no longer exist, the assessor has combined parcels; therefore, this sentence should be revised. Also, the telephone extension listed for the Conservation Office needs to be updated. Mr. Haines will make the two revisions.

Chm. Gray asked if a policy number will be assigned to the Hideaway Village policy. Mr. Haines stated he will assign a policy number to it. Chm. Gray stated the other existing policy numbers will need to be updated. Mr. Haines will update the policy numbers.

Mr. Holmes moved and Mr. Palumbo seconded to approve the Hideaway Policy 17-2 as amended. With no discussion, the motion carried.

- Review of the draft Conservation Commission meeting schedule for 2017 – A brief discussion transpired concerning the 2017 meeting schedule; particularly, the meeting

scheduled during the week of the 4th of July. Chm. Gray suggested changing the schedule of the July meetings to the 2nd and 4th weeks in July.

After a brief discussion, **Mr. Holmes moved and Mr. Ligor seconded to adopt the 2017 Conservation Commission meeting schedule with a potential change to the July 6th and July 20th meeting dates.** With no discussion, the motion carried. 6-0-0.

- Discussion of severe weather protocol – deferred.

- Vote – Excuse Absent Members, if necessary – **Mr. Ligor moved and Mr. Palumbo seconded to excuse Betsey Kiebala.** With no discussion, the motion carried. 6-0-0.

- Acceptance of the November 17, 2016 Meeting Minutes – Mr. Haines and Ms. Leduc noted several revisions. **Mr. Palumbo moved and Mr. Szwed seconded to approve the minutes of the November 17, 2017 meeting as amended.** With no discussion, the motion carried 6-0-0.

- Report of Conservation Agent – None.

- Questions and Answers re: M.G.L. Chapter 131 s. 40 and 310 CMR 10.00-10.99 – None.

- Questions and Answers re: Town of Bourne Wetland Protection By-law (Article 3.7) and BWR 1.00-1.16 – None.

II. Adjournment

Mr. Holmes moved and Mr. Palumbo seconded to adjourn. With no discussion, the motion carried. 6-0-0. The meeting adjourned at 8:57 PM.

Minutes Submitted by: Carol Mitchell

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

2016 JAN 19 PM 10 30

<u>Date</u>	<u>Time</u>	<u>Place</u>	<u>TOWN CLERK'S OFFICE</u>
January 21, 2016	1 P.M.	Bourne Veterans Memorial Community Center/ Senior Center	BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Discussion on the working relationship between COA and the Friends on ideas for fundraising events, etc.
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

Date: January 15, 2016

cc: Town Clerk

TOWN OF BOURNE

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

2016 FEB 16 AM 10 41

Schedule of Regular Meetings

TOWN CLERK'S OFFICE
BOURNE, MASS

Date

February 18, 2016

Time

1 P.M.

Place

Bourne Veterans Memorial
Community Center/
Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: February 16, 2016

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
April 21, 2016	1 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. COA Board Members: Description of Agency's needs/interest/goals
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

Date: April 14, 2016

cc: Town Clerk

RECEIVED
2016 APR 15 PM 4:25
TOWN CLERK BOURNE

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

2016 MAY 16 PM 2:37
TOWN CLERK BOURNE

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
May 19, 2016	1 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Peter Meier – Proposed Peebles School Replacement Project
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

Date: May14, 2016

cc: Town Clerk

TOWN OF BOURNE **RECEIVED**

Board, Committee, or Commission: BOURNE COUNCIL ON AGING MAY 24 AM 10: 02

Schedule of Regular Meetings

TOWN CLERK BOURNE

<u>Date</u>	<u>Time</u>	<u>Place</u>
May 26, 2016	10 AM	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

Nomination of Officers

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: May 26, 2016

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

2016 JUN 14 AM 9:10

Schedule of Regular Meetings

TOWN CLERK BOURNE

Date

June 16, 2016

Time

12 Noon

Place

Bourne Veterans Memorial
Community Center/
Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Nomination of Officers
3. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Peter Meier – Proposed Peebles School Replacement Project
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Earl V. Baldwin

Earl V. Baldwin

Title: Chair, Bourne Council on Aging

Date: June 14, 2016

cc: Town Clerk

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING 2016 AUG 16 AM 11:19

Schedule of Regular Meetings

TOWN CLERK BOURNE

Date

August 18, 2016

Time

1 P.M.

Place

Bourne Veterans Memorial
Community Center/
Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

Date: August 16, 2016

cc: Town Clerk

TOWN OF BOURNE RECEIVED
BOURNE VETERANS MEMORIAL COMMUNITY/SENIOR CENTER
COUNCIL ON AGING BOARD OF DIRECTORS
MINUTES OF AUGUST 18, 2016
TOWN CLERK BOURNE

MEMBERS PRESENT: Earl Baldwin, Monica Layton, Mary Fuller, Nancy Grissino, Lorraine Young, Dorothy Wilcox, Marjorie McClung, Kenneth Blanchard.

MEMBERS EXCUSED: Bette Songer, Linda Connors.

OTHERS PRESENT: Felice Monteiro, Lois Carr, Debora Oliviere-Llanes, Carol MacDonald, John Ford, Arnie Carr, Dick Menkello, Linda Silveira, Nathan Carr.

Meeting called to order at 1 p. m.

Upon a motion duly made and seconded the board unanimously voted to approve the minutes of the following meeting as written into the record: April 21, 2016, May 19, 2016 and June 16, 2016.

The Chair introduced the new board member Kenneth Blanchard and associate member Nancy Grissino.

The board secretary read into the record a thank you card from the Morrissey family thanking the board for their contribution to the Donald Morrissey Scholarship.

OUTREACH: Lois Car (Highlights)

- The Commission on the Status of Grandparents Raising Grandchildren in partnership with the Attorney General's office will be holding an Information Exchange Session at the Bourne Senior Center on November 9, 5-7 p. m. Bourne is one of eight communities that will be hosting this event.
- The "Bridge to Human Services" resource guide is available at Town Hall, Library, Community Building, Food Pantry and the schools. Copies were also distributed to the Fire and Police Stations.
- (see attached report)

BRIDGING THE YEARS: Debora Oliviere-Llanes (Highlights)

- Attended "Alive Inside" award winning documentary on the positive effects of music with dementia. I have also purchased this DVD and held another screening for staff/volunteers.
- Will having an Open House on October 6, 2016 along with a workshop on early memory loss.

- (see attached report)

DIRECTOR'S REPORT: Felice Monteiro (Highlights)

- Formula Grant to COA's has been approved @ \$10 per elder, which means we move forward with the recipients of that grant per usual (supportive day/coa program coordinator)
- (see attached report)

Upon a motion duly made and seconded the board unanimously voted to adjourn the meeting at 1:30.

Respectfully submitted,

Cheryl J. Gomes
Administrative Assistant

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 15, 2016	11:30 A. M.-12:30 P. M.	Bourne Veterans Memorial Community Center/Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

- Fall/Winter Programming
- Support Staff

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: September 12, 2016

RECEIVED
2016 SEP 12 PM 2:32
TOWN CLERK BOURNE

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING 2016 SEP 12 PM 2:40

Schedule of Regular Meetings

TOWN CLERK BOURNE

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 15, 2016	1 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: September 12, 2016

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

2016 OCT 18 AM 8:50

Schedule of Regular Meetings

TOWN CLERK BOURNE

Date

October 20, 2016

Time

1 P.M.

Place

Bourne Veterans Memorial
Community Center/
Senior Center

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: October 17, 2016

TOWN OF BOURNE

RECEIVED

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

2016 NOV 14 AM 9:58

Schedule of Regular Meetings

TOWN CLERK BOURNE.

Date

November 17, 2016

Time

1 P.M.

Place

Bourne Veterans Memorial
Community Center/
Senior Center

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. New School Plan update by School Committee
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

cc: Town Clerk

Date: November 14, 2016

TOWN OF BOURNE

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
November 17, 2016	12 Noon	Bourne Veterans Memorial Community Center/ Senior Center

2016 NOV 15 AM 11 11
TOWN CLERK'S OFFICE
BOURNE, MASS

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Agenda Items

Conflict of Reviewing Interest and Ethics Laws

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

Date: November 15, 2016

cc: Town Clerk

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
December 15, 2016	12 Noon	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

2018 Budget

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

Date: December 12, 2016

cc: Town Clerk

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2016 DEC 22 PM 1:08
TOWN CLERK BOURNE

TOWN OF BOURNE

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

RECEIVED

Schedule of Regular Meetings

2016 DEC 12 PM 3:40

Date

December 15, 2016

Time

1 P.M.

Place

Bourne Veterans Memorial
Community Center/
Senior Center

TOWN CLERK BOURNE

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Signed: Marjorie McClung

Marjorie McClung

Title: Chair, Bourne Council on Aging

Date: December 12, 2016

cc: Town Clerk

Bourne Cultural Council

November 28, 2016

BHS Library, 6:00 PM

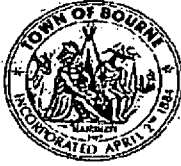
Meeting Agenda

1. Attendance
2. Secretary's Report
3. Treasurer's Report
4. Old Business, members cycles ending 2017
5. Review and voting of 2017 Grant Applications
6. Other Business
7. Next meeting
8. adjourn

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TOWN CLERK BOURNE



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

TOWN HALL · 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Office of the Town Planner
Coreen Moore, Town Planner
cmoore@townofbourne.com
Phone: 508-759-0615 x4 • Fax: 508-759-0611



MEETING AGENDA

DATE: Tuesday – January 5, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference Room
24 Perry Avenue
Buzzards Bay MA 02532

1. Review and acceptance of minutes from October 5, 2015 & December 8, 2015
2. Project Review:
 - a. 282 Main Street Bourne Sunoco continued from 12/7/15
3. New Business:
 - a. Zoning Bylaw revision
4. Any other new business for discussion purposes only
5. Public comments

2015 DEC 24 AM 11 11
TOWN CLERK'S OFFICE
BOURNE, MASS



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

TOWN HALL · 24 PERRY AVENUE

Buzzards Bay, MA 02532

Contact: Office of the Town Planner

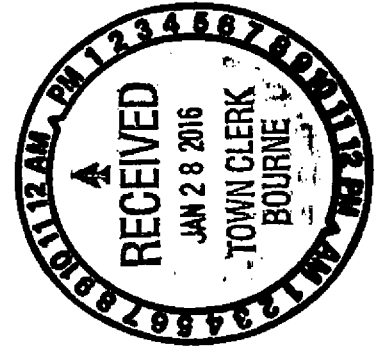
Coreen Moore, Town Planner

cmoore@townofbourne.com

Phone: 508-759-0615 x4 • Fax: 508-759-0611



MEETING AGENDA



DATE: Tuesday – February 2, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference Room
24 Perry Avenue
Buzzards Bay MA 02532

1. Review and acceptance of minutes from December 8, 2015
2. Project Review:
 - a. Betty Ann's – 225 Main Street
 - b. Moonlight – 279 Main Street
 - c. Redtop – 265 Main Street
3. New Business:
 - a. Zoning Bylaw revision
4. Any other new business for discussion purposes only
5. Public comments



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

TOWN HALL • 24 PERRY AVENUE

Buzzards Bay, MA 02532

Contact: Office of the Town Planner

Coreen Moore, Town Planner

cmoore@townofbourne.com

Phone: 508-759-0615 x4 • Fax: 508-759-0611



2016 MAR 3 AM 9 25
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING AGENDA

DATE: Tuesday – March 8, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference Room
24 Perry Avenue
Buzzards Bay MA 02532

1. Review and acceptance of minutes from June 1, 2015
2. Project Review:
 - a. Sign Review for Bay Village Auto – 23 Main Street
 - b. Sign Review for Speedway Gas – 343 Scenic highway
 - c. Sign Review for 121 Main St – Real Estate For Sale Sign placed on existing monument sign
3. New Business: None at this time
4. Any other business for discussion purposes only
5. Public comments



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

RECEIVED Design Review Committee

TOWN HALL • 24 PERRY AVENUE

Buzzards Bay, MA 02532

Contact: Coreen Moore, Town Planner

cmoore@townofbourne.com

Phone: 508-759-0615 x4 • Fax: 508-759-0611



SEP 7 AM 10:48
TOWN CLERK BOURNE

MEETING MINUTES

Date: June 1, 2015

Location: Lower Level Conference Room
Bourne Town Hall
24 Perry Avenue, Buzzards Bay MA 02532

Present: Douglas Shearer, Pam Matheson, David O'Connor, Marie Oliva

Staff: Coreen Moore, Town Planner

Public: John Mancuso, Dn Johnson, Leah Rogers & Gregg Woodworth

Meeting was called to order at 9:00 am.

1. Acceptance of the minutes:

- a. On a MOTION by D. O'Connor, **SECONDED** by P. Matheson the May 19, 2015 minutes were accepted and approved as presented, by a unanimous VOTE.

- 2. Project Review - 23 Main Street:** (continued from May 19, 2015) Business owner, John Mancuso presented a new site plan dated 5.22.15 showing (1) permanent food truck location and (2) temporary locations. Prospective tenants: Cape Cod Cannoli or Big Daddy hotdogs. When a contract is signed, Mr. Mancuso will bring in a picture of the actual truck. Dave O'Connor asked if the truck will be parked over night – Mr. Mancuso answered yes. Trucks number 2 and 3 will just be there during an event and will not be parked permanently, however could be overnight during an event. Marie Oliva said she didn't see how the site could host three food trucks when considering the parking and circulation of the other uses. Dave asked about the lighting and what would be the hours of operation. Mr. Mancuso said that there would be automatic lights and the food truck would close at the same time as the gas station at 9:00 pm. Mr. Mancuso explained that he needed the food trucks to make his business more viable. Pam Matheson stated she felt that the food truck cooking and gas tank filling area would be in conflict with each other.

Coreen explained that the committee should be questioning if the project fits into the downtown performance standards. Dave stated he was concerned about the look of the site – what will the fence look like. Mr. Mancuso assured the committee that his site will look good. Dave had some reservations without having clear plans that reflect what will happen at the site. Marie felt multiple trucks on a site with a gas station would not meet the performance standards of the downtown bylaw. Doug cautioned the committee that we must be careful when reviewing permanent verse temporary. Marie felt that there were logistical issues.



Doug steered the committee discussion back to Location #1 (permanent location), what signage is proposed what materials and colors are proposed. Mr. Mancuso said you tell me I will do whatever you want.

Discussion ensued concerning the noncompliance of the signage on site. Dave said that the panel truck that is being used as a de facto billboard has been moved to the rear of the property. The tall sign (B) located at the left of the site will be removed and the replaced as a lighting fixture only. Sign "A" is not illuminated and will be changed as shown. Sign "D" cannot meet the height restriction, if lowered it will be a sight line obstruction for those coming out of the intersection of Washington Ave, and would get damaged in the winter when snow is plowed.

The discussion returned to the matter at hand the request for food trucks. Dave felt that the two cannot be separated we must address the issue of noncompliant signs and the request for the food trucks.

On a MOTION by Dave O'Connor, SECONDED by Marie Oliva the project was recommended for approval to the Planning Board for one (1) year for the permanent truck location only. Pending the site signage coming into full compliance. In addition the site area of the food truck shown enlarged on a site plan, showing the location of the food truck including the signage, seating area and the fence enclosure. VOTE unanimous.

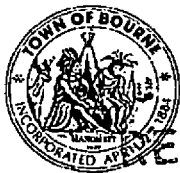
The committee reminded Mr. Mancuso that the site is in violation of the zoning bylaw. None of the signs have been permitted, and since the first discussion with the Town Planner more signs have been added to the site without permits.

3. Project Review - 43 Main Street - Owl
4. Project Review - 45 Main Street - Tre Soleil
5. Comments from Gregg Woodworth at 199 Main Street

Next meeting: June 29, 2015 - 9:00 am

On a MOTION by Dave O'Connor, SECONDED by Pam Matheson the meeting was adjourned at 10:35 am, VOTE, unanimous.

Recorded and transcribed by Coreen Moore



TOWN OF BOURNE

Design Review Committee

TOWN HALL - 24 PERRY AVENUE

Buzzards Bay, MA 02532

Contact: Coreen Moore, Town Planner

cmoore@townofbourne.com

Phone: 508-759-0615 x4 * Fax: 508-759-0611



Douglas Shearer, Chairman

David O'Connor, Vice Chairman

Marie Oliva

Pam Matheson

TOWN CLERK BOURNE

MEETING MINUTES

Date Approved by

DRC:

9/6/16

Signed: *CMoore*

Date: June 21, 2016

Location: Lower Level Conference Room
Bourne Town Hall
24 Perry Avenue, Buzzards Bay MA 02532

Present: Doug Shearer, Chairman, David O'Connor, Vice Chairman
Pam Matheson

Staff: Coreen Moore, Town Planner

Public: Oniel J. Taylor and Jesse Alderman (Speedway), Kathy Zagzebski (NMLC)

Meeting called to order at 9:03 am.

1. Review and acceptance of minutes: No minutes were presented for approval.

2. Project Review:

a. Sign - 343 Scenic Highway - Speedway

Jesse Alderman presented the proposed digital canopy sign. There will be no flashing or movement. Oniel Taylor District Manager stated that the sign will only be changed as the market price fluctuates. Chairman Shearer ask about the existing pylon sign, Jesse Alderman stated that Speedway is the tenant and has no authority over the existing pylon sign. The DRC felt that the proposed sign was an acceptable design for the downtown.

On a MOTION by David O'Connor and SECONDED by Pam Matheson, the DRC unanimously APPROVED the digital canopy sign as presented.

b. Sign - 120 Main Street - National Marine Life Center

Kathy Zagzebski Director of the National Marine Life Center presented the proposed sign. The sign will replace the existing sign that is located in front of the auxiliary parking lot the existing poles will remain. Kathy apologized for the zealously of a volunteer who made the sign before getting approval for the DRC. After discussion and on a MOTION by Ms. Matheson and SECONDED by Mr. O'Connor, the DRC unanimously APPROVED the sign application for 120 Main Street, NMLC.

3. Informal Discussion:

- a. Revised sign height bylaw adopted at town meeting and how it may affect existing monument signs.
- b. Case law on signs as it pertains to changing panels on existing signs.

Other business: Next agenda include discussion of new committee officers.

4. Next Meeting: TBD

5. Motion to Adjourn the Meeting

On a MOTION by David O'Connor and SECONDED by Ms. Matheson, the DRC unanimously VOTED to adjourn the meeting at 9:35 am

Recorded By:
Coreen Moore



TOWN OF BOURNE
Design Review Committee

TOWN HALL • 24 PERRY AVENUE

Buzzards Bay, MA 02532

Contact: Office of the Town Planner

Coreen Moore, Town Planner

cmoore@townofbourne.com

Phone: 508-759-0600 x1346 * Fax: 508-759-0611



Douglas Shearer,
Chairman
David O'Connor, Vice
Chairman
Marie Oliver
Pam Matheson

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2016 AUG 31 PM 4:08

TOWN CLERK BOURNE

MEETING AGENDA

DATE: Tuesday – September 6, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference
Room 24 Perry Avenue
Buzzards Bay MA 02532

1. Review and acceptance of minutes
2. Project Review:
 - a. 246 Main Street – Super Petroleum Inc. – New Sign
 - b. 2 Bourne Bridge Approach – Pet Smart – New Sign
3. Any other new business for discussion purposes only
4. Public comments



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE **Design Review Committee**

TOWN HALL · 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Coreen Moore, Town Planner
cmoore@townofbourne.com
Phone: 508-759-0615 x4 * Fax: 508-759-0611



MEETING MINUTES

Date: September 6,, 2016

Location: Lower Level Conference Room
Bourne Town Hall
24 Perry Avenue, Buzzards Bay MA 02532

Present: Doug Shearer, Chairman, David O'Connor, Vice Chairman
Pam Matheson, Marie Oliva

Staff: Coreen Moore, Town Planner

Public: Michael Sepinuck, Muftah Bugazia (Super Petroleum) and Tara Puniasecca,
ETD (Pet Smart)

Meeting called to order at 9:05 am.

1. Review and acceptance of minutes: The minutes from the DRC meeting of June 21, 2016 were approved as written, on a MOTION by David O'Connor, SECONDED by Pam Matheson, VOTE: Unanimous.

2. Project Review:

a. Sign – 246 Main Street – Super Petroleum – New Sign

Michael Sepinuck presented the proposed freestanding sign. The price portion will be digital, there will be no flashing or movement, the top will be internally lit, the proposed height 12 feet, they will be using the existing frame. Mr. O'Connor stated that internally lit signs are not allowed, 8 feet is the maximum allowed unless a hardship can be proven. Muftah Bugazia owner stated they will revise the sign to meet the requirements. He also said that he proposes a future convenience store, until then he will remove the "SP Mart" sign to bring down the height. Discussion ensued re sight distances, clearance under the sign and signage on the pumps. The canopy sign will be replaced with a sign similar to the existing except will be red instead of yellow with reverse letters (halo). Push through letter similar to halo lit will be used instead on internally lit, the background will be aluminum the letters will be 1 inch thick with lighting around.

On a MOTION by David O'Connor and SECONDED by Marie Oliva, the DRC unanimously APPROVED the signage for Super Petroleum with the following conditions:

1. Maximum sign height shall be ten feet from grade level. Sight distances shall be maintained.
2. The "SP Mart" sign shall be removed from the free standing sign,

Date Approved by DRC	<i>Moore</i>
Signed:	12/13/16

DRAFT

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3. The freestanding sign shall not be internally lit, shall be manufactured with "push through" lettering similar to halo lit signage.
4. The digital price sign shall be reduced and shall not move or blink.
5. The pumps signs and canopy sign approved as shown.

b. Sign – 2 Bourne Bridge Approach – Pet Smart

Pet Smart representative Tara Punlasecca presented the proposed signage. The signage will be the standard colors of the Pet Smart franchise, there will only be building signs no freestanding signs all signs will be halo lit. The signs will use the total square footage allowed facing Scenic Highway, and a smaller second building sign will be placed facing Bourne Bridge Approach. After further discussion and on a MOTION by Mr. O'Connor and SECONDED by Ms. Oliva, the DRC unanimously APPROVED the signs as presented by Pet Smart.

Next agenda: Election of officers.

4. Next Meeting: Tuesday, October 4, 2016

5. Meeting Adjourned

The meeting was at 9:55 am

Recorded By:
Coreen Moore



Douglas Shearer,
Chairman
David O'Connor, Vice
Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

TOWN HALL • 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Office of the Town Planner
Coreen Moore, Town Planner
cmoore@townofbourne.com
Phone: 508-759-0600 x1346 • Fax: 508-759-0611



MEETING AGENDA

DATE: Tuesday – December 13, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference
Room 24 Perry Avenue
Buzzards Bay MA 02532

1. Review and acceptance of minutes
2. Project Review:
 - a. Cape Cod Filling – 156 Main Street - New Sign
 - b. Pet Smart - 2 Bourne Bridge Approach – Temporary Banner
 - c. Linear Retail Bourne, LLC - 2 Bourne Bridge Approach – New freestanding sign
3. Any other new business for discussion purposes only
4. Public comments

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TOWN CLERK BOURNE



Douglas Shearer,
Chairman
David O'Connor, Vice
Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

TOWN HALL • 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Office of the Town Planner
Coreen Moore, Town Planner
cmoore@townofbourne.com
Phone: 508-759-0600 x1346 * Fax: 508-759-0611



AMENDED
MEETING AGENDA

DATE: Tuesday – December 13, 2016

TIME: 9:00 am

LOCATION: Bourne Town Hall
Lower Level Conference
Room 24 Perry Avenue
Buzzards Bay MA 02532

RECEIVED
2016 DEC 19 AM 11:08
TOWN CLERK BOURNE

1. Review and acceptance of minutes
2. Project Review:
 - a. Cape Cod Filling – 156 Main Street - New Sign
 - b. Pet Smart - 2 Bourne Bridge Approach – Temporary Banner
 - c. ~~Linear Retail Bourne, LLC – 2 Bourne Bridge Approach – New freestanding sign – withdrawn~~
3. Election of Officers
4. Any other new business for discussion purposes only
5. Public comments



Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

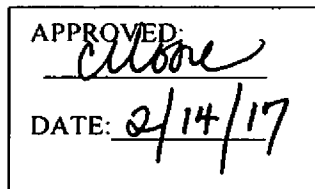
TOWN OF BOURNE *Design Review Committee*

TOWN HALL · 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Coreen Moore, Town Planner
cmoore@townofbourne.com
Phone: 508-759-0615 x4 • Fax: 508-759-0611



MEETING MINUTES

Date: December 13, 2016
Location: Lower Level Conference Room
Bourne Town Hall
24 Perry Avenue, Buzzards Bay MA 02532
Present: Doug Shearer, Pam Matheson, David O'Connor
Excused: Marie & Olivia
Staff: Coreen Moore, Town Planner & Tracy Sullivan
Public: Bart Steele, Pet Smart



Meeting was called to order at 9:00 am.

The meeting minutes of 9/6/2016 were approved on a motion by D. O'Connor and seconded by P. Matheson. The motion passed unanimously.

Project Review: Pet Smart, 2 Bourne Bridge Approach – Temporary Banner.

Bart Steele of View Point Sign and Awning, requested to remove the small lease sign and install a temporary "Coming Soon" sign, not a banner, a stronger sign for the length of 30 days. D. O'Connor, discussed his concern that there was no set open date and that they will keep asking for continuances of the 30 day temporary signage. D. Shearer and P. Matheson shared his concerns.

A motion was made by D. O'Connor and seconded by P. Matheson to allow a temporary sign for the first 30 days, with a condition that the Town Planner may extend the temporary sign for another 30 days. On the third request it must come back in front of the DRC. The motion passed unanimously. The larger sign was also approved due to the multiple business on site.

Project Review: Cape Cod Filling Station, 156 Main St. – Owner was not present – New Sign.

Coreen described project, Cape Cod Filling Station is the last down town sign project through the grant. The two designs that were sent in by sign design Architect Anthi were discussed. Doug discussed the hardship versus discretion, as he is concerned about setting a precedent for allowing the change in height in signage and asked if it was in the by-laws language. Coreen to look into it. A motion was made by D. O'Connor and 2nd by P. Matheson to accept the design that had a roof over it, the architect will bring sign height down and reduce size, the motion passed unanimously.

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TOWN CLERK BOURNE
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Douglas Shearer, Chairman
David O'Connor, Vice Chairman
Marie Oliva
Pam Matheson

TOWN OF BOURNE
Design Review Committee

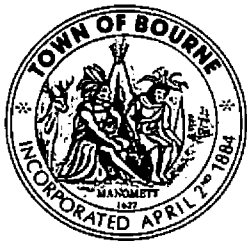
TOWN HALL · 24 PERRY AVENUE
Buzzards Bay, MA 02532
Contact: Coreen Moore, Town Planner
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Phone: 508-759-0615 x4 * Fax: 508-759-0611



Election of Officers: A motion was made by D. O'Connor and seconded by P. Matheson to wait until the next meeting to elect officers. Motion passed unanimously.
Coreen will contact Planning Board for appointment of additional Committee member.

On a motion by D.O'Connor, seconded by P. Matheson the meeting was adjourned at 9:45 am., motion passed unanimously





Selectmen's Energy Advisory Committee Meeting Notice

2016 FEB 3 AM 3



TOWN CLERK'S OFFICE
BOURNE, MASS

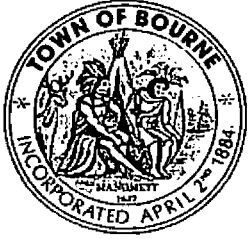
Date: Wednesday, February 10, 2016
Time: 7:00 P.M.
Location: Bourne Middle School, Room 100

AGENDA

1. APPROVAL OF PREVIOUS MEETING MINUTES
2. INTRODUCTION OF NEW MEMBER, MOLLY MAHONEY.
3. UPDATE ON FUTURE GENERATION WIND PROJECT
4. ENERGY COORDINATOR GRANT AND ACTIVITIES/DISCUSSION OF 2015-16
EFFORTS: Discussion of potential ESCO RFQ; and discussion of parking lot solar canopy
option
5. UPDATE ON ACTIVITIES IN BOURNE
6. CAPE LIGHT COMPACT UPDATE
7. CAPE AND VINEYARD ELECTRIC CO-OP UPDATE
9. OTHER BUSINESS
10. ADJOURNMENT

Bob Schofield, Vice Chair

cc: Thomas M. Guerino, Town Administrator, Jon Nelson, Director of Public Works and Facilities,
Town Clerk, Selectmen, EAC members: T. Gray Curtis, Paul O'Keefe, Bob Schofield, Frank Kodziz,
and Molly Mahoney



Selectmen's Energy Advisory Committee Meeting Notice



Date: Wednesday, September 14, 2016
Time: 7:00 P.M.
Location: Bourne Middle School, Room 100

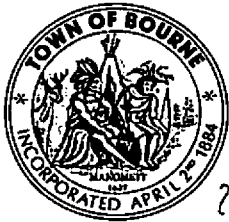
2016 SEP 9 AM 11 26
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. APPROVAL OF PREVIOUS MEETING MINUTES
2. UPDATE ON FUTURE GENERATION WIND PROJECT
3. UPDATE ON ACTIVITIES IN BOURNE
4. CAPE LIGHT COMPACT UPDATE
5. CAPE AND VINEYARD ELECTRIC CO-OP UPDATE
6. OTHER BUSINESS
7. ADJOURNMENT

Bob Schofield, Vice Chair

cc: Thomas M. Guerino, Town Administrator, Town Clerk, Selectmen, EAC members: T. Gray
Curtis, Paul O'Keefe, Bob Schofield, Frank Kodziz



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



2016 JAN 7 PM 4 01

FY16 Reserve Fund: \$190,500.00
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

Finance Committee

Wednesday, January 13, 2016 at 7:00PM

Bourne Veteran's Memorial Community Building

239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Wednesday, January 13, 2016 at 7:00 PM at the Community Building.

NOTE: *This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.* Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Note any absent or excused members
- 3) Reserve Fund Transfers
- 4) Approval of Minutes of Previous Meetings
- 5) FY16 Tax Recap and FY17 Estimates
 - Assessors Update from Donna Barakauskas
 - New Growth
 - Key indicators and trends
- 6) FY17 Budget Liaisons
- 7) Review Draft – Department Review Questions
- 8) Finance Committee comments on the Charter Review
- 9) Future Meetings – Topics and Dates
- 10) Public Comment
- 11) Any other business or Comment
- 12) Adjournment

Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo

January 7, 2016

Future Meeting Topics:

Visual Budget

Priority Based Budget Process and Update

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

January 13, 2016

2016 FEB 26 AM 8 12
TOWN CLERK'S OFFICE
BOURNE, MASS

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on January 13, 2016.

Ms. Mastrangelo stated the meeting was being recorded for television replay and asked if anyone in the audience was audio taping the meeting. She acknowledged Carol Mitchell was recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, Brian Lemee', Judy Conron, George Slade, Kathleen LeGacy, Dr. William Towne and Jeff Perry

Finance Committee Members Excused: Richard Lavoie, Karin Meehan and Andrew Roth

Also Present: Town Administrator, Tom Guerino, Finance Director, Linda Marzelli, Recording Secretary, Carol Mitchell resident, Jim Mulvey (7:15) and Tax Assessor, Donna Barakauskas

Documents: Agenda, City and Town Tax Excise Tax handout, Property Tax brochure, Levy handout, Department Review Questions, Recapitulation of Commitments, Assessment/Classification Report, Interim Year Adjustment Report, Tax Base Levy Growth, What is a Levy handout, Tax Rate Recapitulation and the Assessors Responsibilities handout.

III. Agenda Items

1. Reserve Fund Transfers – None

2. Approval of Minutes -

Mr. Redman moved to approve the minutes of the Finance Committee meeting held on December 16, 2015. **Ms. Ford seconded.** With no discussion, the minutes were approved with Dr. Towne abstaining. 8-0-1.

3. FY 16 Tax Recap and FY 17 Estimates

Ms. Marzelli introduced Donna Barakauskas, Tax Assessor for the Town, and explained that the two work closely to set the tax rate. Ms. Marzelli then referred to

the City & Town Excise Tax handout and discussed how a vehicle's value drops year to year resulting in a drop in taxes received.

Ms. Barakauskas addressed the committee. She referred to the Recapitulation of Commitments handout. Ms. Mastrangelo asked if the Town receives a list from the DMV of who purchased vehicles so she knows who to send excise bills to. Ms. Barakauskas stated that was correct, and explained that she receives 8 or 9 commitments per year but sometimes they fall into the next calendar year. She referred to the recap handout explaining that her department keeps a tally of the amounts every year. She provided three years of data to the committee.

Ms. Barakauskas further explained that often times the car dealerships send her department documentation for Wareham residents because the buyer has a Buzzards Bay mailing address. It takes time to sort through the commitments and actually invoice the correct person. Ms. Mastrangelo asked if the handout reflects the actual commitments or if they include the Wareham figures as well. Ms. Barakauskas stated the handout reflects the actual amounts billed to Bourne residents. Ms. Mastrangelo asked if the sheets are accurate to use when looking at the long-term projection for motor vehicles. Ms. Barakauskas stated they were not because the numbers are estimates only. Mr. Guerino explained the amounts listed are for the bills that have been sent out and not for the collections. Ms. Mastrangelo asked if on the Tax Rate Recap., the 2015 number of \$2,665,296.00 is based on the 2015 assessments. Ms. Marzelli stated yes. A brief discussion ensued.

Ms. Mastrangelo then asked Ms. Barakauskas to explain to the committee some of her responsibilities, new growth and to explain why someone would see an increase in their taxes this year.

Ms. Barakauskas explained that often times the department sends a preliminary bill to the homeowner; so, if the assessment increases, the tax rate also increases; therefore, the homeowner didn't pay enough on their August 1st – November 1st payment. Home valuations play a role on the tax rate.

A brief discussion transpired pertaining to the water district rates. Ms. Mastrangelo stated that Sagamore and Buzzards Bay have a rate of \$0.79 cents per thousand, while Bourne is \$0.08 cents per thousand. Ms. Barakauskas stated that Buzzards Bay's rate increased from \$0.58 to \$0.79, while Sagamore decreased from \$0.89 to \$0.79. She stated those districts are not subject to Proposition 2 ½ so they can increase their rates as high as needed through their annual district meeting. She added that Sagamore used to be \$1.00 per thousand but the rates are slowly creeping down.

Ms. Mastrangelo stated residents should examine their tax bill, compare their valuations from last year to this year, their tax rate from last year to this year and their water district rate to understand how their taxes have been impacted. Mr.

Redman added they should look at their water bill as well. Ms. Barakauskas stated they receive a separate water usage bill.

Ms. Mastrangelo remarked that someone living in Buzzards Bay and saw a valuation increase as well as an increase in their water rate, could see a substantial impact on their taxes. Ms. Barakauskas agreed.

Ms. Mastrangelo then asked Ms. Barakauskas to explain what her responsibilities are, how values are set, how new growth is factored and how it trends.

Ms. Barakauskas stated she does her best to estimate as to not put the Town in jeopardy. She tries not to estimate too high. She stated that she's held her position since 2000 and over the years, the BOS, TA and Finance Director have always asked for a conservative estimate for new growth. She works with the engineer to check land plans he's received during the calendar year to see if there are any proposed sub-divisions. She meets with the town planner to check to see which projects have been brought before the Planning Board, to see when they may start and the status of those plans. She also prints out building permits for new construction of single family homes, condos, commercial use; i.e., office buildings and warehouses. She visits each property at the end of the year to monitor its progress. If construction has been started; there's a foundation and some framing, there's a chance it will be completed by June 30th. She prints all the other building permits for additions, garages, renovations, decks, sheds, pools and only uses the estimated cost of the project as submitted by the owner. It's difficult to estimate new growth because there is no way of knowing which projects will be completed by June 30th.

Ms. Barakauskas stated that a million dollar home usually takes 2-3 years to complete. Special order items may take months to be delivered. Adding that there are approximately 10 of these type projects incomplete. She stated last year, Hydroid took out a permit for a second building which wasn't started. She recently visited the property to check the progress. There's still no foundation and was told it may be poured in March.

There are some townhouses that have been proposed for Red Brook Harbor. The foundations have been poured and they may start framing one building; but, the realtor could not give a timeframe for a start. This project will not be factored into new growth.

At the end of June, the data collector and the assistant assessor will check on new construction and will use guidelines for applying a percent complete to unfinished dwellings. Mr. Redman asked if the tax bill issued is based on the project being 80% complete by June 30th. Ms. Barakauskas indicated that was correct and her staff has guidelines for various phases of the project to indicate what percentage of the project has been completed; i.e., foundation poured, framing, electrical complete, is it enclosed, is the roof complete. The first tax bill is based on 80% or whatever is

completed by June 30th. Ms. Barakauskas stated a lot of people think the date is January 1st; however, it was changed to June 30th several years ago.

Mr. Slade stated that unless a home is enclosed, there wouldn't be any work done in the middle of winter. Ms. Barakauskas stated that if the foundation has been poured and the building is closed in, a lot of the inside work will be completed. A brief discussion transpired pertaining to the various types of permitting that must be received to complete a project; i.e., Conservation, Board of Health. Mr. Redman inquired as to whether or not having an occupancy permit plays a factor. Ms. Barakauskas indicated it does not, they want to know that the house is finished, not if it's ready for occupancy.

Once the project is totally finished, it gets assessed; regardless if it's occupied.

The Assessing Department re-assesses properties every nine years. This allows them to actually see firsthand the project that was actually completed to be sure it's been assessed properly.

This is done by sending letters to the homeowner to inform them that their home needs to be inspected. Sometimes multiple letters are sent because the homeowner ignores the initial request. In some cases, if a homeowner hasn't cooperated with the request, an estimated assessment is done; which, in many cases, leads the homeowner to contact the assessor to have an actual assessment done.

Ms. Mastrangelo stated the Visual Government on the Town's website indicates how many building permits were issued in back years. In 2010, \$70,000.00 was received from the issuance of building permits. In 2014, it was \$190,000.00 but in 2015 only \$130,000.00 was received. Ms. Barakauskas indicated that often times, people don't finish their projects for various reasons.

Ms. Mastrangelo asked if there are any other key indicators in calculating new growth. Ms. Barakauskas stated it's the detail work and determining what the best estimate is. She stated last year was an unusual year in new growth, adding that multiple projects that were incomplete for years were finally finished. A new subdivision with six homes that were going to be considered affordable became market price. Additionally, two condos were built.

In addition to the assessing, the data collected needs to be entered into the computer so timely tax bills can be generated.

Ms. Mastrangelo stated that projected new growth for FY 17 is \$400,000.00. Looking at a five year average, if the numbers are conservative every year to the tune of \$100,000-\$200,000, then at the end of five years, the new growth revenue is short \$1,000,000.00. Looking at the long-term, it looks like there will be a significant shortfall in FY 20. Ms. Barakauskas stated any additional funds received goes into the Overlay which the BOS can ask for when needed. Mr. Guerino stated it's asked for on an annual basis.

Ms. Barakauskas indicated new growth will probably be on the downward swing now that Pilgrim Pines is nearly complete and Brookside is all built out; unless they come up with more land to build additional condos. Hydroid is currently the only pending project. There are some proposed projects in Buzzards Bay but nothing has been started. The Red Brook Harbor townhouses only have two reservations. There are four proposed buildings with four units in each but as mentioned earlier, it is unclear when these will be completed.

Ms. Mastrangelo asked if it would be fair to say that one of the questions that should be asked before the fall Town Meeting is, where are we with new growth and how does it compare to what we thought? Ms. Barakauskas stated that would be a fair question.

Mr. Redman referred to the 2015 page of the Motor Vehicle Excise Recap handout and asked if those numbers would add up to the figures on the Tax Rate Recap sheet. She explained that the Excise Recap is only what was billed. People will come in and say they sold their car or have another reason why their bill is incorrect so an abatement is issued and the amount is deducted from the billed total.

Ms. Mastrangelo stated that the January excise bills would have gone out and most will have been paid by July, so, revisiting the estimated amounts in the fall to see how things are looking should be feasible.

Ms. Marzelli indicated that Ms. Barakauskas also has to work closely with the water districts because they have to fill in all of their financial information under the tax rate. Mr. Guerino added that two of the water districts hadn't completed their financials in order to get the tax-rate set and Ms. Barakauskas had to spend an exorbitant amount of time with them in order to get the tax rate set. A brief discussion transpired pertaining to the number of tax bills that get sent out (11,000) vs. the number of people in the department that handle the workload (2).

Ms. Mastrangelo asked if Ms. Barakauskas sees any trends in property values. She stated Buzzards Bay is still very depressed. Sagamore is coming up as is Pocasset and Cataumet. Monument Beach is stable and S. Sagamore has had a couple of sales on the canal. The waterfronts are staying about the same. Ms. Mastrangelo stated property values were lost immensely after 2008.

Mr. Slade asked if Ms. Barakauskas interacts much with the planner and if she's aware of how much developable land is available. Ms. Barakauskas indicated that she meets with the planner regularly as well as the engineer and Conservation. Mr. Slade asked if the wind turbines are impacting property values. Ms. Barakauskas stated in other areas of town, the wind turbines did not affect property values. He followed up asking if she has to look at sales history and how it compares with the valuation. She indicated she does look at trends; however, she's been surprised to see that often times items such as railroad tracks or powerlines near a property don't necessarily have a negative impact on the property value.

Mr. Slade commented that the entire town is impacted as a whole because when property values increase, the tax rate lowers and vice versa.

Mr. Redman asked if a house sells for less than what it's assessed for, will the house get taxed on the higher value. Ms. Barakauskas stated she does a thorough investigation to find out why the property is being sold below the assessed amount. There are many reasons why someone would sell their home below the assessed amount. It doesn't mean the property isn't worth the higher amount. She looks at the neighborhood as a whole and if it is where the value should be then she won't bring the house value down; unless there's an underlying reason. She added that one sale doesn't make the market.

Mr. Lemee' inquired how often a revalue is performed. Ms. Barakauskas replied it is done every year. She stated the DOR evaluates their data every three years; but, she performs an interim every year to keep up with the market. She stated the next DOR evaluation will be FY 18. Mr. Guerino stated the governor is proposing to change the full and fair cash value evaluations from three years to five years. He and Ms. Barakauskas feel five years is too long a period between evaluations.

Ms. Mastrangelo asked if the entire town is revalued every year or just part of the town? Ms. Barakauskas replied she revalues every year but performs mandated inspections every nine years.

Mr. Guerino discussed the amount of time that the assistant assessor's position was vacant and how it impacted the department's productivity. Ms. Mastrangelo asked if a floating employee at Town Hall could step into the Assessor's Office to assist with answering telephones or other light duties and if so, would that be helpful. Mr. Guerino stated for that department it would not be helpful. Ms. Barakauskas added that in order for it to be helpful, the individual would have to have some knowledge of her department.

Mr. Slade asked if any of the CPA initiatives have an impact on taxes. Ms. Barakauskas indicated yes, they are removed from the tax roll.

Mr. Redman asked if there were any Payments in Lieu of Taxes properties. Mr. Guerino stated the Town receives P.I.L.O.T. funds on state owned land. A brief discussion transpired regarding the base and state owned land.

Ms. Mastrangelo and Mr. Guerino thanked Ms. Barakauskas for speaking to the committee.

4. FY 17 Budget Liaisons

Ms. Mastrangelo stated the BOS have already started meeting with department heads because they're trying to do a thorough review of the budget before the Finance Committee reviews it. In the budget process last year, there were questions every week at the BOS meeting and a lot of issues weren't addressed until April. She feels

it's a good effort on their part to gather as much data early in the budget process which will allow for more time to evaluate the information gathered. The BOS will have their own liaisons meet with various department heads. There is a possibility that for some departments, there may be coordination with FinCom liaisons.

Mr. Redman indicated he's interested in Public Safety (which will include DNR). He discovered there would not be a violation of the Open Meeting law if only two members of the committee met with the department heads for fact finding. There would be no deliberations, no voting, just budget review and questions.

Mr. Slade clarified that if several members of the committee attended an important meeting, they would be allowed to attend the meeting and sit in the audience. Ms. Mastrangelo stated that was correct.

Mr. Slade is also interested in Public Safety as well as Finance, DNR and DPW/Facilities.

Mr. Lemee' is interested in Legal and Town Clerk/Elections.

Ms. Mastrangelo stated not every department would need a liaison but asked the committee members if anyone had an interest in learning about a specific department.

Mr. Lemee' indicated he's also interested in Debt Service.

Ms. Conron is interested in DPW/Facilities with Mr. Slade.

Ms. Ford stated her work schedule is too busy to commit to any department but is happy to be a back-up for anyone whose schedule changes.

Ms. Conron stated she'd be interested in meeting with the town administrator. Ms. Mastrangelo stated that although there are some departments that won't require a liaison, the Library and may Recreation would require one. Ms. Conron added that the schools would as well.

Ms. LeGacy indicated she is interested in the Library and Recreation.

A brief discussion transpired concerning which departments remain in need of a liaison.

Mr. Perry indicated he is not interested in meeting with department heads at this time.

Ms. LeGacy inquired as to how much of a time commitment would Shared Costs require. Ms. Mastrangelo stated she didn't think it would be that much of a time commitment. She stated it would most likely involve a brief conversation with Ms. Marzelli. Ms. LeGacy stated she would be interested in Shared Costs as well.

Ms. Mastrangelo asked if electricity should be categorized under Shared Costs or Facilities Management. Mr. Guerino stated Facilities Management. A brief discussion transpired pertaining to electricity usage and street lighting.

Ms. LeGacy inquired about solar powered street lights. She asked if there's a way to use solar powered technology to keep some of the street lights on. Mr. Guerino stated he wasn't aware of such a project offered through Cape Light Compact but is willing to look into it with the Compact. He stated the Town is looking into solar car ports similar to one in Falmouth. A brief discussion ensued.

Dr. Towne is interested in COA/Human Services/Community Building.

Ms. Mastrangelo is interested in Legal and the Schools.

Ms. Conron stated she'd be interested in Town Clerk and Schools

After a brief discussion, Ms. Mastrangelo removed Mr. Slade from Finance. Ms. Mastrangelo and Ms. Conron agreed to take ISWM.

Ms. Ford asked that once meetings with department heads have been scheduled, that all committee members be notified in case someone is available and would like to attend even though they may not be the assigned liaison. Ms. Mastrangelo will notify the members as well as Mr. Guerino to avoid schedule conflicts once meeting dates have been set.

A finalized list of assigned liaisons is posted at the end of the minutes.

5. Department Review Questions

Mr. Guerino thanked Ms. Mastrangelo for sending him the questions to review.

Ms. Mastrangelo thought the draft was thorough. The idea of the question sheet is to have a framework for the departments to try to get a handle on how their department is run. Mr. Redman suggested sending the questions to the department heads in advance of meeting with liaisons.

Mr. Guerino thought the questions were great and thanked Mr. Slade for drafting them. He added that not every question will pertain to every department. Ms. Mastrangelo stated some of the questions had been rephrased. Ms. Conron suggested the liaison go through and pick the questions that may be specific to that particular department.

A brief discussion transpired concerning the Visual budget on the Town's Website.

Ms. Mastrangelo thought a question pertaining to the number of vacant positions in the department should be added. Ms. Ford suggested adding it to question #1.

Mr. Guerino suggested adding a question pertaining to a department's staff reductions or additions over a several year period. Ms. Mastrangelo agreed and thought a five year snapshot would be sufficient.

Ms. Ford thinks question #6 should go beyond FY 17. A brief discussion regarding the phrasing of the question transpired. Mr. Guerino indicated that over the next three years, there are eleven people who will become eligible for retirement or who will retire. Ms. Ford stated that's a huge challenge in terms of succession planning, knowledge transfer and archiving the knowledge if there's no opportunity for knowledge transfer.

Ms. Conron excused herself from the meeting. (8:24 PM)

A finalized version of the Department Review Questions is posted at the end of the minutes.

Mr. Guerino asked when the committee will begin meeting with the department heads. Ms. Mastrangelo asked the committee if they want to wait until the BOS has finalized the budget and incorporate the meetings into their budget review. They want to wait for the finalized budget.

Mr. Slade asked if the budget review will be done jointly with the BOS. Ms. Mastrangelo thinks it will be done separately. The budget message to the BOS will be Tuesday, 1/19/16. Mr. Guerino stated it would be beneficial to have FinCom there. Ms. Mastrangelo stated a FinCom meeting to review for Town Meeting will be held on 1/20/16.

Ms. Mastrangelo informed the committee of upcoming meetings.

- 1/19/16, a joint meeting for the budget message with the BOS
- 1/20/16, FinCom meeting to review Capital Articles
- 1/27/16, FinCom meeting to review CPC Articles
- 2/1/16, FinCom meeting to review Planning Board Articles

A brief discussion pertaining to changes in the budget process transpired.

Dr. Towne inquired as to when the offsets would be presented. Ms. Mastrangelo stated that is one of the questions that will be asked of the department heads. She stated the departments will be asked to list all sources of revenue. Dr. Towne feels the offsets should be listed in the budget. Ms. Marzelli stated the software she uses does not allow for offsets to be entered. She explained that there aren't a lot of departments that have other revenue sources. The Recreation Department and the Council on Aging have revolving funds. The School Department has numerous grants and other funds that help their operation. The Fire Department has the SAFER Grant.

The town planner has a grant but it does not cover salaries, it is used to fund projects. Ms. Marzelli will provide separate offset documentation to the committee.

Ms. Mastrangelo stated that DNR has waterways money in their budget that has to be used toward DNR expenses. She added it's important to understand different departments have revenue that their department generates. Adding that the Police Department also receives grant money. Dr. Towne asked about police details and if the Town receives 10%. Mr. Guerino stated the Police Department receives a 10% premium not the Town. Dr. Towne indicated he would like transparency.

6. Comments on Charter Review

Ms. Mastrangelo stated the committee didn't come up with any suggested changes; however, she went to the review and spoke on her own behalf. She is going back on 1/20/16, to discuss the budget issues, timing as well as roles and responsibilities.

Ms. Ford asked if the review committee has any suggested changes. Ms. Mastrangelo stated they are currently in the fact finding phase.

7. Public Comment

Mr. Mulvey addressed the committee. He is irritated by the district tax; it does not benefit the Town's budget. The Town is acting as a collector for the operating budget of the four water districts. He stated when residents look at their bill and see CPA, it is a legitimate tax. When they see the district tax, they think that is part of their property tax and don't understand it is not a Town tax. He feels the tax bill should indicate it is a water district tax. He feels it's misleading and thinks they should bill for their own taxes and should have nothing to do with the Town's real estate tax billing.

Mr. Redman asked if the Town is compensated for the billing. Mr. Guerino indicated they were not.

8. Any other business or comment

Ms. Mastrangelo attended the Hoxie walk through and stated they're doing a great job. Mr. Guerino was pleased at the amount of work they've accomplished with in-kind or half off contributions.

IV. Adjournment

Mr. Redman motioned to adjourn the meeting. **Ms. Ford seconded.** The motion carried 9-0. The meeting adjourned at 8:43 PM

Minutes submitted by: Carol Mitchell

FY 17 Budget Liaisons

	SELECTMEN	FINCOM
General Government		Conron/Lemee
• Town Administrator	Mealy	Conron/Lemee
• Legal	Mealy	Conron/Lemee
• Town Clerk & Elections	Mealy	Conron/Lemee
• Finance – Assessor – Collector	Mealy	Conron/Lemee
• IT - Telephone	Mealy	Conron/Lemee
• Planning and Economic Development	Blanton	Conron/Lemee
• Inspection	Blanton	Conron/Lemee
• Misc. (BOS, Twn Rpt., Twn Mtg, etc.)	Mealy	Conron/Lemee
• Other (EmergMgt, Eng., BOH, Vet)	Mealy	Conron/Lemee
Public Safety		Redman/Slade/Perry
• Police	Pickard, Ellis	Redman/Slade/Perry
• Fire	Pickard, Ellis	Redman/Slade/Perry
• DNR	Mealy	Redman/Slade/Perry
Public Works & Facilities		Conron/Slade
• DPW	Ellis	Conron/Slade
• Snow Removal	Mealy	Conron/Slade
• Street Lights	Mealy	Conron/Slade
• Facilities Management	Mealy	Conron/Slade
Human Services	Peter/Michael	Towne
• Council on Aging	Meier	Towne

• Community Building	Meier	Towne
Culture and Recreation		LeGacy
• Library	Blanton/Meier	LeGacy
• Recreation	Meier	LeGacy
Schools		
• Bourne Public	Blanton, Meier	Conron/Mastrangelo
• UCT	Blanton, Meier	Towne
Shared Costs		
• Electric	Mealy	Conron/Slade
• Unemployment	Mealy	LeGacy/Mastrangelo
• Workman's Comp	Mealy	LeGacy/Mastrangelo
• Group Insurance (health, life, etc.)	Mealy	LeGacy/Mastrangelo
• Pension and Retirement	Mealy	LeGacy/Mastrangelo
Debt Service	Mealy	Lemee
ISWM	Pickard	Conron/Mastrangelo
Sewer	Ellis	
Capital Planning	Pickard	Redman/Mastrangelo
Long Term Plan		Mastrangelo

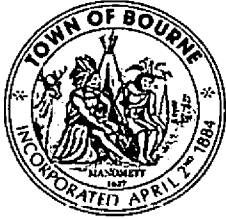
**Questionnaire for Department Heads as Part of the FinCom Budget Review
Process**

It has been proposed that the town consider a more de-centralized method of decision making with regards to expense control, generating revenue and managing resources. This could come from employees who are at the front lines of the day-to-day operations, or also citizens who use the services. This will document that departments are revisiting operations in an effort to continuously improve.

While acknowledging that Priority-Based Budgeting will be implemented sometime soon, the Finance Committee is requesting key information that will assist us in our recommendations to Town Meeting.

- 1. Please provide an organization chart for your department with 5 years of FTE's (including proposed budget) and # of personnel by each department function or position – including any vacant or unfilled positions**
- 2. Does your department have a mission statement? If so, what is it?**
- 3. Are there any goals or accomplishments that has your department has recently achieved?**
- 4. What are your department goals for FY17?**
- 5. What unique challenge(s) or event(s) has your department encountered in FY16?**
- 6. Do you expect any unique challenges or event(s) during FY 17 or beyond?**
- 7. What statistics / metrics that are listed in the Bourne's Annual Report or, what other relevant data reflects the work that is done by your Department?**
- 8. Does your department generate any revenue? If yes, please describe type of revenue, amounts and how it is used.**
- 9. List all sources of revenue that are used to offset budget line items in your department including amounts and specifics of budget line items that have been reduced.**
- 10. Are there any additional revenue generating possibilities within your department?**
- 11. Are there any expense saving possibilities that merit consideration?**
- 12. Are there any other possibilities for generating revenue or savings in areas of town that you do not supervise?**

- 13. Are there any capital projects (large equipment purchases) that would be a good long term investment or give you advantages in streamlining your department operation?**
- 14. Are there any budget line items that were requested but have not been recommended in the budget that you feel are critical to the functioning of your department? If so, what are the line items, amount needed for each and why do you feel this funding is important?**
- 15. In your judgment, what specific items or services should be included if the funding sources were available? What are the possible consequences of not funding these items or services?**
- 16. Do you have any unfilled positions this year or anticipated for next year?**



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



FY16 Reserve Fund: \$190,500.00

MEETING NOTICE

Finance Committee
Tuesday, January 19, 2016 at 7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Tuesday, January 19, 2016 at 7:00 PM at the Community Building.

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time. Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Attend Bourne Board of Selectman's Meeting – Town Administrator's FY17 Budget Message
- 3) Adjournment

Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo
January 14, 2016

2016 JAN 14 PM 10 30
TOWN CLERK'S OFFICE
BOURNE, MASS

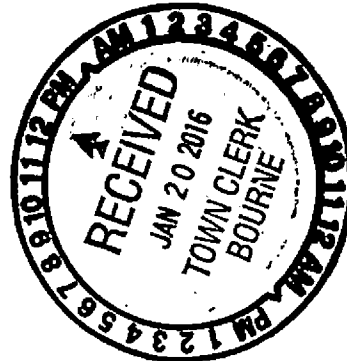
Chapman, Wendy

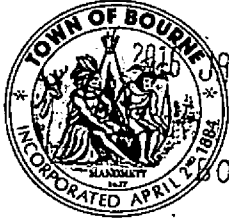
From: MJM@MRAIN.ORG
Sent: Wednesday, January 20, 2016 6:23 PM
To: Johnson, Barry; Chapman, Wendy
Cc: cmit0571@gmail.com
Subject: FinCom Meeting 1/19/16

Please be advised that the Finance Committee Meeting of 1/19/16 was not held. The meeting was not called to order due to a lack of a quorum.

Thank you,

Mary Jane Mastrangelo
Chair, Bourne Finance Committee





TOWN OF BOURNE

Finance Committee

CLERK'S OFFICE 24 Perry Avenue

BOURNE, MASS 02532 Buzzards Bay, MA 02532



TOWN CLERK'S OFFICE
BOURNE, MASS

FY16 Reserve Fund: \$190,500.00

MEETING NOTICE

Finance Committee

Wednesday, January 20, 2016 at 7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Wednesday, January 20, 2016 at 7:00 PM at the Community Building.

NOTE: *This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.* Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Note any absent or excused members
- 3) Reserve Fund Transfers
- 4) Approval of Minutes of Previous Meetings
- 5) STM Warrant Article Review
 - Single Stream Recycling Article
 - Land Purchase for ISWM Article
- 6) Future Meetings – Topics and Dates
- 7) Public Comment
- 8) Any other business or Comment
- 9) Adjournment

Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo
January 15, 2016

Future Meeting Topics:

Visual Budget

Priority Based Budget Process and Update

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

January 20, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on January 20, 2016. Ms. Mastrangelo announced the meeting was being recorded for television replay and asked if anyone in the audience was audio or video taping the meeting. There was not.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, Brian Lemee', George Slade, Dr. William Towne, Richard Lavoie, Karin Meehan, Kathleen LeGacy and Jeff Perry.

Finance Committee Members Excused: Judy Conron and Andrew Roth

Also Present: Jonathan Nelson, George Sala, Dan Barrett and Jim Mulvey

Documents: Agenda, Savings handout for Single Stream Project, STM Article 9 handout

III. Agenda Items

1. Reserve Fund Transfers – None

Ms. Ford informed the committee that she was on call for her job; therefore, her cell phone was turned on.

2. Approval of Minutes – Deferred

Two typos were noted. Mr. Slade suggested that future minutes be less detailed.

3. STM Warrant Article Review

- Single Stream Recycling Article
- Land Purchase for ISWM Article

Mr. Nelson, Facilities Manager, addressed the committee pertaining to Article 8 – Single Stream Recycling. Mr. Nelson provided the committee with a brief cost benefit analysis and an overview of the Single Stream / Curbside Automation project. He described how the project will help to increase the low curb recycling

rate by purchasing and assigning one 96 gallon recycling cart per household. These carts will allow the household to single stream recyclables in large quantities.

One of the project's goals is to double the amount of curbside recycling. He stated that new vehicles purchased last year are equipped to handle the carts. This new system will help to reduce the number of work place injuries and the project will allow for both trash and recycling containers at all municipal buildings to be handled in-house. Some are presently outsourced.

Mr. Nelson stated the cost of the project is just under \$1.1 million dollars; most of which will be spent on the carts. It will cost approximately \$4,000.00 to retrofit each of the old trash trucks and the cost to purchase containers for the town buildings is \$20,000-\$30,000 dollars. Educating the public on Single Stream will also be necessary.

Mr. Nelson referred to the Savings handout and described the various ways the project will save the Town money; i.e. reduced maintenance on vehicles, a reduction in lost time due to injury and a reduction in FTEs.

A brief discussion transpired over what materials will be allowed for disposal as either recyclables or household waste. He provided a list of prohibited recyclable items as well as a list recyclable items.

Mr. Nelson then described the automation piece of the project. He explained that the employee will now simply wheel the cart to the truck and a mechanical attachment will lift the cart and dump it into the hopper. A brief discussion transpired pertaining to pay as you throw and which cape communities participate in that program.

Dan Barrett, General Manager of ISWM, addressed the committee. He spoke of commodity pricing and its impact on recycling. He discussed the Recycling Committee's visit to the E.L. Harvey facility and encouraged committee members to visit it as well. During his visit he learned that prohibited items such as bowling balls, garden hoses, shredded paper and plastic bags wreak havoc on their equipment.

Mr. Barrett then discussed the reasoning behind the Town's decision to implement single streaming.

Mr. Sala addressed a question posed by Mr. Slade. He inquired about the possibility of adjusting the number of stops a truck makes. Mr. Sala stated another goal of project is to adjust the recycling schedule to every other week. Additionally, he explained that should the project be approved at Town Meeting, it will be implemented in June, July and August. Between now and then, the Recycling Committee will be educating the public on the program. A brief discussion transpired concerning rolling out the program; then, analyzing it to find ways to make it more efficient.

Mr. Nelson stated as the program develops, surveys will be conducted to gain input and optimize the routing schedule. A brief discussion ensued.

Mr. Nelson stated there is no longer a need to separate the recyclables; i.e., glass in one bin, paper in another, plastic in another etc. Mr. Lemee asked what will become of the old trucks. Mr. Nelson explained some are at their end of life so they were replaced with new. Mr. Sala explained that another will be converted into a bucket truck. He explained two of the newer trucks have a bigger capacity allowing for a single trip to the transfer station vs. the two trips currently being performed to discard the trash.

A brief discussion transpired pertaining to the life expectancy of the carts and what the process and cost will be to replace one should a resident require a new one.

A question was posed pertaining to some areas of town that are not reachable by a large truck. Mr. Sala explained that residents who live on a street that the truck cannot access for pick up will receive a landfill sticker for them to dispose of their own household waste.

Mr. Redman inquired about how the carts will be inventoried. Mr. Nelson explained that the carts will be barcoded once assigned to a resident. The carts will also have an RFID chip which will eventually record the activity of a particular cart. This will serve as proof of service. The carts will both be blue in color; however, the trash cart will have a black lid and the recycling cart will have a blue lid.

This project is being funded by Integrated Solid Waste Management's (ISWM) retained earnings.

With no other questions from the committee, Ms. Mastrangelo thanked Mr. Nelson and Mr. Sala.

Mr. Barrett addressed the committee and discussed Article 9 - Land Purchase for ISWM Article.

The Article is to see if the Town will authorize the Board of Selectmen to purchase 12 acres of land owned by Red Wolf Realty Trust. Mr. Barrett referred to a large map and explained to the committee that the land owned by Red Wolf Realty Trust connects to the southernmost part of the landfill. The purchased land would be designated for waste handling only; no landfilling. Depending on permitting and timing, the existing buildings and structures would be relocated to this area. Harvest Power would be relocated there as well. By relocating the existing structures and Harvest Power, additional space for landfilling would become available.

Mr. Barrett discussed the various phases of the buildout project. He referred to a scaled down version of the project on a plan to show the committee what the completed project would look like. He explained that the project can still be completed without purchasing the land; however, the land would serve as an area to store materials while Phases 6 and 7 were being completed.

A brief discussion transpired concerning going back to collecting straight solid waste. Mr. Barrett discussed the current business model, the presentation he will conduct for the voters at Town Meeting and projected revenue.

Mr. Barrett responded to a question that was asked regarding the projected revenue and if the numbers given include the Host Community Fee. He indicated it does.

A question was posed regarding how the land is zoned. Mr. Barrett stated he believes it's zoned as industrial.

Negotiations are underway for the purchase of the land. The cost is expected to be \$1.8 million dollars. A brief discussion transpired concerning the cost of the land.

Mr. Redman discussed Harvest Power and the reasons why they chose the Town's landfill for their renewable energy project; i.e., licenses and infrastructure. Adding it is entirely possible that other similar type organizations would be attracted to the landfill as well. Mr. Barrett agreed.

Mr. Lemee' discussed the project costs; i.e., moving the Recycling Center, repaving, land clearing costs and the construction of new buildings. He asked if the associated costs are built into the project; stating the project can't solely rely on the Enterprise Fund. A brief discussion transpired pertaining to the ISWM Enterprise Fund and what would happen should the fund be depleted. The discussion also included ISWM's time line for paying down its debt as well as its contract with Covanta, the company that operates the SEMASS waste-disposal incinerator in Rochester.

Mr. Barrett explained that the project is risky; however, it is all dependent upon permitting. Ms. Mastrangelo commented that the landfill is constantly changing. Mr. Barrett concurred. He stated dirt is constantly being moved because trash keeps coming in. He added that he tries to keep his employees busy by performing all of their own construction, utility work and land clearing.

Mr. Lavoie questioned who owns the abutting land to the south; Mr. Barrett believes Eversource owns the land.

Mr. Barrett briefly discussed the closing of landfills in Fall River, Southborough and Taunton transpired. Stating that soon, only Bourne's and New Bedford's landfills will be open.

With no other questions from the committee, Ms. Mastrangelo thanked Mr. Barrett for his presentation.

4. Future Meetings – Topics and Dates

The next meeting will be held on Wednesday, January 27, 2016, to discuss the FY 16 Budget Adjustment Article, a Fire Department/Ambulance Article and four Community Preservation Committee Articles. Ms. Mastrangelo will have the Warrant tracker to assign Articles to FinCom members.

The following week, the committee will meet on Monday, February 1, 2016, to discuss the three Planning Board Articles.

The following Monday, February 8, 2016, the Special Town Meeting is scheduled to be held.

Ms. Mastrangelo stated the first meeting to begin budget discussions will be on February 22, 2016.

Future Monday evening meetings will be dependent on the outcome of STM. If voters don't approve funding for the Veterans Building to open on Monday evenings, Finance Committee meetings may be held on Wednesday evenings or at another location.

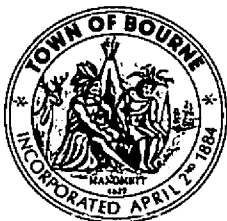
Mr. Slade inquired as to when the committee will receive the budget packet. Ms. Mastrangelo stated according to the by-law, the committee should receive it on February 1st.

Ms. Mastrangelo will let the committee members know if an additional meeting on February 17th will be scheduled. The weather may have an impact on meeting dates..

IV. Adjournment

Mr. Redman moved to adjourn the meeting. **Mr. Slade seconded.** With no discussion, the motion carried 10-0. The meeting adjourned at 8:22 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



FY16 Reserve Fund: \$190,500.00

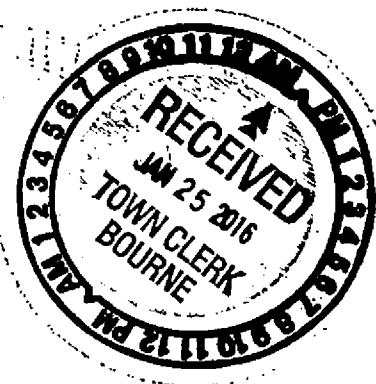
MEETING NOTICE

Finance Committee
Wednesday, January 27, 2016 at 7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Wednesday, January 27, 2016 at 7:00 PM at the Community Building.

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time. Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Note any absent or excused members
- 3) Reserve Fund Transfers
- 4) Approval of Minutes of Previous Meetings
- 5) STM Warrant Article Review
 - Article 1 CPC – Jackson Field
 - Article 2 Accept MGL Ch. 54, Section 16A
 - Article 3 Open Space Aptuxet walkway and trail
 - Article 4 CPC Civil War Soldiers and Sailors Monument
 - Article 10 – Capital – Ambulance
 - Article 11 – FY16 Budget Amendment
 - Articles 8 and 9 – Discussion – Possible Vote
- 6) Future Meetings – Topics and Dates
- 7) Public Comment
- 8) Any other business or Comment
- 9) Adjournment



Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo
January 22, 2016

Future Meeting Topics:

Visual Budget
Priority Based Budget Process and Update

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

January 27, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on January 27, 2016. Ms. Mastrangelo announced the meeting was being recorded for television replay and asked if anyone in the audience was audio or video taping the meeting. She acknowledged Carol Mitchell was audio taping the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, Brian Lemee', George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy and Jeff Perry.

Finance Committee Members Excused: Richard Lavoie, Karin Meehan and Andrew Roth.

Also Present: Thomas Guerino, Linda Marzelli, Carol Mitchell, Jonathan Nelson (7:42), George Sala, Barry Johnson, Steven Lamarche, Edward Donoghue, Donald Ellis, Richard Conron and Jim Mulvey.

Documents: Agenda, Information on Articles 1, 2, 3 and 4, Budget Amendment Breakdown, Warrant Tracker, 2016 Meeting Schedule, School Dept. Restorative Budget handout

III. Agenda Items

1. Reserve Fund Transfers – None

2. Approval of Minutes –

Mr. Redman motioned to approve the minutes of the January 13, 2016 meeting. Dr. Towne seconded. With no discussion, the motion carried 9-0.

Ms. LeGacy motioned to approve the minutes of the January 20, 2016 meeting. Dr. Towne seconded. With no discussion, the motion passed 8-0-1 with Mr. Perry abstaining.

3. STM Warrant Article Review

Article 1 CPC – Jackson Field

Mr. Donoghue and Mr. Johnson gave a brief overview of the Article. Mr. Johnson

explained that the request of \$675,000.00 is for engineering services, reconstructing and resurfacing the existing track located behind the Peebles School.

Mr. Donoghue stated this has been an ongoing project and last year CPC funds were used to analyze the track. Gale Associates was hired to survey the track and make recommendations with repairing it. The track was last resurfaced in the early 90's. The life of a track is typically 20-25 years, it's at the end of its life. He referred to the photos of the track and discussed its deteriorated condition.

He discussed the process in resurfacing the track and the timeline for completing the work. In addition to the resurfacing, the cost also includes the installation of a fence around the track as well as work on the long jump, triple jump and high jump areas. Mr. Donoghue stated the football season would most likely not be affected; however, the high school graduation ceremony would be held indoors.

The track is used by all three schools as well as many members of the community.

Mr. Donoghue addressed questions pertaining to the process in resurfacing the track and intermediate maintenance. A brief discussion transpired concerning the current condition of the track and how weather has played a role in the deterioration of the track.

Mr. Donoghue explained that Gale Associates will handle the bidding process and will oversee all phases of the project.

Selectman Don Ellis addressed the committee. He stated the track is used by many people in the community and hopes the Finance Committee will support this project.

Mr. Johnson thanked Jon Nelson, George Sala, the Recreation Department and the School Committee. Mr. Johnson explained how the project will be funded; M.G.L. Ch. 44 Section 7 (25) allows funds to be borrowed for the construction of outdoor recreational and athletic facilities to be repaid over a 15 year period.

Article 2 – Request to accept M.G.L. Ch. 54, Section 16A

Mr. Johnson explained this is a very busy time of year with the election right around the corner. He stated that annual election workers are appointed by the BOS. He prepares a list of candidates and presents it to the Town Administrator/BOS for their review and then they appoint the candidates. In the rare case that an appointed election worker is unable to meet their obligation on Election Day, the Town Administrator and at least 3 BOS members must be called to appoint a new candidate. The approval of this Article would enable Mr. Johnson to appoint a replacement candidate himself.

Article 3 – Open Space Aptucxet walkway and trail

Dr. Town recused himself; as a Trustee of the Historical Society, participating in this Article would be a conflict of interest.

Mr. Johnson stated the Article will ask the Town to accept an easement from the Bourne Historical Society, Inc. which will allow a 30' walkway to be constructed at the Lyons property connecting to the Aptucxet Trading Post facilities. Mr. Ellis provided some historic background on the property. A brief discussion ensued.

Article 4 – CPC Civil War Soldiers and Sailors Monument

Mr. Johnson and Mr. Conron presented to the committee an explanation of this project to restore the war memorial located in front of Town Hall. The monument honors soldiers who served in the American Civil War during 1861-1865 and was constructed in 1914. Several years ago, \$60,000.00 of CPC funds were allocated to restore the memorial; however, the contractor that was hired for the project was unable to complete the restoration; therefore, the funds were returned to the Community Preservation Fund.

Mr. Conron, a Vietnam Veteran and former member of the CPC, reapplied for CPC funds to restore the monument. He did some research and found three companies that restore monuments. The Historical Commission and the Veteran's Memorial Trustees were both interested in restoring the monument; so, the three companies were contacted to complete a site visit and provide an estimate. Bids were received, which include Prevailing Wage, as this is a Town owned monument. The quotes ranged from \$275,000.00-\$375,000.00. Coastal Engineering will provide the specs, then the project will go out to bid. A brief discussion transpired pertaining to the materials that will be used to restore the monument, the 69 names that are on the monument, and the estimated completion date. Mr. Ellis stated the BOS unanimously support the project and he personally supports Mr. Conron's efforts.

A discussion transpired pertaining to the current CPC fund balance for FY 16. Mr. Johnson offered the balances for all of the programs. The General Fund balance is \$1,420,828.69. The Open Space / Recreation balance available for appropriation is \$425,122.69. The Historic balance is \$0.69. Community Housing is \$0.22.

Article 10 – Capital – Ambulance

Mr. Guerino explained the Town is in a rotation of buying a larger ambulance. The replacement for the 2007 ambulance has been ordered and the BOS are asking for the 2009 ambulance to be replaced as well. A brief discussion transpired pertaining to the cost of maintaining the older models, the lifespan of the new vehicles, and the ease of maintaining the new vehicles vs. the older models.

Article 11 – FY 16 Budget Amendment

Ms. Mastrangelo stated that New Growth was higher than anticipated which will allow voters at STM to possibly amend the budget passed at the fall Town Meeting.

Mr. Guerino referred to the Amended Budget handout. He explained that Ms. Marzelli is in the process of various transfers to limit the Free Cash expenditures. A

brief discussion transpired concerning which line items of the budget are being transferred and for what purpose.

Town Administrator Salaries and Wages - Mr. Guerino explained one member of his administrative staff will be out on a long-term absence; therefore, funds that were originally allocated for the HR Coordinator position, but not used for that purpose, will be utilized to fund a part-time administrative position through the end of the fiscal year. A brief discussion ensued.

School Department Expenses - Superintendent Lamarche referred to a handout which broke down the reductions made in the School Department's budget when the override failed. He offered an explanation of eliminated services that the School Department would like to see restored should the Town vote to amend the budget at STM. A Middle School Guidance Counselor, an Elementary Health Teacher and a Circuit Breaker Liaison are among the high priority items the department would like to restore. A brief discussion concerning out of district students, the Circuit Breaker fund and the Legal fund transpired.

Snow & Ice Expenses - Mr. Guerino stated the \$150,000.00 will be used to increase the current budgeted amount of \$92,000. The goal is to reach an amount that is closer to the average amount that is typically spent on snow and ice removal. A discussion transpired concerning the cost of salt/sand, the cost and time spent to clean up the most recent storm, reimbursement from FEMA for previous storms and the ability to re-appropriate unused snow and ice funds.

Community Building Expenses - Mr. Guerino stated the funds, if appropriated, would be used to open the building 5 days per week as it once was. He hopes the Recreation Department and COA will be able to restore programs, expand services and offer other programs not affiliated with either department.

Council on Aging Salaries & Wages - A brief discussion transpired pertaining to restoring senior transportation. Mr. Guerino gave an overview of the bus driver's salary and other expenses associated with offering senior transportation. He explained that donations have been committed from various organizations for the sole purpose of restoring this service. Dr. Towne feels that soliciting donations, particularly from an entity that has a contract with the Town (Covanta), is a conflict of interest and feels it is unethical. A discussion transpired pertaining to the ethicality of soliciting donations. Mr. Guerino stated it is ethical to solicit a donation from a group or business that has a charitable arm. Dr. Towne hopes the Town will return the donated funds back to Covanta because there is now sufficient Town funds to restore the transportation service. Mr. Guerino explained why he solicited donations to keep the transportation service running. A discussion ensued.

Library Salaries and Wages / Library Expenses - Mr. Guerino stated the Library's budget was deeply impacted when the override failed. These funds will help to

maintain programs such as CLAMS and will also maintain part-time staff. A brief discussion concerning the library's accreditation transpired.

Recreation Department Expenses – These funds will be used to restore the Life Guard program at two beaches and to possibly offer scholarships for swim lessons to indigent children.

Insurances – Mr. Guerino stated the Town has an estimate of what the insurances are going to be. It looks as though there is a shortage of \$55,000 in the non-health insurance coverages; i.e., Worker's Comp., Building, etc.

Mr. Guerino then discussed the remaining items on the Budget Amendment handout; Human Resources Salaries, Fire Dept. Salaries, DNR Salaries & Wages, Unemployment Expenses, Group Insurance. The total budget amendment is \$470,711.00.

Article Amendments

Town Administrator Salaries & Wages	7,916
School Department Expenses	139,916
Snow & Ice Expenses	150,000
Community Building Expenses	18,000
Council on Aging Salaries & Wages	22,000
Library Salaries & Wages	15,000
Library Expenses	20,000
Recreation Department Expenses	4,400
Insurances	55,000
Subtotal Budget Amendments	432,232
Human Resource Salaries	(52,230)
Fire Department Salaries	115,000
DNR Salaries & Wages	(17,993)
Unemployment Expenses	(125,000)
Group Insurance	118,702
Total Budget Amendments	470,711

A discussion transpired concerning the Free Cash Analysis, the pending sale of the Coady School, the budgeted amount of New Growth, and the possibility of stockpiling salt to prepare in advance for the following year's snow removal.

Ms. Mastrangelo requested that the committee receive information on changes in the Waterways fund, the Ambulance fund and the Certified Free Cash. The Town Administrator will have that for them at the next meeting.

Ms. Ford expressed her concern about the ability to sustain the proposed budget amendments moving forward. She feels the Town made a decision when they voted against the override and does not support adjusting the budget. A discussion ensued.

Articles 8 & 9 – Deferred until next meeting.

Ms. Mastrangelo stated the BOS, by Charter, is supposed to submit the final budget to the Finance Committee by February 1st; however, they need more time in finalizing it. They will submit the budget for the Finance Committee's review on February 17, 2016. Preliminary budgets will be available to liaisons so they have information prior to meeting with department heads.

4. Future Meetings – Topics and Dates

The next meeting is scheduled for February 4, 2016 at 7:00 PM

Warrant Tracker

George Slade – Planning Articles

John Redman – Articles 8 & 9

Judy Conron – Ambulance

Mary Jane Mastrangelo – Budget

Brian Lemee' - CPC Article 4

Dr. William Town – CPC Article 2

Jeffy Perry – CPC Article 1

Kathleen LeGacy – CPC Article 3

Article 7 is contingent on Article 5

Mr. Guerino will provide a budget message at the next FinCom meeting.

5. **Public Comment** - None

6. **Any other business or comments –**

Mr. Slade suggested voting on Articles 8 & 9 rather than waiting until the next meeting.

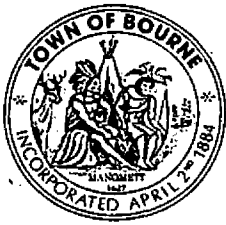
Ms. Ford moved to approve Article 8. Mr. Redman seconded. With no discussion, the motion carried 9-0.

Mr. Redman moved to approve Article 9. Ms. LeGacy seconded. With no discussion, the motion carried 9-0.

IV. Adjournment

Dr. Towne moved to adjourn the meeting. Ms. Ford seconded. With no discussion, the motion carried 9-0. The meeting adjourned at 9:20 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



FY16 Reserve Fund: \$190,500.00

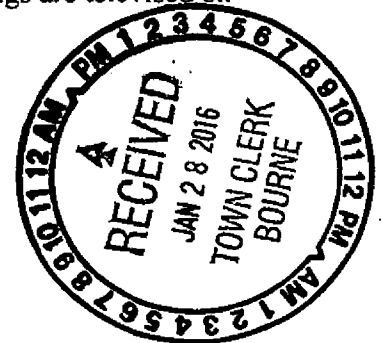
MEETING NOTICE

Finance Committee
Monday, February 1, 2016 at 7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Monday, February 1, 2016 at 7:00 PM at the Community Building.

NOTE: *This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.* Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Note any absent or excused members
- 3) Reserve Fund Transfers
- 4) Approval of Minutes of Previous Meetings
- 5) Town Administrator FY17 Budget Message
 - Revenue Estimates and Trends
 - Free Cash Analysis
 - Ambulance and Waterways Funds 5 year History and Current Balances
 - Council on Aging Donation Account – History and Current Balance
 - Recreation Revolving Account – FY15 Activity and FY16 Year to Date Activity
 - Long Term Projection
 - FY16 Year to Date Budget vs. Actual Summary Report by Department – Expenditures, Encumbered, Unencumbered
- 6) STM Warrant Article Review – Zoning Articles
 - Article 5 – Zoning – Change B2 to B3
 - Article 6 Zoning Amendment – Downtown sign regulations
 - Article 7 – Add superscript “r” to B3 and amend
- 7) STM Warrant Article Discussion, Recommendation, Vote
 - Article 1 CPC – Jackson Field
 - Article 2 Accept MGL Ch. 54, Section 16A
 - Article 3 Open Space Aptuxet walkway and trail
 - Article 4 CPC Civil War Soldiers and Sailors Monument
 - Article 10 – Capital – Ambulance
 - Article 11 – FY16 Budget Amendment
 - \$432,232 voted by Board of Selectmen
 - Additional adjustments
- 8) Future Meetings – Topics and Dates



- 9) Public Comment
- 10) Any other business or Comment
- 11) Adjournment

Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo
January 28, 2016

Future Meeting Topics:

Visual Budget

Priority Based Budget Process and Update

Johnson, Barry

From: MJM@MRAIN.C.ORG
Sent: Friday, January 29, 2016 3:48 PM
To: Chapman, Wendy; Johnson, Barry
Subject: FinCom Meeting 2/1 Cancelled

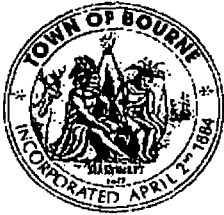
Please cancel the FinCom meeting of 2/1.

We will re-schedule and send a new agenda for posting once a new meeting date and location is determined.

MJ

Mary Jane Mastrangelo
Work 508-563-9415
Cell 508-265-4636





TOWN OF BOURNE
Finance Committee
 24 Perry Avenue
 Buzzards Bay, MA 02532



FY16 Reserve Fund: \$190,500.00

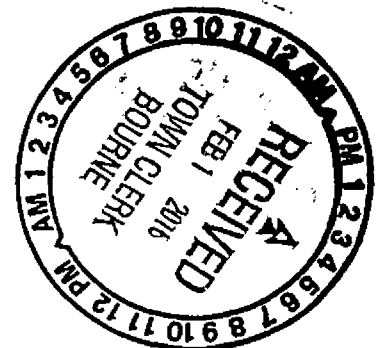
MEETING NOTICE

Finance Committee
Monday, February 4, 2016 at 7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

The Finance Committee will hold a public meeting on Monday, February 1, 2016 at 7:00 PM at the Community Building.

NOTE: This meeting is being recorded for television replay but may not be broadcast live. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time. Finance Committee meetings are televised on the local cable channel.

- 1) Call to order
- 2) Note any absent or excused members
- 3) Reserve Fund Transfers
- 4) Approval of Minutes of Previous Meetings
- 5) STM Warrant Article Review – Zoning Articles
 - Article 5 – Zoning – Change B2 to B3
 - Article 6 Zoning Amendment – Downtown sign regulations
 - Article 7 – Add superscript “r” to B3 and amend
- 6) Town Administrator FY17 Budget Message
 - Revenue Estimates and Trends
 - Free Cash Analysis
 - Ambulance and Waterways Funds 5 year History and Current Balances
 - Council on Aging Donation Account – History and Current Balance
 - Recreation Revolving Account – FY15 Activity and FY16 Year to Date Activity
 - Long Term Projection
 - FY16 Year to Date Budget vs. Actual Summary Report by Department
- 7) STM Warrant Article Discussion, Recommendation, Vote
 - Article 1 CPC – Jackson Field
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 - Article 3 Open Space Aptuxet walkway and trail
 - Article 4 CPC Civil War Soldiers and Sailors Monument
 - Article 10 – Capital – Ambulance
 - Article 11 – FY16 Budget Amendment
 - \$432,232 voted by Board of Selectmen 1/19/16
 - Additional adjustments
 - Vote Essential and Contingent Articles
 - Review STM Preparation



- 8) Future Meetings – Topics and Dates
- 9) Public Comment
- 10) Any other business or Comment
- 11) Adjournment

Residents are welcome and encouraged to attend our meetings.

Mary Jane Mastrangelo

February 1, 2016

Future Meeting Topics:

Visual Budget

Priority Based Budget Process and Update

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

February 4, 2016

2016 FEB 23 AM 9 45
TOWN CLERK'S OFFICE
BOURNE, MASS

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on February 4, 2016. Ms. Mastrangelo announced the meeting was being recorded for television replay and asked if anyone in the audience was audio or video taping the meeting. There was not.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Karin Meehan, Brian Lemee, George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy, Richard Lavoie and Jeff Perry.

Finance Committee Members Excused: Michele Ford and Andrew Roth

Also Present: Thomas Guerino, Linda Marzelli, Carol Mitchell, Coreen Moore, Chris Farrell, Arnold Carr, Peter Meier (8:10), Richard Conron and Jim Mulvey.

Documents: Agenda, Articles 5, 6, 7 and 11, Town Administrator Budget Message, Reserves Estimates & Trends, Free Cash Analysis, FY 16 Year to Date Budget, History of Waterways/Ambulance, COA Donation Account Activity and Recreation Revolving Account

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Approval of Minutes – Deferred**
3. **STM Warrant Article Review – Zoning Articles**

Article 5 – Zoning – Change B2 to B3

Coreen Moore and Chris Farrell addressed the committee. Ms. Moore explained the reason for the Article, stating that the parcel is not consistently zoned. The front is zoned B2, but the rear is zoned B3. The proposal would change the front to also be zoned as B3. She referred to a map and explained that the change would remove the single family residential component; however, residential would still be allowed under an Open Space Community; but, it would also reserve the area for business development. Additionally, the building height restriction would change. Ms. Moore

explained this is the only B3 district in the town and feels the change is a good fit for the area. A brief discussion ensued.

Ms. LeGacy expressed concern over setting a precedent for zoning to be changed in other areas of town which may have a negative impact on the community. Ms. Moore explained that a developer can approach the Planning Board with any request; however, the Planning Board would determine if the request is conducive to that area and either approve or deny the request. A brief discussion transpired pertaining to traffic mitigation and the types of businesses that qualify under B3 zoning; i.e. hotels, conference centers and restaurants.

Article 6 – Zoning Amendment – Downtown Sign Regulations

Ms. Moore explained there's currently a 6' maximum for the height of signs. The request would make the maximum 8' and would give the Design Review Committee the option to allow up to 12'. This would be approved on a case by case basis depending on the location of the business as well as other factors. A brief discussion transpired pertaining to procedures on obtaining a sign permit.

Article 7 – Add Superscript "r" to B3 and amend

Article 7 is contingent on Article 5. It would change Section 2500; adding the superscript "r" which goes with the footnote that currently says, "Except building height in B1 zoning district. Increase the allowable height by Special Permit."

This change will also allow B3 zoning to request a Special Permit to raise the building height by the Planning Board. A brief discussion ensued.

Ms. Mastrangelo entertained a motion to approve Article 5. **Dr. Towne moved to approve the Article. Mr. Lavoie seconded.** With no further discussion, the motion carried. 10-0

Ms. Mastrangelo entertained a motion to approve Article 6. **Mr. Redman moved to approve the Article. Mr. Perry seconded.** With no further discussion, the motion carried. 10-0

Ms. Mastrangelo entertained a motion to approve Article 7. **Mr. Redman moved to approve the Article. Mr. Lavoie seconded.** With no further discussion, the motion carried. 10-0

Ms. Mastrangelo thanked Ms. Moore and Mr. Farrell for their presentation.

Ms. Mastrangelo noted a correction in Article 6.

4. Town Administrator FY 17 Budget Message

Mr. Guerino provided the committee with a Budget Message hand out. Ms. Mastrangelo asked Mr. Guerino and/or Ms. Marzelli for their input on the following.

Revenue Estimates and Trends – Ms. Marzelli explained that both the FY 17 state aid and local receipts will be similar to FY 15. New Growth has been increased to \$400,000. A discussion pertaining to local receipts, the initial Cherry Sheet estimates, the Tech School budget estimate, the Fire Dept. budget, gasoline bids and the Regional Transit Authority / MBTA assessment transpired.

Free Cash Analysis – Ms. Marzelli provided the committee with a Free Cash Analysis handout.

Mr. Guerino explained the Town anticipates the closing on the sale of the Coady School property will be scheduled in the next couple of months. Ms. Marzelli briefly explained the figures for tax title sales, the estimated revenues/expenditures, energy credits and other miscellaneous revenue.

Ambulance and Waterways Funds 5 year History and Current Balances – Ms. Marzelli offered a brief explanation of the Ambulance/Waterways handout. A discussion transpired pertaining to how some of the Waterways funds were used in the past; i.e., dredging, repowering boats, etc.

Ms. Marzelli explained that the Ambulance fund has shown an increase over the last several years. She offered a breakdown of the funds used toward the Operating Budget, Expenses and Revenues received. A brief discussion ensued.

Council On Aging Donation Account – History and Current Balance

Ms. Marzelli explained how the account is administrated; adding, that some donations may be specified by the donor for a specific program. A brief discussion transpired pertaining to donations made to the Friends and how those funds are dispersed. Ms. Marzelli stated the COA Donation Account and the Friends Account are separate. The Friends decide where their donations received will be allocated.

Recreation Revolving Account – FY 15 Activity and FY 16 YTD Activity –

Ms. Marzelli referred to a handout she provided. A brief discussion transpired pertaining to the department's salaries. Ms. Mastrangelo would like information relating to how much of the salaries are paid from Revolving Funds and how much are paid through the General Budget.

Long Term Projection - Deferred

FY 16 YTD Budget vs. Actual Summary Report by Department –

A brief discussion transpired pertaining to the report and the ability to shift funds to various line items in the budget.

5. STM Warrant Article Discussion, Recommendation, Vote

Article 1 CPC - Jackson Field

- Ms. Mastrangelo entertained a motion for this Article. **Mr. Redman moved to approve the Article. Ms. Conron seconded.** With no discussion, the motion carried. 10-0.

Article 2 - Accept MGL Ch. 54, Section 16A

Ms. Mastrangelo offered a brief explanation of the Article. With no discussion, **Mr. Redman moved to approve the Article. Mr. Slade seconded.** The motion carried. 10-0.

Article 3 – Open Space Aptuxet walkway and trail

Mr. Redman moved to approve the Article. Mr. Lemee' seconded. With no further discussion, the motion passed 9-0-0. Dr. Towne recused himself.

Article 4 – CPC Civil War Soldiers and Sailors Monument

Mr. Redman moved to approve the Article. Ms. Conron seconded. With no discussion, the motion carried 10-0.

Article 10 – Capital – Ambulance

Mr. Redman moved to approve the Article. Ms. Conron seconded. After a brief discussion pertaining to when new vehicles are paid for; i.e., at time of ordering or C.O.D., the motion carried 10-0.

Article 11 – FY 16 Budget Amendment

There was a significant amount of discussion pertaining to this Article at the last Board of Selectmen meeting. The BOS voted \$432,232 at their 1/19/16 meeting. That has since been amended. A decision was made to defer the vote on Snow and Ice funds as well as other budgets that may show a deficit, until the May Town Meeting.

A brief discussion transpired pertaining to the repurposing of funds that were already appropriated to replenish other department's budgets.

Ms. Mastrangelo asked Mr. Guerino to draft a list of cuts that were implemented after the override failed. She'd like to explain to voters where funds are coming from to restore some of the services that had been eliminated. A discussion ensued.

Arnold Carr, of Monument Beach, addressed the committee. He stated there's a lot of confusion in the community pertaining to the budget and feels a clear explanation will help to alleviate the confusion.

Mr. Redman moved to approve Article 11. Mr. Lavoie seconded. After a brief discussion, the motion passed 8-2 with Ms. LeGacy and Dr. Towne voting no.

Dr. Towne offered a brief explanation as to why he voted no.

A brief discussion transpired pertaining to how members of the BOS voted on this Article.

Vote Essential and Contingent Articles –

Ms. Mastrangelo attended a pre Town Meeting earlier that day. She explained that the essential Articles are 8, 9 and 11. These Articles will be voted on at the beginning of the meeting to be sure they're covered.

Ms. Mastrangelo entertained a motion to make Articles 8, 9 and 11 essential.

Mr. Redman moved to make Articles 8, 9 and 11 essential. Mr. Lavoie seconded. The motion carried 10-0.

Article 7 is contingent on 5. In the lottery, if Article 7 is drawn, Article 5 will be heard first.

Review STM Preparation –

Work is still being done on motions. Ms. Mastrangelo will bring two copies of each motion to the Special Town Meeting.

For the Planning Board Articles, the moderator will recognize the Planning Board, who will make the motion, Mr. Redman will second their motion and they will give their report. They will then recognize the Finance Committee for comment.

Ms. Mastrangelo asked the committee members for their verbal comments as soon as possible.

6. Future Meetings – Topics and Dates

The next meeting is at 6:15 PM in the Professional Library on February 16, 2016, just prior to the Special Town Meeting.

(The Special Town Meeting was originally scheduled for 2/8/16, but was rescheduled due to inclement weather)

A brief discussion transpired pertaining to changing the FinCom meeting from 2/17/16 to 2/18/16. Mr. Guerino stated he would not be able to attend on 2/18/16.

A question was raised as to when the committee would be receiving the budget books. Mr. Guerino stated the committee will receive the books on 2/16/16. Draft budgets will be available to liaisons who decide to meet with their assigned department heads prior to receiving the budget book.

A brief discussion regarding the opening of the Recreation Building on Monday, February 22, 2016, transpired. This is contingent on whether Article 11 passes at STM.

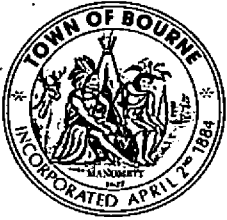
7. **Public Comment** – None

8. **Any other Business or Comment** – None

IV. Adjournment

Mr. Redman moved to adjourn the meeting. **Dr. Towne** seconded. With no discussion, the motion carried 10-0. The meeting adjourned at 8:24 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



The Reserve Fund balance \$190,500

MEETING NOTICE

The Finance Committee will hold a public meeting on **Monday February 8, 2016 at 6:15 PM** at the Bourne High School Professional Library.

1. Reserve Fund Transfers
2. Discuss and vote STM Articles as needed
3. Distribution of Motions/Verbal Comments
4. TA Comment (for informational purposes only)
5. Selectmen Comment (for informational purposes only)
6. Finance Committee Comment (for informational purposes only)
7. Public Comment (for informational purposes only)
8. Future agenda items and Meeting Schedule
9. Recess to move to Auditorium stage for Special Town Meeting
10. Adjourn

2016 FEB 8 PM 11 12
TOWN CLERK'S OFFICE
BOURNE, MASS
4
845

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
February 4, 2016

Johnson, Barry

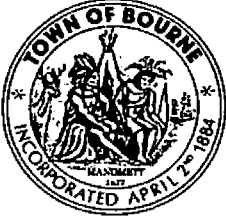
From: MJM@MRAIN.ORG
Sent: Thursday, February 4, 2016 10:42 AM
To: Chapman, Wendy; Johnson, Barry
Cc: cmit0571@gmail.com
Subject: FinCom Meeting Monday 2/8/16 Agenda
Attachments: 020816 FinCom_Agenda.doc

Attached please find the FinCom Meeting Agenda for 2/8/16.

Please post and let me know if you will be posting on the website or if I need to contact Carol Mitchell to do so.

Thanks,

MJ



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



The Reserve Fund balance \$190,500

2016 FEB 11 AM 8 35

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

The Finance Committee will hold a public meeting on **Tuesday February 16, 2016 at 6:15 PM** at the Bourne High School Professional Library.

1. Reserve Fund Transfers
2. Discuss and vote STM Articles as needed
3. Distribution of Motions/Verbal Comments
4. Other Business
5. TA Comment (for informational purposes only)
6. Selectmen Comment (for informational purposes only)
7. Finance Committee Comment (for informational purposes only)
8. Public Comment (for informational purposes only)
9. Future agenda items and Meeting Schedule
10. Recess to move to Auditorium stage for Special Town Meeting
11. Adjourn

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Mary Jane Mastrangelo
February 11, 2016

2016 FEB 23 AM 9 45
TOWN CLERK'S OFFICE
BOURNE, MASS

**Town of Bourne Finance Committee
Meeting Minutes**

Bourne High School Professional Library

75 Waterhouse Rd Bourne, MA 02532

February 16, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 6:15 PM on February 16, 2016.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford (6:50 PM), Brian Lemee', Judy Conron, Jeff Perry, George Slade, Dr. William Towne, Richard Lavoie (6:50 PM), Kathleen LeGacy (6:37 PM) and Karin Meehan (6:24 PM).

Finance Committee Members Excused: Andrew Roth.

Also Present: Carol Mitchell and Richard Conron (6:20 PM).

Documents: Agenda and Motions/Verbal Comments.

III. Agenda Items

1. **Reserve Fund Transfers** - None
2. **Discuss and Vote STM Articles as needed** - There was no discussion needed.
3. **Distribution of Motions/Verbal Comments** – The committee members received their official motions and verbal comments.
4. **Other Business** – None
5. **TA Comment** – None
6. **Selectmen Comment** - None
7. **Finance Committee Comment** – Mr. Slade opened a discussion pertaining to Article 5, the Zoning Article. The committee discussed the need to generate additional revenue for the town as well as the types of businesses that may be interested in the property listed in the Article once it's changed to B3 zoning. The committee also discussed traffic mitigation.
8. **Public Comment** – None

9. **Future Agenda Items and Meeting Schedule** – Ms. Mastrangelo explained that if Article 11 passes, the Finance Committee will meet at the Community Building on February 22, 2016. If the Article doesn't pass, future FinCom meetings will be held at a different location and will be videotaped instead of being broadcast live. In mid-March, the High School Library will be set up for live broadcasting and FinCom meetings will be held there.

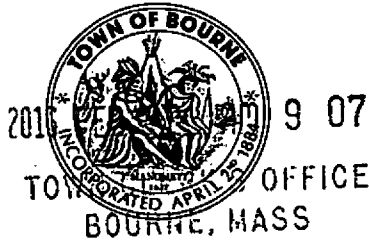
A brief discussion transpired pertaining to the rescheduling of the STM from February 8th to February 16th.

The Finance Committee meeting recessed to STM at 6:35 PM.

IV. Adjournment

Mr. Redman motioned to adjourn the meeting. Dr. Towne seconded. With no discussion, the motion carried 11-0. The meeting adjourned at 9:16 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee

Wednesday, February 17, 2016

7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Wednesday February 17, 2016 at 7:00 PM at the Community Building.

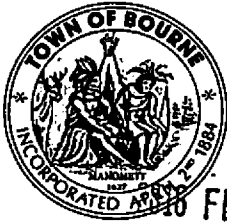
1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Dept. of Natural Resources Budget
 - Town Administrator Budget
 - Administrative/Town Hall Budgets
4. Minutes of previous meetings
5. Future Meetings – Topics and Schedule
6. TA Comment (for informational purposes only)
7. Selectmen Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

2016 FEB 12 PM 9 08
TOWN CLERK'S OFFICE
BOURNE, MASS

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
February 11, 2016



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



FEB 12 AM 9 07
TOWN CLERK'S OFFICE

BOURNE, MA 2016 MEETING SCHEDULE – Draft 02/11/16

Date	Topic	Location
Mon. 2/1	STM Preparation, Budget Message, Revenue Estimates, Fund Balances, Long Term Plan	Community Building
Mon. 2/8	Special Town Meeting	BHS
Tues.	Special Town Meeting	BHS
Wed. Feb 17	Review TA/Admin/Town Hall, DNR	Community Building
February 22/24	Review Police, Finance, Non-Electricity Shared Costs	
February 29/March 2	Library; Recreation , Council on Aging, Health Department	
March 7/ 9	Fire, ISWM; Sewer Department;	
March 14	Bourne School Department, UCT School District	
March 21	Community Building; DPW; Facilities; Electricity Shared Costs	
March 28	Planning Budget and Articles, Town Clerk; All other budgets; Capital Budget; warrant article review	
April 4	Warrant article review	
April 11	CPC articles; Warrant article review	
April 26	Revenue review (Sources & Uses); Budget public hearing; vote essential articles	
May 2	Town Meeting	High School

Key dates:

February 15 – President's Day – no meeting

February __ – ATM filing deadline (75 days before ATM)

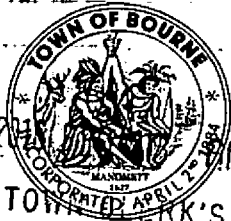
March __ – STM filing deadline (45 days before STM)

April __ - FinCom Report due

April 18 – Patriot's Day – no meeting

April TBD – written comments due

April TBD – verbal comments due to



TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, February 22, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Monday February 22, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Police Department Budget
 - Finance Department Budget
 - Non-Electricity Shared Costs
4. Minutes of previous meetings
5. Future Meetings – Topics and Schedule
6. TA Comment (for informational purposes only)
7. Selectmen Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

2016 FEB 18 AM 7 40
TOWN CLERK'S OFFICE
BOURNE, MASS

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
February 17, 2016

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

February 22, 2016

2016 MAR 8 AM 9 32
TOWN CLERK'S OFFICE
BOURNE, MASS

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on February 22, 2016. Ms. Mastrangelo announced the meeting was being recorded for television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch of the Enterprise and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Karin Meehan, George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy, Brian Lemee, Richard Lavoie and Jeff Perry.

Finance Committee Members Excused: Michele Ford

Finance Committee Members Absent: Andrew Roth

Also Present: Thomas Guerino, Linda Marzelli, Dennis Woodside, Peter Meier, Michael Rausch and Carol Mitchell.

Documents: Agenda, 2017 Proposed Op Budget Book, 2016/2017 Sources and Uses and the 2017 Town Budget.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Review and discuss FY 17 Budgets -**

- Police Department Budget-

Chief Woodside addressed the committee. He welcomed questions from the committee pertaining to the department's budget; explaining that there was little to no change from last year's budget. Any increases are almost all contractual.

A discussion pertaining to the department's staffing levels and its impact on overtime transpired. Chief Woodside explained there are currently four vacancies; candidates are going to the April 11th academy. Additionally, a long-time detective retired; and, an officer is out on injury. The chief explained that the budgeted

overtime will remain consistent; adding that the bulk of the overtime is supervisor overtime because a supervisor is required 24/7. Other overtime is for training and court overtime. He stated that the Family Medical Leave Act also has also impacted overtime. A discussion ensued.

A question was posed pertaining to longevity. The chief explained that after 10 years of service, an individual qualifies for longevity.

A brief discussion pertaining to the amount budgeted for gasoline transpired.

A question was asked regarding revenue generated from tickets; i.e., parking, speeding. Chief Woodside explained that the Police Department is not a revenue generating department. There is revenue, but it's not intended. He went on to explain the various sources of revenue; i.e., detail administrative fees; for every hour an officer works on a detail, there's a 10% administrative fee that the Town charges; there's a detail cruiser fee; a \$50 fee is charged for each cruiser that is requested and used at a detail. Other sources of revenue are parking violations, motor vehicle citations, firearms licensing fees, false alarm billing and report requests. All of which goes back into the General Fund.

A brief discussion pertaining to differential pay, funds received from citations, false alarms and cruiser fees transpired.

Mr. Lavoie asked for a staffing breakdown. The chief provided a breakdown as follows; 1 chief, 2 lieutenants, 7 sergeants, 37 patrol officers (including detectives), 4 dispatchers, 1 janitor and 1 administrative secretary. Chief Woodside clarified that these numbers are the positions that are budgeted for. The chief provided Ms. Mastrangelo with an Organizational Chart. A discussion ensued.

A question was asked regarding the starting salary of a Police Officer (approximately \$44,000/yr). A discussion transpired pertaining to their rate of increase, educational incentives and the department's minimum manning requirements.

Questions were asked pertaining to the number of patrol cars the department has and if anyone is allowed to take their vehicle home. There are 23 vehicles total; including a pick-up truck, motorcycle, marked and unmarked cars. There are only a few who are allowed to take their vehicles home; i.e., the chief, K-9 Officer, etc.

A brief discussion regarding social media and its effectiveness in supplying information transpired.

The chief then discussed additional sources of revenue used to offset the budget. He stated the E911 Grant may be used for equipment or salaries.

Ms. Mastrangelo asked if the department has encountered any unique challenges this year. The chief stated the Police Station is a problem. Additionally, he feels overdoses will continue to be problematic.

Mr. Guerino asked the committee to look over the line items over the last several years; between his recommendations and the chief's requests, there's not a lot of room to play. He added that the chief does an excellent job with managing the department's money.

Ms. Mastrangelo asked the chief if his department has any goals or accomplishments achieved that he'd like to share. He stated the department addresses the heroin overdose calls quickly; administering Narcan has enabled them to save many lives. He also discussed the significant drop in B&E and vehicle break in calls. He added that arrests are stabilizing; however, calls for service continue to rise. A discussion ensued.

The committee thanked Chief Woodside for his presentation.

- Finance Department Budget-

Ms. Marzelli addressed the committee. She stated the Town is switching their payroll service from Excelsa to ADP. She explained the main reason for the switch is because Excelsa cannot provide assistance with the new reporting requirements pertaining to the Affordable Care Act. Excelsa recommended an outside contractor to assist with reporting; however, it was almost as costly as the payroll service itself; therefore, a decision was made to switch to ADP because they not only provide payroll service; but, they offer online services to the employees and are familiar with the Affordable Care Act reporting requirements. A brief discussion transpired pertaining to how each department will utilize the payroll service as well as the cost associated with switching to the new service.

Ms. Mastrangelo inquired as to whether the Town will be seeking an alternate software company for general budgeting. Ms. Marzelli stated that is being considered; however, for now, only payroll has been changed. Ms. Marzelli stated there are not a lot of municipal government software choices available and the ones that are, are very expensive. A discussion ensued.

A question was raised with regard to an increase of \$20,000 in one of the salary line items. Ms. Marzelli explained that with the October layoffs, one of the lower paid employees in the Collector's Office was replaced with a more senior, higher paid employee from another office.

Next, Ms. Marzelli discussed the department's FTEs. Ms. Marzelli will provide the committee with an Organizational Chart. A discussion pertaining to currently filled positions in the Treasurer/Collector's, Assessor's and IT offices transpired. Mr.

Guerino noted that one full-time IT professional to manage a Town of Bourne's size is not sufficient. A discussion ensued.

Ms. Mastrangelo inquired as to whether there are any sources of revenue that offset line items in the Finance budget. Ms. Marzelli stated that Demand and MLC (Municipal Lien Certificate) fees were increased; however, no grants are received to offset costs.

Ms. Mastrangelo asked whether the department has faced any challenges other than the payroll change over. Ms. Marzelli stated the new Affordable Care Act requirements and training newer employees, particularly in the Collector's office, has been challenging.

Ms. Mastrangelo asked if there may be any additional ways of generating revenue or if additional cost saving measures may be implemented. Ms. Marzelli stated that changing to ADP, will in the long run, be a cost saver. Mr. Guerino added that although there is no formal purchase order system in place, a new policy was initiated on January 1st, requiring approval for purchases over \$10,000.00.

A discussion surrounding the shortage of staff, particularly in the IT department transpired.

- Non-Electricity Shared Costs-

Ms. Marzelli discussed the amount budgeted for Unemployment costs. She broke down the amounts that had been budgeted in previous years (2012-2015).

Ms. Mastrangelo asked if the new payroll system will enable the committee to review not only shared costs but also benefit costs by division; benefits make up 35% of salaries. Mr. Slade agreed it would be beneficial to see the "real cost" associated with hiring an employee.

A brief discussion with regard to health care costs for retired employees transpired.

Mr. Guerino stated the Group Insurance was under funded in 2015. In an effort to save money, he stated the BOS publicly voted last week to accept Sections 21-23 of Chapter 32B, which allows for various plan design options once negotiating committees have been established. A discussion ensued.

Ms. Mastrangelo discussed a future meeting topic; stating something that was brought up at STM, was the idea of having the motion of the budget be more detailed at Town Meeting. She is considering setting up a subcommittee to explore how other towns handle this.

Mr. Guerino and Ms. Marzelli exited the meeting (8:47 PM)

3. **Minutes of previous meetings –**

Mr. Redman motioned to approve the minutes of the January 27, 2016 meeting. **Mr. Slade seconded.** With no discussion, the minutes were approved 8-0-2, with Ms. Meehan and Mr. Lavoie abstaining.

Mr. Redman motioned to approve the minutes of the February 4, 2016 meeting. **Mr. Lavoie seconded.** With no discussion, the motion carried 10-0.

Mr. Redman motioned to approve the minutes of the February 16, 2016 meeting. **Mr. Lavoie seconded.** With no discussion, the minutes were approved 9-0-1, with Ms. LeGacy abstaining.

4. **Future Meetings – Topics and Schedule –**

The next meeting is scheduled for February 29, 2016 at 7:00 PM

Library, Recreation, COA and Health Department will be presenting.

5. **TA Comment – None**

6. **Finance Committee Comment - None**

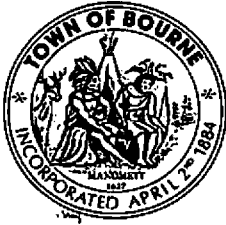
7. **Public Comment – None**

8. **Any other Business or Comment – None**

III. Adjournment

Mr. Perry moved to adjourn the meeting. **Mr. Lavoie seconded.** With no discussion, the motion carried. 10-0. The meeting adjourned at 8:50 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, February 29, 2016
7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Monday February 29, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Recreation Department Budget
 - Council on Aging Budget
 - Health Department Budget
 - Library Budget
4. Old Business - Follow-up on FY17 Budgets
 - DNR –How Waterways is applied to operating budget
 - Town Administrator Budget– FTE 5 yr. History by position /Org Chart
 - Legal Budget – summary of legal expense categories
 - Finance Dept. Budget– FTE 5 yr. History by position / Org Chart
 - Group Insurance by Groupings, Active, Retired
 - Long term projection
5. Minutes of previous meetings
6. Future Meetings – Topics and Schedule
7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

Residents are welcome and encouraged to attend our meetings.
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Mary Jane Mastrangelo
February 24, 2016

RECEIVED
2016 FEB 25 AM 7:41
TOWN CLERK BOURNE

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

February 29, 2016

RECEIVED
2016 MAR 16 AM 9:07
TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on February 29, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch of the Enterprise and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, Karin Meehan, George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy, Brian Lemee' and Jeff Perry.

Finance Committee Members Excused: John Redman and Richard Lavoie

Finance Committee Members Absent: Andrew Roth

Also Present: Thomas Guerino, Linda Marzelli, Michael Blanton (7:10 PM), Peter Meier, Patrick Marshall, Krissanne Caron, Felicity Monteiro, Terri Guarino, Kathryn Tura, Stephanie Kelly, Heather DiPaolo, Jim Mulvey (7:13 PM), Michael Rausch and Carol Mitchell.

Documents: Agenda, Long-term Financial Plan, 2017 Proposed Op Budget Book, Recreation Fact Sheet, Recreation Program Income Report, COA Folder, Value of Library handout and Finance Department FTEs.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Review and discuss FY 17 Budgets -**

- Recreation Department Budget-

Krissanne Caron, Recreation Director, addressed the committee. She distributed a Program Income Report, a Recreation Fact Sheet and a Lifeguard Fact Sheet. Beginning with the Program Income Report, she explained the various programs that the Rec. Dept. offers; i.e., soccer clinics, crafts, SWISH, swim lessons etc.; listing the fees charged for each activity, the dollar amounts that participants have paid to

date and any outstanding balances owed. She also listed the total expenses incurred explaining that it's too difficult to breakdown expenses by program because a lot of the materials are purchased in bulk; also, many of the different programs share materials. The report also reflected payroll that is covered from the Revolving Account.

Ms. Mastrangelo asked for a complete list of programs from the last fiscal year since the one being presented does not show a complete year of revenue and expenses. Ms. Caron stated she would provide the committee with FY 15's Program Income Report. A brief discussion ensued.

Ms. Caron then referred to the Recreation Fact Sheet. She explained the number of registrations received for the various programs. One of her goals is to increase registration numbers. She explained that programs are offered 6 days per week and staff schedules vary depending on the needs of the department. A brief discussion pertaining to the actual number of registrants transpired.

Ms. Caron then discussed the Community Building's schedule, the number of permits issued and the total of room reservations received. She stated that with the change in the building hours that took effect in January, Recreation is responsible for opening the building Tue/Wed/Thurs mornings and they are there until 7 PM on those nights as well.

Ms. Caron then discussed the Lifeguard Program. She is hoping to bring the program back in July. The handout offers the cost of a one beach scenario and a two beach scenario. She noted that the swim instructors will be paid from the fees that are generated. A brief discussion transpired concerning the budgeted amount for the lifeguard salaries and which beach, Monument or Sagamore, would be the best choice in a one beach scenario.

Mr. Guerino noted that the BOS voted to reinstate the program with the two beach scenario.

A discussion transpired pertaining to the line item for other supplies, a breakdown of how the Program Coordinator's salary is funded, the department head's salary, the Revolving Fund and the differences between Municipal Finance vs. Corporate Finance.

Ms. Caron thanked Ms. Marzelli for her assistance with drafting the handouts.

Mr. Guerino stated that although the building has been reopened five days, not all programs have been restored. He is hoping to be able to restore additional services.

Ms. Caron informed the committee of a Movie Night planned for Friday, March 11, 2016. The entrance fee is a pair of pajamas which will benefit the Library's PJs drive.

Ms. Mastrangelo thanked Ms. Caron for presenting.

- Council on Aging Budget-

Mr. Guerino acknowledged Ms. Monteiro and her staff for the tremendous job they've done with accommodating the needs of their clients; particularly with the budget fluctuations.

Felicity Monteiro, Council on Aging Director, addressed the committee. She submitted a folder containing information on the COA to the members. She presented an Organizational Chart displaying the chain of command as well as various existing/eliminated positions in the department. A discussion ensued.

A question was asked regarding the responsibilities of the coordinators. Ms. Monteiro stated they are licensed social workers who assist clients with housing, home visits, emergency situations, etc.

A brief discussion transpired pertaining to the eliminated Data Collector's salary line item, the Wages Hourly / Temporary Employees salary line item and the chef's salary.

Dr. Towne discussed the bus driver's salary. Ms. Monteiro stated the driver's hours have been reduced from 40 to 35.

A brief discussion concerning the Bridging the Years Program transpired.

Ms. Monteiro indicated that when transportation was reinstated, she revised the budget to include costs associated with operating the van; i.e., fuel, maintenance, etc.

A discussion pertaining to the reduction in office supplies line item transpired. Ms. Monteiro stated the department saved additional money because the lease for the department's copier will be finished and the COA will own the copier as of July 2016.

Ms. Monteiro discussed a programs appropriation of \$17,378.00. She explained this line item helps defray costs associated with the Cafe'. A discussion regarding the Cafe' and the different programs it offers transpired.

Further discussion surrounding the department's staff eliminations occurred.

Ms. Mastrangelo asked for an explanation of the Donation Account. Ms. Monteiro explained that this account is for donations or gifts the department receives. Since the department does not charge a fee for transportation, passengers often times provide a donation for travel. All funds deposited into this account, unless specified by the donor, are used to defray the cost of the Cafe' program, COA sponsored events, mileage for the volunteer bus drivers and any emergency situations. No salaries are paid with these funds.

A question was asked with regards to the maintenance of the van. Ms. Monteiro stated the Town maintains the van.

Ms. Mastrangelo asked for Ms. Monteiro's observations with regard to which programs are most utilized. Ms. Monteiro stated there's been an increase in the exercise and educational programs.

Ms. Mastrangelo thanked Ms. Monteiro for her presentation.

- Health Department Budget -

Terri Guarino, the Health Agent, addressed the committee. She informed the committee of a significant fee increase which became effective December 1, 2015. She provided a list of services the department offers; i.e., licenses, inspections. She stated there hasn't been a fee increase for over five years. She provided a report showing money collected from licenses, permits and inspections.

A brief discussion pertaining to the Health Department's FTEs and Step increases transpired.

Ms. Guarino discussed her department's mission statement and future goals she'd like to achieve; i.e., adopting new BOH regulations, amending old regulations and addressing wastewater issues. She'd like to offer additional programs which would generate additional revenue such as rental housing programs, food safety courses, allergen awareness and choke safety; adding that there are grant opportunities also available. These changes would require additional staff and licensure to have effective programs.

She discussed capital projects stating that most of the equipment the department uses is 20-30 years old. She stated a data logger for ground water monitoring wells is something she'd like to obtain. New surveying equipment would also be helpful as would iPads and digital cameras.

Mr. Guerino noted that Ms. Guarino's level of cooperation with the Fire and Engineering Departments as well as with the Building Inspector has been exceptional.

A brief discussion with regard to Rabies Response, water quality and the department's antiquated equipment transpired. Mr. Lemee' suggested Ms. Guarino submit a request to the Capital Outlay Committee to possibly obtain/replace some items.

Ms. Mastrangelo thanked Ms. Guarino for her presentation.

- Library Budget -

Patrick Marshall, Library Director, addressed the committee. He introduced a few members of the Library Board of Trustees who were in attendance.

Mr. Marshall provided a handout which reflected the fiscal year value of the library. He discussed the number of adult books borrowed, the library's value in services and its return on investment.

Mr. Marshall then discussed the next long-range plan of the library; additionally, he discussed the increase in the number of e-books circulated, the fact that the Bourne Library is a net borrower and is a certified library; allowing members to utilize 340 libraries throughout the state.

Mr. Marshall discussed the number of people who visit the library on a yearly basis and which months are the busiest. A brief discussion pertaining to the library's staffing transpired.

Mr. Marshall then discussed the requirements for being a certified library and how the town's population has an impact on the certification requirements.

Mr. Guerino discussed the library's budget cuts and the actual impact on the services offered. He stated the BOS have voted to restore approximately 70% of the initial reduction in order to maintain the library's certification and the services it offers. A discussion ensued.

A brief discussion concerning state aid, how those funds are utilized and the municipal appropriation requirement transpired.

Ms. Conron exited the meeting (9:00 PM).

Mr. Marshall briefly discussed the department's FTEs and their salaries. He discussed how staff reductions have impacted the department's ability to offer grant funded educational programs.

Mr. Marshall discussed the pajama drive the library is sponsoring to benefit the Cradles to Crayons organization.

Mr. Meier addressed the committee. He discussed the importance of funding the library; adding that the entire community benefits from its services. He would like to see the library receive additional funding in the future when possible.

Ms. Mastrangelo thanked Mr. Meier for his input and Mr. Marshall for presenting.

3. Old Business – Follow-up on FY 17 Budgets

DNR – How Waterways is applied to operating budget – Mr. Guerino asked to defer this discussion to a later date.

Town Administrator Budget – FTE 5 yr. history by position / Org. Chart – Mr. Guerino expects to have the Org. Chart to the committee in two weeks.

Legal Budget – Summary of legal expense categories – Ms. Mastrangelo stated Town Counsel has requested this be discussed in a joint meeting with the BOS which will be held on Tuesday, March 16, 2016 at 6:30 PM.

Finance Dept. Budget – FTE 5 yr. history by position / Org. Chart – Ms. Marzelli provided the committee with the Finance Department's Organization Chart. A brief discussion ensued.

Mr. Perry exited the meeting (9:27 PM)

Group Insurance by Groupings, Active, Retired - Deferred

Long-term Projection – This topic is slated for discussion at the March 7th meeting. Ms. Marzelli will distribute documentation to the committee in advance of the meeting.

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the February 22, 2016 meeting, noting one date correction. **Ms. LeGacy moved approval of the corrected minutes of the February 22, 2016 meeting. Dr. Towne seconded.** With no further discussion, the minutes were approved 6-0-1, with Ms. Ford abstaining.

5. Future Meetings – Topics and Schedule –

The next meeting is scheduled for March 7, 2016 at 7:00 PM

Sewer Department, Fire Department, Capital Outlay, Long-term Plan, and Debt Service will be discussed.

6. TA Comment – None

7. Finance Committee Comment - None

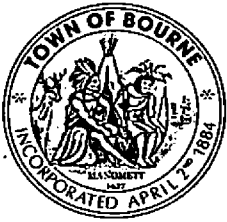
8. Public Comment – None

9. Any other Business or Comment – None

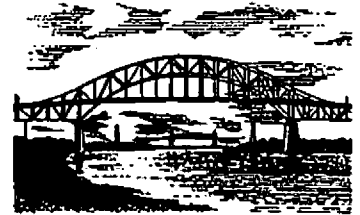
III. Adjournment

Ms. Ford moved to adjourn the meeting. Mr. Slade seconded. With no discussion, the motion carried. 7-0. The meeting adjourned at 9:30 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, March 7, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Monday March 7, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Fire Department Budget
 - Sewer Department Budget
 - Debt Service Budget
4. Old Business - Follow-up on FY17 Budgets
 - Long term projection
 - Group Insurance by Divisions, Active, Retired
 - Revolving Funds - Review
 - Other budget follow up questions
5. Minutes of previous meetings
6. Future Meetings – Topics and Schedule
7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

2016 MAR 3 PM 2 02
TOWN CLERK'S OFFICE
BOURNE, MASS

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 3, 2016

Future Agenda items:

- Town Administrator Budget– FTE 5 yr. History by position /Org Chart 3/14/16
- Legal Budget – Joint Meeting Board of Selectmen 3/15/16
- DNR –How Waterways is applied to operating budget

Town of Bourne Finance Committee
Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

March 7, 2016

RECEIVED

2016 MAR 25 AM 9:15

TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:04 PM on March 7, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Carol Mitchell was recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy, Brian Lemee', Richard Lavoie and Jeff Perry.

Finance Committee Members Excused: John Redman, Michele Ford, Andy Roth and Karin Meehan

Also Present: Thomas Guerino, Linda Marzelli, Deputy Chief Pelonzi, Chief Sylvester, Peter Meier, Michael Blanton (7:20 PM), Deputy Chief Carrara, Jim Mulvey, Carol Mitchell

Documents: Agenda, 2017 Proposed Op Budget Book, Debt Service handout, Long-term Financial Projections and Revolving Funds handout.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Review and discuss FY 17 Budgets -**

- Fire Department Budget-

Chief Sylvester, Deputy Chief Carrara and Deputy Chief Pelonzi addressed the committee. Chief Sylvester opened the discussion by answering some of the questions that were presented to him by the FinCom liaisons when they met several days prior. He explained that the Bourne Fire Department has 45 employees; 1 chief, 4 deputies, 8 lieutenants, 32 fire fighters and 1 administrative assistant. There are also 12 call members who get paid per call. He discussed the efficiency of the department which has quickened response times and call turnovers; resulting in a decreased amount of overtime. He then discussed the number of calls the department received last year (4,929) and broke down how many were fire related and how many were EMS.

A goal of the chief's is to move the headquarters from Buzzards Bay to Sagamore. He feels the Sagamore station is more accessible because it has an elevator. Another goal for FY 17 is to consolidate stations; several of the stations are older, requiring many repairs.

Chief Sylvester stated he is extremely proud of his members and briefly discussed their responsibilities. He then discussed how the department generates revenue; i.e., ambulance, permit fees and collections; which all go into the General Fund. He is looking to generate additional revenue by billing for Hazmat incidents, boat fires, dropped battery clean ups, and possibly motor vehicles crashes; to help recover some of the time/money spent on supplies and man power.

He'd like to streamline the operation; electronically issuing permits, commercial inspections, etc.

He discussed Capital projects; i.e., a new fire truck (one was out of service; in need of repair), a new command vehicle and AEDs.

Next, the chief discussed the 3 vacant SAFER Grant positions; which will be filled by July 1st. The department also has one person out with a long-term injury.

Chief Sylvester then discussed the department's budget. He explained the various line item increases/decreases; i.e., EMS supplies and overtime. He also consolidated some of the smaller line items. A brief discussion ensued.

A discussion pertaining to the Dispatch line item, the Capital Outlay requests, the merging of the fire departments, service calls received and mutual aid transpired.

Chief Sylvester discussed a pilot program that was recently implemented; a select group of students from Mass Maritime Academy are currently receiving training to become Call Firefighters. A discussion pertaining to the program transpired.

A question was posed regarding the reduction in the amount budgeted for overtime. The chief explained that once the SAFER Grant positions are filled, less overtime will be required. He stated that is subject to change based on unforeseen emergencies. A discussion ensued.

Further discussion pertaining to the SAFER Grant funds occurred. The chief explained how the funds may be utilized and the process in which the department receives reimbursement once grant funds have been disbursed. Ms. Mastrangelo asked for clarification on unexpended SAFER Grant funds; will they be lost? The chief will research this and will report his findings back to the committee.

Ms. Mastrangelo asked the chief for an Organizational Chart. A discussion transpired with regard to salary line items and filled/unfilled positions. A question was asked as to whether or not a targeted override would be considered to fund some or all of the 8 grant funded firefighter positions. Mr. Guerino stated as FY 18

drawers closer, it may be a discussion for the next budget season. Ms. Mastrangelo added, if the grant isn't renewed, a targeted override may be a strategy to consider in an effort to retain some or all of the grant funded positions.

A brief discussion pertaining to the Supervisors salary line item transpired.

Further discussion with regard to the MMA pilot program occurred.

Mr. Mulvey addressed the committee. He stated he is favorably impressed with the department as a whole and the chief. He discussed the capital request to replace a fire truck and questioned if the replacement was necessary. Chief Sylvester stated the mechanic has yet to look at the out of service fire truck. If it can be repaired; it will be; however, the truck is over twenty years old and will need to be replaced.

Mr. Mulvey asked about the cost of training new hires. Chief Sylvester stated some of the candidates already have the training, which will save money.

Mr. Mulvey asked about the cost of training the MMA Call Firefighters and if it's a liability having them in the field. Chief Sylvester stated he won't allow any of the MMA recruits to work in the field until they've finished the training and are certified; adding, that because the Town is part of the Barnstable County Fire/Rescue Training Academy, the training is free. He stated there will be costs for uniforms, gear, pagers, etc.; but, through attrition and other means, he feels he'll be able to provide the necessary equipment relatively inexpensively; adding, that this program is a cost effective way of getting him the staff he needs.

A brief discussion pertaining to the dispatch transpired.

Ms. Mastrangelo thanked the chief and deputy chiefs for their presentation.

- Sewer Department Budget-

Mr. Guerino spoke on behalf of the Sewer Department. He discussed how the department is staffed and explained the department head's and administrative secretary's salaries; both are split between two different departments in the budget. There is one additional full-time person in the Sewer Department. He is continuing his education and receiving numerous certifications with the anticipation that he'll take over the manager role as that position will become vacant within a year. A brief discussion pertaining to salaries, overtime and sick time transpired.

Mr. Guerino explained the increase in the Services/Waste Removal and Disposal line item. He stated the amount listed is an estimate that will be paid to the Town of Wareham for the operation and transmission of waste to the facility. Mr. Guerino stated the Town is not confident in the numbers being received from Wareham. There are questions with regard to the amounts being billed; therefore, the bill has been encumbered. The consulting firm, Weston and Sampson, is in the process of evaluating the formula that was utilized when drafting the Inter-Municipal

Agreement in an effort to verify the invoiced amount is accurate. At some point in the future, the Town will meet with the Wareham Sewer Commissioners to discuss Weston and Sampson's findings. Ms. LeGacy asked how long the investigation has been ongoing and when does he anticipate a resolution. She recalled concerns regarding this budget over the past several years. Mr. Guerino replied that the concerns raised over the last couple of years have been fairly well satisfied; it's this year's increase that have raised bigger concerns. The Town is trying to calculate how much of the 19. + % increase in Capital should actually be billed to Bourne since they only have 3 pump stations. A discussion pertaining to the Town's oversight of the process, the possibility of an independent audit being conducted and the areas of town that has sewers transpired.

A discussion concerning capital replacement equipment occurred.

- Debt Service Budget -

Ms. Mastrangelo referred to the Other Debt Services section of the FY 17 Budget Book. She explained that she previously emailed the members documentation that reflects some of what has transpired relating to Debt Service over the last year; i.e., the principal long-term debt increased from \$2.3 million to \$3.3 million, the interest long-term debt increased from \$495,000 to \$867,000, the short-term bands went down; however, overall this section of the budget saw a 31% increase. She noted the long-term debt increased \$1.4 million, the exempt portion of that was \$520,000, but the portion of the Debt Service that's covered by the General Fund was an increase of \$908,000. She stated these increases have prompted a discussion in Capital Outlay as to how the borrowing is timed, how much borrowing the Town should be doing and what the impact of borrowing will be; especially in terms of the General Fund. Ms. Marzelli offered an explanation of the increases. A discussion ensued.

3. Old Business – Follow-up on FY 17 Budgets

Long-term Projection -

Ms. Marzelli distributed a draft document for the members to review. A brief discussion pertaining to some of the line items transpired. Ms. Mastrangelo noted that the long-term projection does not account for any turn backs or increases in revenue.

(Mr. Guerino exited the meeting at 8:40 PM).

Group Insurance by Divisions, Active, Retired -

Deferred

Revolving Funds Review -

The committee was emailed the Revolving Funds report for FY 15 and the first 6 months of FY 16. A brief discussion with regard to internal controls for spending revolving funds occurred.

Other budget follow up questions –

None

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the February 22, 2016 meeting. **Mr. Lavoie moved approval of the minutes of the February 22, 2016 meeting. Ms. LeGacy seconded.** With no further discussion, the minutes were approved 8-0.

5. Future Meetings – Topics and Schedule –

The next meeting is scheduled for March 14, 2016 at 7:00 PM

The Bourne School Department and the Upper Cape Tech budgets will be discussed.

Tuesday, March 15, 2016, at 6:30 PM will be a joint meeting with the BOS.

6. TA Comment – None

7. Finance Committee Comment - None

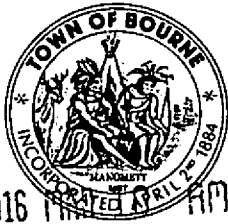
8. Public Comment – Mr. Mulvey addressed the committee and discussed two articles he read in a Wareham weekly tabloid. The articles focused on two individuals running for the Wareham Sewer Commission. Both candidates were critical of the Town of Bourne not meeting their financial obligation to the Wareham sewer service. He discussed the expenses associated with operating a sewer treatment facility and inquired as to whether there's an industry wide baseline in treating a certain amount of sewerage rather than trying to calculate the town's portion based on how many pumps were replaced or how many personnel were hired. He feels this may be worth looking into.

9. Any other Business or Comment – None

III. Adjournment

Mr. Lavoie moved to adjourn the meeting. Mr. Lemee' seconded. With no discussion, the motion carried. 8-0. The meeting adjourned at 8:57 PM.

Minutes submitted by: Carol Mitchell



2016 MAR 11 11 42 AM

TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, March 14, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Monday March 14, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Bourne School Department Budget
 - Upper Cape Tech Budget
4. Old Business - Follow-up on FY17 Budgets
 - Group Insurance by Divisions, Active, Retired
 - Other budget follow up questions
5. Minutes of previous meetings
6. Future Meetings – Topics and Schedule
7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

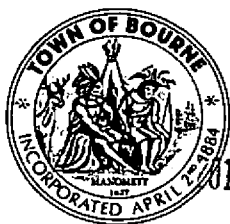
Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 9, 2016

Future Agenda items:

- Town Administrator Budget– FTE 5 yr. History by position /Org Chart 3/14/16
- Legal Budget – Joint Meeting Board of Selectmen 3/15/16
- DNR –How Waterways is applied to operating budget



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532



2016 MAR 11 11:11 AM
TOWN CLERK'S OFFICE

BOURNE, MASS **Finance Committee**

Monday, March 14, 2016

7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE – Amended

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7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

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Mary Jane Mastrangelo

March 9, 2016

Future Agenda items:

- Town Administrator Budget– FTE 5 yr. History by position /Org Chart 3/14/16
- Legal Budget – Joint Meeting Board of Selectmen 3/15/16
- DNR –How Waterways is applied to operating budget

RECEIVED

2016 APR -4 AM 9:04

TOWN CLERK BOURNE

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

March 14, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on March 14, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch of the Enterprise and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, George Slade, Dr. William Towne, Judy Conron, Kathleen LeGacy and Brian Lemee'.

Finance Committee Members Excused: John Redman, Richard Lavoie, Andy Roth, Jeff Perry and Karin Meehan.

Also Present: Thomas Guerino, Linda Marzelli, Steven Lamarche, Peter Meier, Judith Froman, Edward Donoghue, Mitch McClain, Robert Dutch, Mary Crook, Michael Rausch and Carol Mitchell.

Documents: Agenda, 2017 Proposed Op Budget Book, Bourne Public Schools handout, Upper Cape Regional Tech. Approved Budget and Slides, Determination of City/Town.

III. Agenda Items

1. **Reserve Fund Transfers** – None
2. **Review and discuss FY 17 Budgets -**

- Bourne School Department Budget-

Superintendent, Steven Lamarche, Director of Business Services, Edward Donoghue, School Committee members, Judith Froman and Mitch McClain, addressed the committee.

Mr. Lamarche referred to the handout he provided which included; the Strategic Plan, the District Improvement Plan, Budget Highlights and a detailed spreadsheet; providing a brief overview of the department's Strategic Plan. Next, he described the District Improvement Plan through 2018; explaining that this plan is specific to the

schools' guiding principles which addresses priorities in the district that need to be improved upon immediately; i.e., curriculum instruction, assessment, benchmarking the students' progress, math and science, response to intervention, partnerships with local businesses/other school districts/parents/caregivers and a new elementary school. He added, it's the District Improvement Plan that drives the budget.

He discussed the "big picture" which included the FY 16 budget, contractual obligations and the preliminary recommended budget.

Mr. Lamarche then explained how the department prioritizes the budget by identifying their needs based on the District Improvement Plan, the Strategic Plan and the needs of the students. They also assess items they may not necessarily need or can go without; these priorities are categorized in tiers.

Mr. Lamarche referred to a line graph which compared increases/decreases in various budgets over several fiscal years; i.e., Bourne Public Schools, Upper Cape Tech, General Fund Operating Budget and Shared Costs. A discussion ensued.

A brief discussion transpired pertaining to the FY 16 reductions to personnel, the FY 16 Restorative Budget and services/positions that were restored with the replenished funds.

Mr. Lamarche then explained the department's offsets; i.e., Federal/State grants, Revolving Accounts, Military Mitigation, School Choice and Circuit Breaker. Dr. Towne inquired as to whether these offsets were included in the preliminary budget or if these funds were in addition to the \$21,085,664.00 million dollar budget. Mr. Lamarche stated the offsets were in addition to. A brief discussion transpired pertaining to School Choice revenue and Military Mitigation.

Mr. Lamarche discussed cost saving initiatives and acknowledged the support of Capital Outlay, which assisted with improvements.

A discussion pertaining to the tiered budget priorities transpired. Mr. Lamarche described the most important priorities, labeled as Tier I, which includes; maintaining the Bourne Middle School Guidance Counselor, adding a SPED Teacher at Bourne High School to establish a post-secondary transition program to educate the aging special needs students, maintaining an elementary Health Teacher, add a Pre-K-4 Curriculum Director, a full-time Dropout Prevention Credit Recovery Teacher, a Learning Coach, a State Reporting Administrator, additional funding for Professional Development and accreditation funding. He then discussed the value of each priority. A discussion pertaining to the responsibilities of the State Reporting Administrator position vs. the Circuit Breaker Administrator position transpired. Dr. Towne suggested eliminating the Circuit Breaker Administrator position and shifting their responsibilities to the Director of Special Education as a cost-saving measure. A discussion ensued.

Mr. Lamarche then discussed the Tier II priorities; continuance of the Early College Experience Program, Professional Development, full-time Kindergarten Teacher, Essential Office Data Clerk and a Grounds Maintenance person. Mr. Lamarche informed the committee that other than the Early College Experience Program, none of these priorities are listed in the budget. He then discussed the value of each priority.

A discussion transpired pertaining to the FY 17 budget concessions.

Mr. Lamarche explained the Early College Experience Program. A discussion ensued. Both Mr. Lemee' and Dr. Towne commended Mr. Lamarche for offering this program.

Mr. Lamarche then discussed the per pupil expenditure. He discussed the number of enrolled students and broke down the cost associated with educating each of them. Additionally, he discussed class size and the possibility of offering full day kindergarten. A discussion pertaining to the pros and cons of offering full day kindergarten transpired.

Dr. Towne commended Mr. Lamarche for declining a pay increase for the first two years of his new contract.

Ms. Ford inquired as to the number of dropouts the district faces. Mr. Lamarche stated the number is 2-6 students per year; adding, 2 is too many.

Mr. Lamarche next referred to the Administrator Chart which detailed the number of administrator positions from 2009 to present.

Mr. Slade began a discussion pertaining to the new school building plan which led to a discussion regarding the declining population of school age children.

Ms. Mastrangelo suggested that committee members review the material that the School Building Committee is submitting pertaining to the new school building plan. She encouraged members to complete the project survey which is on on the Town of Bourne's website under the School Building Committee tab.

A brief discussion transpired pertaining to the Innovation Studio. Mr. Lamarche stated this was a Capital Outlay project which converted the traditional woodshop at the high school into an Innovation Studio. This allows all students to work on project based learning. A discussion ensued.

Ms. Mastrangelo thanked Mr. Lamarche, Mr. Donoghue, Ms. Froman and Mr. McClain for their presentation.

- Upper Cape Tech Budget-

Superintendent, Robert Dutch, and School Committee representative, Mary Crook, addressed the committee. He referred to the handout he provided and highlighted some aspects of the budget.

He discussed this year's theme; to expand the Upper Cape Tech's tradition, through collaboration, communication and community.

He discussed the budget highlights; the Foundation Budget saw an increase by 3.294%, the Bourne Assessment has increased by \$47,589.00, Chapter 70 has increased by \$20/student, enrollment increased by 19 students; however, Bourne's enrollment has decreased by 7 students, the Cape Cod Municipal Health Group has increased 9.8%.

Mr. Dutch next discussed the assessment to the Town for Operating Expenses.

A discussion pertaining to increases/decreases to the budget transpired.

Mr. Dutch discussed the school's Waste Water Treatment facility. Mr. Guerino discussed the possibility of sharing a staff member to help manage the Town's Waste Water Treatment facilities. Mr. Dutch is open to this.

Next, Mr. Dutch explained the school's revenue, transportation costs, the LPN program and Capital budgets.

Mr. Dutch gave an overview of the school's Solar Power project. A discussion ensued.

He discussed the school's enrollment and broke it down by towns. He explained; based on Bourne's enrollment, they are responsible for 27.5% of UCRT's Operating Expense. Mr. Dutch then explained how Bourne's contribution toward Capital Expenses is based on the town's total enrollment in grades 1-12.

Mr. Dutch referred to a pie chart to breakdown how the funds are utilized; i.e., 60% toward Instruction, 5% toward Administration, 4.3% toward Student Services/Operations; i.e., guidance, SPED, security, nearly 30% toward Maintenance and Fixed Charges. He discussed how increases in costs impacts the amount used toward instruction. He noted that as Fixed Costs increase; i.e., Waste Water Treatment and Health Insurance costs, there will be some give on the Instructional piece of the budget. A discussion ensued.

A discussion transpired pertaining to Minimum Contribution. He explained that although there is a decrease in student population, there is not a significant decrease in Bourne's assessment. He broke down the Required Minimum Contribution by the various towns and stated that Bourne's Required Minimum Contribution decreased by \$67,478.00; but, has the remainder of the net of UCRT's full budget. He referred to the handout which reflected the number of students, the Minimum Contribution,

the amount allocated by the Regional Agreement; the agreed amount above the Required Contribution, as well as the Town's portion for Transportation and the LPN Program. The total FY 17 assessment is \$3.3 million dollars. FY 16's assessment was \$3.259 million. The FY 17 increased assessment is \$47,589.00; which is a 1.64% increase, while the decrease in enrollment was 3.32%. He provided the committee with greater detail as to why the assessment increased even though the enrollment decreased. A discussion ensued.

Mr. Slade raised a question with regard to the school's curriculum and course elimination. Mr. Dutch explained that enrollment in a specific course as well as the success rate into the trade after graduation are both factors when discussing closing a program. He stated the school always evaluates the labor market studies for the Cape and Islands to ensure that the school meets its mission; to provide training for careers to students to allow them to stay in the communities.

A brief discussion pertaining to the Foundation Budget transpired.

Mr. Guerino asked if the school is required to provide assistive technology to meet the needs of a special needs student. Mr. Dutch stated they do. He added that their percentage of special needs students is higher than that of most districts. He attributed this to blind admissions and because many students with disabilities are good hands on learners; therefore, there's greater interest with those students.

Ms. Mastrangelo inquired as to whether or not the school has any long-range plans. Mr. Dutch explained they have a 5 year plan but does not foresee any significant growth. They've built annexes to accommodate the growing population; however, there are no plans to replace the 48 year old building, as it has been well-maintained. He discussed future courses they are considering implementing.

A discussion transpired concerning hands-on training; utilizing students while they're in their technical program and community base projects.

Ms. Mastrangelo thanked Mr. Dutch and Ms. Crook for their presentation.

3. Old Business – Follow-up on FY 17 Budgets

Group Insurance by Divisions, Active, Retired – Deferred

Other budget follow up questions – None

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the February 29, 2016 meeting. Mr. Slade moved approval of the minutes of the February 29, 2016 meeting. Ms. Conron seconded. With no discussion, the minutes were approved 7-0.

5. Future Meetings – Topics and Schedule –

Tuesday, March 15, 2016 at 6:30 PM is a joint BOS meeting.

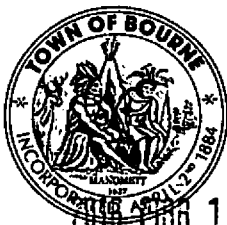
Monday, March 21, 2016 the ISWM budget will be discussed.

6. **TA Comment – None**
7. **Finance Committee Comment - None**
8. **Public Comment – none**

III. Adjournment

Dr. Towne moved to adjourn the meeting. Mr. Lemee' seconded. With no discussion, the motion carried. 7-0. The meeting adjourned at 9:02 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



TOWN CLERK'S OFFICE
BOURNE, MASS

Finance Committee

Tuesday, March 15, 2016

6:30PM

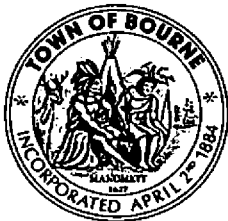
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

EXECUTIVE SESSION MEETING NOTICE

The Finance Committee will hold a joint meeting with the Board of Selectmen on Tuesday, March 15, 2016 at 6:30 PM at the Community Building.

1. Call meeting to order
2. **Executive Session:** To conduct strategy session with respect to litigation and to be briefed with the Board of Selectmen Committee regarding on-going litigation as an open meeting may have a detrimental effect on the litigation position of the public body.
3. Roll call Vote to convene in **Executive Session** for the purpose stated. The Finance Committee has no intent to reconvene in open session at the conclusion of the Executive Session.

Mary Jane Mastrangelo
March 11, 2016



TOWN OF BOURNE

Finance Committee

2016 MAR 17 AM 9:39
24 Perry Avenue
Buzzards Bay, MA 02532

TOWN CLERK BOURNE



Finance Committee
Monday, March 21, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday March 21, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - ISWM
 - Community Building
 - Facilities Management
 - Electricity Shared Costs
 - Capital Outlay FY17 Requests and Improvement Plan
4. Old Business - Follow-up Questions/Info on FY17 Budgets previously reviewed
5. Minutes of previous meetings
6. Future Meetings – Topics and Schedule
7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
9. Public Comment (for informational purposes only)
10. Adjourn

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 16, 2016

Follow Up items:

- Town Administrator Budget– FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

Town of Bourne Finance Committee

Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

March 21, 2016

RECEIVED

2016 APR 19 AM 8:44

TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on March 21, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Carol Mitchell was recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, George Slade, Dr. William Towne, Karin Meehan, Richard Lavoie, Kathleen LeGacy (7:05 PM) and Brian Lemee'.

Finance Committee Members Excused: John Redman, Andy Roth, Jeff Perry and Judy Conron.

Also Present: Thomas Guerino, Linda Marzelli, Jonathan Nelson, Peter Meier, Daniel Barrett, Jim Mulvey and Carol Mitchell.

Documents: Agenda, 2017 Proposed Op Budget Book, ISWM Org. Chart, ISWM FTE sheet, Facilities/Community Building Org. Chart & FTE handout, Electricity spreadsheet, Capital Improvement Budget, Capital Outlay Program Requests.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Review and discuss FY 17 Budgets -**

- ISWM -

ISWM General Manager, Daniel Barrett, addressed the committee. He provided an Organizational Chart and an FTE sheet to the members.

He began his presentation stating that Harvest Power has terminated the site lease and agreement it signed with the town in September 2014. Even though the agreement was terminated, he feels the process has benefited ISWM with preparing for future agreements.

He stated the site is busy and will remain that way for a couple of years; adding that because of the contracts in place, this year's guaranteed revenue is \$10.2 million dollars. Mr. Barrett then discussed the mid-year point figures. He stated the recycling markets are taking a big hit right now; he raised the single-stream price to his customers to offset the loss. He briefly touched upon C&D processing; stating there has been substantial hikes in processing fees and they're not operating to the extent that they'd like to be. Mr. Guerino inquired as to whether or not he'd have to close C&D processing as he did over last summer because they were filled to capacity. Mr. Barrett stated they have a couple of different outlets; however, it is difficult to predict what will happen. Mr. Lavoie asked if the single-stream market will impact the town's transition to single-stream recycling. Mr. Barrett stated it won't have a direct impact on the Town of Bourne; any financial impacts will be absorbed by the Enterprise Fund. A brief discussion ensued.

Mr. Barrett briefly discussed the budget. Ms. Mastrangelo noted that there were minor adjustments; one related to the adoption of the ADP system. Insurance also saw an increase.

Mr. Slade began a discussion pertaining to the timeframe for the implementation of single-stream recycling and the processing of it. Mr. Barrett stated DPW already picks up all of the recyclables and brings them to the transfer station. The only change will hopefully be an increase in the amount of recyclables processed. A brief discussion concerning the fees to transport the recyclables, and the rollout of the single-stream program transpired.

Ms. Mastrangelo inquired about the difference in the Host Community Fee as it reads in the ISWM budget vs. Sources and Uses. Ms. Marzelli explained the reason for the variance. Mr. Barrett provided an explanation of the Host Community Fee. A discussion ensued.

A brief discussion surrounding the Enterprise Fund and the benefits offered to the community because of the Enterprise Fund transpired.

Ms. Mastrangelo discussed OPEB. She feels ISWM should be contributing annually toward OPEB as part of their administrative fee. Ms. Marzelli stated she does not want to categorize their OPEB contribution as an administrative fee; but, will make sure every year it is on the Article. A discussion ensued.

A discussion transpired pertaining to the leachate and the Town's agreement with the Base. The department's budgeted positions were also discussed.

Mr. Barrett lastly discussed the additional land that was recently purchased to the south of the transfer station. He stated this additional space could potentially extend the life of the landfill out to 2034. Mr. Lemee' asked if it the closing had taken place yet. Mr. Guerino stated it won't close until at least April 4th.

Ms. Mastrangelo thanked Mr. Barrett for his presentation.

- Community Building -

Facilities Director, Jonathan Nelson, addressed the committee. He distributed an Organizational Chart, an FTE spreadsheet and an Electric Account handout.

Mr. Nelson discussed the Community Building's budget and the reduction in FTEs. He discussed overtime costs and the increase in the Natural Gas line item. He also discussed the Building Revolving Fund's balance and the Other Contracted Services line item; which is primarily for outside custodial services. A discussion with regard to the pros of using an outside custodial services company vs. keeping it in-house transpired.

Mr. Guerino stated we're coming to a time where the building, little by little, will need continual repair. It is aging; therefore, repairs beyond mechanical issues will need to be addressed.

Mr. Nelson is working on an Energy Management System with Cape Light Compact for the building. This would drive down utility costs.

A brief discussion transpired pertaining to the janitorial staff and the duties that were shifted to the Recreation Department when the Community Building Director position was eliminated.

- Facilities Management -

Mr. Nelson stated it was a busy year for the department; they worked to bring the DPW building on line. Other slated projects include; the Town Hall Monument project, the Finance Department flat roof, the generator platform at the Headquarters Fire Station, the Library roof, window restoration at the Archive Center. He stated that the town wide computer management system is also being rolled out; and is hoping to have it on line by June. This system will allow users to enter work requests for corrective maintenance and will track preventative maintenance. These will be included in the annual report for the residents to review. The system will also allow DPW to enter service requests for their vehicles and may eventually allow citizens to enter in work requests on line. Ms. Mastrangelo asked if this was a software system. Mr. Nelson stated it's a web-based service which costs \$3,000.00 annually.

Mr. Nelson then discussed the Facilities Department's Electrician position. This was reduced to a part-time status; which, benefited both the electrician and the department. The change to a part-time status will free up funds to allow for a skilled laborer position to be created. This person will perform a lot of preventative maintenance work which will free up the electrician to focus on electrical work.

One of the major projects slated for next year is to install sidewalks. An expense savings possibility is to add solar canopies for parking lots at the Public Works

Building and possibly to some of the other town buildings. A brief discussion ensued.

Mr. Nelson is researching the possibility of implementing a Demand Response Program; the Town would be paid for running stand-by generators during emergencies or peak demands on the power grid. He is also consulting with an energy broker to possibly save on electric costs.

Mr. Guerino discussed the work the Facilities Department has completed at the Police Station, in the schools and with ISWM. He stated the 2 person department has taken on a lot of duties; especially since there is no longer a custodian to contact when there's a problem. A discussion ensued.

Electricity Shared Costs –

Mr. Nelson referred to the electricity spreadsheet. He discussed the Town's Net Metering Contract. He explained the various columns on the spreadsheet; Gross Monthly Production, Total Credit Received, Calculated NMC Rate, Amt. Due NBHA, Calculated Net Monthly Production, Total Gross Revenue, PPA Rate, PPA Amt. Due and Total Net Revenue. A discussion ensued.

Ms. Mastrangelo thanked Mr. Nelson for his presentation.

Capital Outlay FY 17 Requests and Improvement Plan -

Ms. Mastrangelo supplied the committee with an updated Capital Outlay Requests sheet. She briefly discussed the Town and Schools' total requests over a five year plan and noted a \$52+ million dollar total in FY 2018 which is on the table for discussion to fund a new Police Station, the Peebles School project, and replacement for the Pocasset/Monument Beach Fire Station. Ms. LeGacy asked why there are three major construction projects planned in the same year. Ms. Mastrangelo stated they are on the plan for discussion in that year; however, it doesn't mean they are all going to impact in that year. Capital Outlay feels it's important to inform the taxpayers what they should expect. A discussion ensued.

Ms. Mastrangelo then discussed the various FY 17 Capital Improvement requests by department, which requests will be recommended for approval and how the projects will be funded.

3. Old Business – Follow-up on FY 17 Budgets

Follow-up Questions/Info on FY 17 Budgets previously reviewed – None

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the March 7, 2016 meeting. **Dr. Towne moved approval of the minutes of the March 7, 2016**

meeting. Mr. Slade seconded. With no discussion, the minutes were approved 6-0-2. Ms. Meehan and Ms. Ford abstained.

5. Future Meetings – Topics and Schedule –

Monday, March 28, 2016 at 7:00 PM.

6. TA Comment – None

7. Finance Committee Comment – None

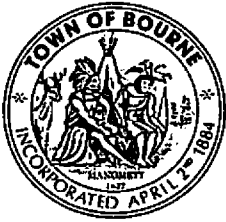
Mr. Lavoie gave a brief overview of the progress the School Building Committee is making with regard to the Peebles School project. A brief discussion ensued. A Community Forum will be held on March 31, 2016 at the Bournedale School.

8. Public Comment – none

III. Adjournment

Dr. Towne moved to adjourn the meeting. Mr. Slade seconded. With no discussion, the motion carried. 8-0. The meeting adjourned at 9:17 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, March 28, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday March 28, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budgets:
 - Planning Department
4. School Building Committee – Update on Peebles (20 – 25 minutes)
5. Review and discuss FY17 Budgets (Continued)
 - DPW
 - Town Clerk
6. Old Business - Follow-up Questions/Info on FY17 Budgets previously reviewed
7. Minutes of previous meetings
8. Future Meetings – Topics and Schedule
9. TA Comment (for informational purposes only)
10. Finance Committee Comment (for informational purposes only)
11. Public Comment (for informational purposes only)
12. Adjourn

RECEIVED
2016 MAR 24 PM 12:09
TOWN CLERK BOURNE

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 24, 2016

Follow Up items:

- Town Administrator Budget– FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

Town of Bourne Finance Committee

Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

March 28, 2016

RECEIVED

2016 APR 19 AM 8:44

TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on March 28, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. There was not.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, George Slade, Dr. William Towne, Karin Meehan, Richard Lavoie, Judy Conron, Kathleen LeGacy and Brian Lemee'

Finance Committee Members Excused: John Redman, Andy Roth and Jeff Perry

Also Present: Linda Marzelli, Peter Meier, Coreen Moore, George Sala, Michelle Freeman, Jim Potter, Joel Seeley, Kent Kovacs, Steven Lamarche,, Barry Johnson, Wendy Chapman and Jim Mulvey (7:07)

Documents: Agenda, 2017 Proposed Op Budget Book, DPW spreadsheet and handout, Town Clerk packet.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Review and discuss FY 17 Budgets -**

- Planning Department -

Coreen Moore addressed the committee. She expressed her hope in expanding the Planning Department; although that hasn't happened, quite a bit of work gets accomplished despite its staffing level.

She briefly explained some of the department's responsibilities and discussed their budget line items.

Ms. Moore then discussed the part-time person who was hired to replace her retiring assistant. She stated that he splits his time between Planning and Engineering and has also been assisting the Zoning Board of Appeals.

Ms. Mastrangelo inquired about the Planning Department's FTEs and the salary line item associated with the part-time technical person. A discussion pertaining to his responsibilities and the remaining budget line items transpired.

Ms. Moore stated that many of the departments on the upper level of Town Hall are one person departments; she often provides assistance to the public when a particular department's staff is unavailable or out of the office.

Ms. Mastrangelo asked if having one customer service person to assist all of the upstairs departments would be helpful. Ms. Moore stated there was such a person; however, that position was cut several years ago. Mr. Meier addressed the committee and discussed the possibility of hiring an individual as a shared secretary to assist some of the departments with their administrative duties.

Mr. Slade began a brief discussion concerning the Affordable Housing By-law.

Ms. Mastrangelo thanked Ms. Moore for her presentation.

- School Building Committee Update on Peebles -

Jim Potter, chairman of the School Building Committee, a 15 member committee, working with the Massachusetts School Building Authority on a feasibility study to renovate the Peebles School, addressed the committee.

Mr. Potter described the makeup of the committee, then introduced the Project Manager, Joel Seeley of SMMA and Kent Kovacs of Flansburgh Architects.

They offered a brief PowerPoint presentation on the progress of the feasibility study over the last 6 months. Mr. Seeley discussed the phases of the project and the steps taken thus far as required by the MSBA.

Mr. Seeley discussed the time line for submissions to MSBA, the School Building Committee meeting schedule and public forums that have been held.

Mr. Kovacs discussed the tasks that have been completed thus far; evaluation of the educational program, visioning workshops, evaluation of the building by architects, structural engineers, mechanical/electrical engineers, fire protection, civil engineers and landscape architects. Hazardous material was evaluated and a Phase I assessment of the site transpired. All of this resulted in 7 different options which were shared with the community and the School Building Committee. The 7 options were narrowed down to 4; however, a 5th option resulted from the last community forum.

Mr. Kovacs discussed the current layout of the Peebles School and how it plays into a new design option. Additionally, he discussed the exterior layout; poor drainage, traffic, handicapped accessibility, brick veneer, etc. Mr. Kovacs also stated that the ventilation is undersized and does not meet code in the main public spaces. He then

referred to the PowerPoint presentation which displayed snapshots of the four design options. The 5th option had not been included in the PowerPoint; however, he discussed that at the end.

Option 1A- Grades K-4, replacing Peebles with a new building. (Student enrollment in this option is 250 students).

Option 2A- PreK-4 all-district elementary school which would be located at the Bournedale Elementary School. (Student enrollment in this option is 725 students). This would leave Peebles to be repurposed/demolished.

Option 4A- New construction alternative for K-4 and an all-district 5th grade. The 5th grade that's currently in the middle school would join Peebles in the K-4.

Option 4B- Addition/renovation to the Peebles School. A large addition would be built in front of the Peebles (the 1959 addition would be removed). The school would be renovated and brought up to code.

Option 5- Create an all-district PreK-2 at Bournedale. A new grades 3-5 would be at Peebles. The middle school and high school would both be all-district schools.

Mr. Kovacs then discussed a preliminary schedule for each option and Mr. Seeley discussed the costs associated with each option and a timeline for the next steps.

Dr. Towne asked if there were preliminary figures for Option 5. Mr. Seeley stated that because it just came about, Kent and his team are in the process of designing and cost estimating that option.

Mr. Slade began a discussion pertaining to the project survey. This survey, Community Survey #1, is now closed; however, Community Survey #2 will be available sometime between April 7th and May 5th. A discussion pertaining to the survey feedback and the priority ranking transpired.

Ms. Mastrangelo advised the committee members that questions regarding the Peebles project should be forwarded to her or Mr. Lavoie. She will add this topic as a future agenda item to ensure all questions relating to the project are answered.

Ms. Mastrangelo thanked the participants for their presentation.

- DPW -

George Sala, DPW Superintendent, and Michelle Freeman, Assistant Coordinator for Finance and Contacts, addressed the committee. He provided a breakdown of DPW staff/FTEs and discussed the department's responsibilities, the cut-backs in staff it faced in 1991 and the impact those cuts have made on their workload.

Mr. Sala then discussed the department's budget; which he referred to as a bare bones budget and staff reductions.

Ms. Mastrangelo asked if all of the 26.5 FTE positions are filled. Mr. Sala stated there is one vacancy, a laborer's position.

A discussion concerning the new building, costs associated with it; i.e., water/gas bills, telephone costs etc. and the benefits that will be reaped because of the new building transpired. Mr. Sala stated there is work still being done on the new building; it is a work in progress; however, an open house will be planned toward the end of April.

A discussion pertaining to the state-of-the-art wash system, staff turn-over and a breakdown on snow & ice transpired.

Mr. Slade began a brief discussion concerning snow & ice removal and overtime pay associated with it. Mr. Lavoie began a brief discussion concerning the FY15/16 snow & ice expenditures.

Mr. Lemee' inquired about the recommended FY 17 figure for snow & ice removal. A discussion ensued.

A discussion with regard to the amount of roadway and sidewalks the DPW is required to maintain transpired.

Ms. Mastrangelo thanked Mr. Sala and Ms. Freeman for their presentation.

Town Clerk –

Barry Johnson, Town Clerk, and Wendy Chapman, Assistant Town Clerk, addressed the committee. Mr. Johnson began by stating he and Ms. Chapman both agree with the recommended budget that's listed in the Proposed FY 17 Budget Book for both the Clerk's Office and the Election Registrations budgets. Mr. Johnson thanked Ms. Marzelli for all of her assistance whenever it's been needed. He then acknowledged Ms. Chapman and her accomplishment in becoming a Certified Municipal Clerk. The board congratulated Ms. Chapman on her achievement.

Mr. Johnson next discussed the Town's year round population, the approximate number of registered voters and explained the expenditures listed in the budget are based on those two numbers. He discussed the Clerk's position and how the implementation of the Charter impacted it. Additionally, Mr. Johnson discussed the department's staffing level and stated that without the 16-18 people working for the Senior Tax Write-off Program, his department would not function. He offered a brief explanation of how the Senior Tax Write-off Program works.

Mr. Johnson then discussed the Election Registration budget. He stated this budget reflects three elections that will take place in FY 17; and because of the interest in the presidential election, he anticipates 500-1,000 new registered voters. He discussed the recommended amount for wages to hire election workers on an hourly basis. Mr. Johnson informed the committee that the last state election cost just over

\$16,000 in wages. Additionally, he explained the manner in which the ballots are processed using the GEMS system.

Ms. Mastrangelo questioned the budgeted amount in FY 16 for temporary employment election workers. A discussion pertaining the costs associated with each election and the hourly wage for the election workers transpired.

Mr. Johnson then discussed the Town's 9 election machines. He stated that the manufacturer of the AccuVote system, the system currently being used, has been discontinued. The manufacturer will continue to support the machines as long as parts are available; however, he anticipates needing to file a Capital Outlay request in FY 18 to replace all of the voting machines. A discussion ensued.

Mr. Johnson then referred to his packet which included; the functions and duties of the Town Clerk and the Town Clerk's Office, an Organizational Chart, a graph reflecting the department's revenue, a synopsis on early voting, an outline for upcoming events and the department's preliminary priority based budget.

A brief discussion transpired pertaining to the department's staffing level, their step grade, the department's revenue, the possibility of a post-election audit and their preliminary priority based budget.

Mr. Johnson requested that should an election of any kind be necessary, it be held on October 3rd, with any necessary Town Meeting follow-up on October 17th. A brief discussion ensued.

Mr. Johnson concluded the presentation informing the committee that CORD, Cape Organization for Rights of the Disabled, surveyed each polling station for ADA compliancy. A report is still pending.

Ms. Mastrangelo thanked Mr. Johnson and Ms. Chapman for their presentation.

3. Old Business – Follow-up on FY 17 Budgets

Follow-up Questions/Info on FY 17 Budgets previously reviewed – Time will be spent at the next meeting reviewing all budgets.

Ms. Conron exited the meeting (8:58 PM).

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the March 14, 2016 meeting. **Ms. Ford moved approval of the minutes of the March 14, 2016 meeting. Mr. Slade seconded.** With no discussion, the minutes were approved 7-0-1. Mr. Lavoie abstained.

5. Future Meetings – Topics and Schedule –

Monday, April 4, 2016 at 7:00 PM.

The Public Hearing will be held the week of April 11, 2016.

6. **TA Comment – None**
7. **Finance Committee Comment – None**
8. **Public Comment – None**

III. Adjournment

Mr. Lavoie moved to adjourn the meeting. Dr. Towne seconded. With no discussion, the motion carried. 8-0. The meeting adjourned at 8:58 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, April 4, 2016
7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday April 4, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Charter Review Committee Report
4. Review and discuss FY17 Budgets:
 - All other budgets
 - FY17 Budget Review and FinCom Recommendations
5. Warrant Article Review
6. Minutes of previous meetings
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
10. Public Comment (for informational purposes only)
11. Adjourn

Residents are welcome and encouraged to attend our meetings.

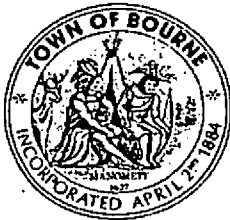
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 29, 2016

Follow Up items:

- Town Administrative Budgets – FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

RECEIVED
2016 MAR 30 PM 12:40
TOWN CLERK BOURNE



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, April 4, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday April 4, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Charter Review Committee Report
4. Review and discuss FY17 Budgets:
 - All other budgets
 - FY17 Budget Review and FinCom Recommendations
5. Warrant Article Review
6. Minutes of previous meetings
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
10. Public Comment (for informational purposes only)
11. Adjourn

Residents are welcome and encouraged to attend our meetings.

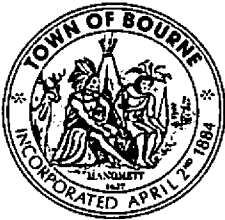
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
March 29, 2016

Follow Up items:

- Town Administrative Budgets – FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

Cancelled
Storm
per T. Ad...
RECEIVED
2016 MAR 30 PM 12:40
TOWN CLERK BOURNE
(B3)



TOWN OF BOURNE

RECEIVED Finance Committee

2016 APR -6 24 Perry Avenue
Buzzards Bay, MA 02532
TOWN CLERK BOURNE



Finance Committee
Monday, April 11, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday April 11, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. 7: 05 pm: Public Hearing on the FY17 Budget
4. CPC Recommendations and Warrant Articles
5. Review and discuss FY17 Budgets:
 - All other budgets
 - FY17 Budget Review, Updated Sources and Uses, FinCom Recommendations/Comments
6. Warrant Article Review
7. Minutes of previous meetings
8. Future Meetings – Topics and Schedule
9. TA Comment (for informational purposes only)
10. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
11. Public Comment (for informational purposes only)
12. Adjourn

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
April 6, 2016

Follow Up items:

- Town Administrative Budgets – FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

RECEIVED
2016 APR 32 AM 8: 32
TOWN CLERK BOURNE

Town of Bourne Finance Committee
Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

April 11, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on April 11, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Carol Mitchell and Michael Rausch were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, George Slade, Dr. William Towne, Karin Meehan (7:05), Richard Lavoie, Judy Conron, Kathleen LeGacy and Brian Lemee'.

Finance Committee Members Excused: Andy Roth and Jeff Perry

Also Present: Thomas Guerino, Linda Marzelli, Peter Meier, Carol Mitchell, Michael Rausch, Barry Johnson, Stephen Mealy, Donald Ellis, Sallie Riggs, Lori Cooney, Janet Butler, Marie Oliva, Tim Mullen and members of the Main Street Steering Committee.

Documents: Agenda, 2017 Proposed Op Budget Book, Articles of the Warrant, Bourne Affordable Homes handout, Bourne Inclusive Playground Group handout, Main Street Steering Committee map, Updated Sources and Uses, Finance Committee Report.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **CPC Recommendations and Warrant Articles –**

Mr. Johnson addressed the committee. He explained the pending Community Preservation projects that the Community Preservation Committee is putting forth at the May 2nd Annual Town Meeting. He introduced representatives of the Open Space Committee, Penny Myers, Andrew Cooney, Richard Anderson and Barry Johnson; the Historic Commission, Neil Langille; the Planning Board, Daniel Doucette, the Housing Community, Fred Bartholomew; the Recreation Committee, George Sala and the Conservation Commission, Peter Holmes. He offered a synopsis of how the CPC funds may be spent; adding, that the Community Preservation Committee has held their mandated public hearing and have voted unanimously to

recommend all of the projects; except one, which required further clarification. It will be voted on by the committee on April 25th.

Ms. Mastrangelo asked Mr. Johnson to briefly pause his presentation.

3. 7:05 PM: Public Hearing on the FY 17 Budget

Ms. Mastrangelo opened the Public Hearing at 7:05 PM.

She asked for public comment on the FY 17 budget. There was no public comment.

Ms. Mastrangelo closed the Public Hearing.

CPC Recommendations and Warrant Articles –

Mr. Johnson continued with his presentation.

Article 12 - A request for CPC funds to help offset administrative and operating expenses of the CPC committee. Under the statute, Chapter 44B, the committee is entitled to up to 5% of the fund for these purposes. The amount requested is \$50,000.00. A brief discussion transpired pertaining to the administrative costs, the Land Bank Fund and whether or not CPA funds will continue past 2020. Further discussion surrounding the statute, and the state's contribution transpired.

Mr. Johnson next discussed Article 13. He asked several of the applicants to speak to the committee to explain their requests for CPA funds.

Bourne to Bark Dog Park – Janet Butler, president of the Friends of the Bourne to Bark Dog Park, addressed the committee. Ms. Butler explained that she would often take her dog to out-of-town dog parks. She would see other Bourne residents at these same parks; and realized the need for an in-town park. She helped to form a non-profit corporation, which has received a 501(c)(3) non-profit status, enabling the corporation to apply for a grant through the Stanton Foundation. The grant will pay for 90% of the project. Ms. Butler explained that the park will be town owned, managed by the Recreation Department and stewarded by volunteers. A discussion concerning the amount of land that the park will require, the location of the park and the maintenance of the park transpired. Ms. Butler thanked the committee.

Bourne Inclusion Playground – Lori Cooney of the Bourne Inclusive Playground Group, addressed the committee. She discussed the need for an inclusive recreational play area to meet the needs of residents and visitors who have been touched by a disability. She discussed a possible location for the playground, Canal Crossways, and the reason for choosing this location. Ms. Cooney stated one of the goals of this playground is to go beyond the required ADA compliance and include all ages and abilities. She discussed funding sources other than CPC funds. A brief discussion transpired concerning the surface material of the playground, the entire cost of the project, the equipment that will be installed, parking, lighting and capacity. Ms. Cooney thanked the committee.

Walkway between Aptucxet and Lyons Property – Mr. Johnson discussed the purchase of the Lyons property and the easement that was authorized to create a walkway/trail between the Aptucxet and Lyons properties. The overall goal is to create an ADA compliant loop trail beginning at the Trading Post continuing to the Painted Ladies Windmill. A brief discussion ensued.

Affordable Housing – Susan Ross discussed the three Affordable Housing requests; the first, will pay for costs associated with administrative and legal fees associated with running the Affordable Housing program, the second, is to offer down payment assistance through the Down Payment Assistance Subsidy program to individuals purchasing an affordable home in the town of Bourne, the third, helps to subsidize the purchase/building of affordable homes. A brief discussion pertaining to each program transpired. Ms. Ross thanked the committee.

Fire Alarm Monitoring System (Roland Phinney Place & Continental Apartments) – Mr. Johnson presented on behalf of Ms. Thurston, Executive Director of the Bourne Housing Authority, who was unable to attend. He explained that this request is to replace antiquated transmitting equipment for their fire suppression protection system. A brief discussion ensued.

Pocasset Community Club– John Johnson, president of the Pocasset Village Association, addressed the committee. He discussed the history of the Pocasset Community Building, the renovations needed inside of the building and the cost of the renovations. A brief discussion pertaining to the layout of the building, how often it's used, revenue generated from renting the building and how the revenue is applied transpired.

Bourne Historical & Archives Center – Jonathan Nelson, Facilities Director, was unavailable; therefore, Mr. Johnson provided a brief synopsis of the request. The center is in need of repairs; exterior masonry is in need of restoration, a cooling and dehumidification system needs to be installed, electrical infrastructure needs replacing and some of the stained glass pieces require restoration.

Cape Cod Canal Region Chamber of Commerce – Marie Oliva, President/CEO of the chamber, addressed the committee. She discussed the need to complete the renovation of the Buzzards Bay Railroad Visitor Center which began last year. She next discussed the number of yearly visitors this center sees each year and the age of the facility. The funds will cover the cost of repairing windows, flooring and to replace furnishings which will enhance the building's historic features. Ms. Oliva thanked the committee.

Ms. Ford noted the array of CPC projects.

Article 14 – Stephen Mealy and Sallie Riggs discussed the multi-phase project to upgrade and restore the town-owned park located on Main Street in Buzzards Bay. Ms. Riggs, facilitator of the Main Street Steering Committee, discussed the inception

of the project, the phases of the project, what the requested funds would cover and the eventual need for a certified Open Space and Recreation Plan in order to receive state and federal grants. A discussion ensued.

Article 15 – Tim Mullen, of DNR, discussed the request for money to fund a portion of the improvements to the Monument Beach Boat Launch. Ms. Mastrangelo stated the project will be split with funds from the Community Preservation Committee and the Capital Outlay Committee (*Article 9*). The improvements include; construction of a concrete ramp, timber floats, pilings, curtain wall and gravel subbase.

Mr. Mullen explained the challenges that boat owners currently face when launching their boats; adding, the new ramp will be much more user friendly. He discussed the Marina Reconfiguration Permit that was obtained several years ago. The permit allows for the construction of the new ramp; additionally, it covers dredging, parking lot expansion and the expansion of the marina by 10%. Mr. Mullen stated there will also be several handicapped accessible floats. A discussion transpired pertaining to the various launch locations, previous projects that have been completed, the location of the new ramp and parking concerns at the new ramp. Mr. Mullen thanked the committee.

Article 19 – A brief discussion transpired pertaining to closing out and transferring remaining funds from previous Town Meeting Articles whose purposes have been satisfied. These funds will be returned to the Community Preservation Fund for future appropriation.

Mr. Johnson thanked the committee and Ms. Marzelli for their interest, support and assistance.

4. Review and discuss FY 17 Budgets –

• *All other budgets* – Ms. Mastrangelo reviewed the remaining budgets and asked if anyone had a question pertaining to them, to state “hold” and she would return to that budget for discussion.

She quickly reviewed the remaining budgets; Town Reports, Town Meeting, Alternative Energy Committee, Wastewater Advisory Committee, Finance Committee, Employment Services, Independent Audit, Postage & Copy, Tax Title Expense, ISWM Working Group, Conservation Commission, Open Space Committee, Planning Board, Board of Appeals, Engineering Department, Shore and Harbor, Economic Development, Buzzards Bay Action Committee, Telephone, Emergency Medical Services, Inspection Department, Emergency Preparedness, Gnat/Fly Control, Street and Traffic Lights, Pollution Taskforce/Storm Water, Special Workshop Opportunity Program, Budget Services, Community Building Committee, Human Service Organizations, Historic Commission and Archives.

Ms. Mastrangelo inquired as to why the Emergency Preparedness did not reduce their budget as previously discussed. Mr. Guerino explained that because there are

new compliancy requirements with COOP and COG, and no staff to oversee the requirements, it made sense to retain the ½ time position.

A brief discussion pertaining to the budgeted amount for the Street Lights and the Human Services Organization budgets transpired.

• *FY 17 Budget Review, Updated Sources and Uses, FinCom*

Recommendations/Comments – Ms. Mastrangelo stated that she, George Slade and John Redman met with the BOS and discussed the Sources and Uses, the Cherry Sheet and the Free Cash balance. They also discussed the need for a shared secretary position. Her feeling is to hold off until the fall before making any hiring decisions. Mr. Lemee' feels that based on the department heads' presentations, many of the departments are in dire need of a part-time person. Mr. Guerino concurred. Ms. Mastrangelo indicated she would like to have a thought out plan before hiring. Ms. Ford stated that because there are multiple requests coming forward, she's wondering if it's possible for the TA through the BOS to prioritize the position in terms of overall function and effectiveness in delivering services to the town, then look at the budget impact. This will help justify the decision. Mr. Guerino agreed overall; however, he stated, what the town is losing in productivity, is more than the part-time position would cost. A discussion ensued.

Warrant Article Review - Finance Committee Report – Ms. Mastrangelo stated she adjusted the Finance Committee Report to reflect the actual Premium from Debt Offsets. The original report listed an anticipated amount. A discussion transpired pertaining to the Free Cash Policy.

5. **Minutes of previous meetings –**

Ms. Mastrangelo entertained a motion to approve the minutes of the March 21, 2016 meeting. **Dr. Towne moved approval of the minutes of the March 21, 2016 meeting. Mr. Slade seconded.** With no discussion, the minutes were approved 9-0-1. Mr. Redman abstained.

Ms. Mastrangelo entertained a motion to approve the minutes of the March 28, 2016 meeting. **Dr. Towne moved approval of the minutes of the March 28, 2016 meeting. Mr. Slade seconded.** With no discussion, the minutes were approved 9-0-1. Mr. Redman abstained.

6. **Future Meetings – Topics and Schedule –**

Wednesday, April 20, 2016 at 7:00 PM. The Charter Review and the Warrant Articles will be discussed.

7. **TA Comment** – Mr. Guerino stated there will be a few additional Articles and the Warrant will be finalized by Friday, April 15, 2016.

8. **Finance Committee Comment -**

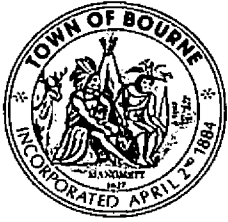
• Brief update on School Building Committee – Ms. Mastrangelo stated another survey will be conducted, the committee has settled on four options and a brief presentation will be conducted at Town Meeting.

9. **Public Comment – None**

III. Adjournment

Mr. Lavoie moved to adjourn the meeting. Ms. LeGacy seconded. With no discussion, the motion carried. 10-0. The meeting adjourned at 9:11 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Wednesday, April 20, 2016
7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for television replay (no live broadcast). If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Wednesday April 20, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Discuss Charter Review Committee Report and Warrant Article
4. Review and discuss FY17 Budget Recommendation – Possible Vote
5. Special Town Meeting and Annual Town Meeting Review all Warrant Articles - Discussion and Possible Votes
6. Minutes of previous meetings
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
10. Public Comment (for informational purposes only)
11. Adjourn

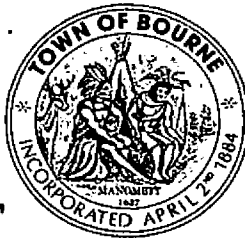
Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
April 13, 2016

Follow Up items:

- Town Administrative Budgets – FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

RECEIVED
2016 APR 13 PM 1:22
TOWN CLERK BOURNE



TOWN OF BOURNE

Office of the Town Clerk

NOTE TO THE FILE

Today (Wednesday, April 20, 2016) I spoke to the Atty at the Attorney General's office about the posting for tonight's Finance Committee meeting.

ISSUE: the meeting notice was properly received and posted on the Clerk's

Bulletin Board. When it was posted on the web....the proper date, time and place was included on same. The difference was that the wrong agenda was contained on the web posting only.

RESULT: He advised and I agreed that we would do an AMENDED POSTING with the correct agenda and put on it, "NOTE: this agenda was properly received and posted on the Clerk's office bulletin board".

Wendy did exactly that at approximately 1:30pm.

I am attaching this note to this particular meeting notice.

Barry Johnson, Clerk

Barry Johnson
4/20/16

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

April 20, 2016

RECEIVED
2016 JUL 15 AM 10:28
TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on April 20, 2016. Ms. Mastrangelo announced the meeting was being recorded for television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch was recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, George Slade, Dr. William Towne, Karin Meehan, Judy Conron, Kathleen LeGacy and Brian Lemee'.

Finance Committee Members Excused: Andy Roth, Richard Lavoie, John Redman and Jeff Perry

Also Present: Thomas Guerino, Michael Rausch, Wesley Ewell, Peter Meier, Jim Mulvey and Richard Anderson.

Documents: Agenda, 2017 Proposed Op Budget Book, Articles of the Warrant, Warrant Tracker, Charter Review Report.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Discuss Charter Review Committee Report and Warrant Article –**

Wesley Ewell, chairman of the Charter Review Committee, addressed the Finance Committee members. Ms. Mastrangelo first read Article 29 from the Warrant; then, Mr. Ewell explained, after conducting many interviews of selectmen and other town officials, the Charter Review Committee compiled a draft report of proposed changes to the town charter. The objective was to better define the roles of the selectmen, the town administrator, the Finance Committee and department heads.

He discussed the process in which the committee narrowed down their proposed changes and explained that there was not a lot of public outreach; as there had been in the past. Mr. Ewell stated that there was a lot of discussion surrounding the appointment and dismissal of the town administrator, which was not changed, as well as the residency requirement. Currently, the town administrator is required to

reside within Barnstable, Bristol or Plymouth County. The committee ultimately decided to allow the selectmen to waive that requirement; but added the provision, once a waiver is granted to an administrator, it can't be rescinded.

Ms. Mastrangelo asked Mr. Ewell to review all of the proposed changes.

Mr. Guerino exited the meeting to retrieve paperwork for the committee.

Ms. Mastrangelo asked Mr. Ewell to explain the proposed changes to the town charter. She asked the committee members to direct questions to Mr. Ewell as they pertained to each change. Mr. Ewell then began his review of the proposed changes and briefly explained the reason for the change to each of the following:

- Section 2-5: Initiation of Warrant Articles – a brief discussion transpired concerning the timeline for closing the warrant.
- Section 2-9: Finance Committee – a discussion transpired pertaining to the proposed change to the charter that would impact the role of the Bourne Finance Committee when presenting articles at Annual and Special Town Meeting that only have a financial impact on the town's budget.
- Section 3-3: Policy Role (of the selectmen) – there was no follow-up discussion.
- Section 3-5: Appointing Powers – A brief discussion concerning committee members who serve on other boards or committees transpired; i.e. a Finance Committee member may also serve on Capital Outlay or the Wastewater Committee.
- Section 3-6: Prohibitions – there was no follow-up discussion.
- Section 4-1: Appointment; Qualification; Term (of Town Administrator) – a typo was noted. A brief discussion surrounding the required residency of the town administrator transpired.
- Section 4-4: Temporary Absence (of Town Administrator) – A typo was noted.
- Section 4-6: Powers and Duties (of Town Administrator) – A brief discussion concerning whether or not the board of selectmen establish goals transpired. A suggestion was made to simplify the wording in section (f). A brief discussion transpired concerning the changes to (m); which would now require the town administrator to inform the BOS of all changes in compensation
- Section 5-1: Table of Organization – there was no follow-up discussion.
- Article 5 – add the following two sections

- Section 5-7: Police Department -
- Section 5-8: Fire Department -

Mr. Ewell stated the charter made no reference to the Police or Fire Departments. He stated Chief Woodside drafted the clauses and both chiefs as well as Town Administrator Guerino signed off on the wording. A discussion ensued.

- Section 6-8: Housing Authority – there was no follow-up discussion.
- Section 7-3: Long Term Financial Forecast – there was no follow-up discussion.
- Section 8-6: (c) Procedures for Multiple Member Bodies – there was no follow-up discussion.
- Section 8-9: Definition – there was no follow-up discussion.

A brief discussion pertaining to the requirement of posting meeting minutes on the town's website transpired.

Ms. Mastrangelo thanked Mr. Ewell for his presentation.

3. Special Town Meeting and Annual Town Meeting Review All Warrant Articles- Discussion and Possible Votes –

Mr. Guerino discussed the Warrant Articles.

Article 1 of the Special Town Meeting pertains to the appropriation of \$275,000.00 to supplement the FY 16 Snow Removal Budget.

Article 1 of the Annual Town Meeting pertains to the regular authorizations that allows the Town to do business.

Article 2 pertains to the elected officials salaries. A brief discussion ensued.

Article 3 pertains to the Town Budget of \$59,343,453.00.

Article 4 pertains to the Sewer Department Budget of \$1,050,101.00.

Article 5 allows the Town to receive money from the Commonwealth for Chapter 90 money for road maintenance.

Article 6 establishes a Reserve Fund. A brief discussion ensued.

Article 7 pertains to the ISWM Budget of \$10,666,905.00.

Article 8 pertains to the continuing establishment of the Revolving Funds for the Recreation Programs Fund, the Shellfish Propagation Fund, the School

Transportation Fund, the Public Library Book Fund, the Council on Aging Supportive Day Fund, the Council on Aging Programs Fund, the Bourne Veterans Community Building Rental Fund and the Tax Title Collection Fund. Mr. Guerino noted the Tax Title Collection Fund is a new fund. This article is contingent on Article 17. A brief discussion ensued.

Article 9 relates to the Capital Outlay Fund. A brief discussion regarding some of the pending Capital Outlay projects transpired.

Article 10 relates to reporting from various committees; i.e., Charter Review, School Building Committee etc.

Article 11 relates to an unpaid Fire Department bill.

Article 12 pertains to the administrative and operating expenses of the Community Preservation Committee.

Ms. Mastrangelo entertained a motion to approve Article 12. **Ms. Ford moved to approve Article 12. Dr. Towne seconded.** With no discussion, the motion carried unanimously. 8-0.

Article 13 relates to the CPC Budget.

Ms. Mastrangelo entertained a motion to approve Article 13. **Dr. Towne moved to approve Article 13. Mr. Slade seconded.** With no discussion, the motion carried unanimously. 8-0.

Article 14 pertains to appropriating funds for phase two of the Main Street Park.

Ms. Mastrangelo entertained a motion to approve Article 14. **Ms. Ford moved to approve Article 14. Dr. Towne seconded.** With no discussion, the motion carried 7-0-1 with Mr. Lemee' abstaining.

Article 15 pertains to CPC funds for the Monument Beach Boat Launch.

Ms. Mastrangelo entertained a motion to approve this article as recommended by the Community Preservation Committee. **Dr. Towne moved to approve Article 15. Ms. Ford seconded.** With no discussion, the motion carried unanimously. 8-0.

Article 16 will rescind the authorization of unused debt. Mr. Guerino stated these are all ISWM projects. A brief discussion ensued.

Article 17 reverts back to Article 8; which allows the Town to establish a Tax Title Collection Revolving Fund. A brief discussion ensued.

Article 18 will fund the Town's Accrued Contractual Compensated Absences.

Article 19 will closeout and transfer available balances of Open Space and CPC funds.

Ms. Mastrangelo entertained a motion to approve Article 19. **Ms. Ford moved to approve Article 19. Dr. Towne seconded.** With no discussion, the motion carried unanimously. 8-0.

Article 20 will allow the acceptance of insurance proceeds. A brief discussion ensued.

Article 21 relates to the ISWM Host Community fees. A brief discussion ensued.

Article 22 relates to OPEB. A brief discussion ensued.

Article 23 and Article 24 are petitions for road betterments. A brief discussion ensued.

Article 25 is a re-write of an Article pertaining to 1 Trowbridge Rd.. A brief discussion ensued.

Article 26 pertains to changes in the By-law with regard to how Finance Committee members are appointed. A brief discussion ensued.

Article 27 relates to the adjacent parking lot improvement to be completed with the sale of the Coady School. A discussion ensued.

Article 28 relates to Disability Retirement and is still under review.

Article 29 pertains to the charter.

Article 30 pertains to land that will be used to dispose of leachate from the base.

Ms. Ford suggested voting on additional articles. Ms. Mastrangelo agreed.

Ms. Ford entertained a motion to approve Article 1. **Dr. Towne moved to approve Article 1. Mr. Slade seconded.** With no discussion, the motion carried unanimously. 8-0.

Ms. Ford moved approval of Article 10. Dr. Towne seconded. With no discussion, the motion carried unanimously. 8-0.

Ms. Ford moved approval of Article 20. Dr. Towne seconded. With no discussion, the motion carried unanimously. 8-0.

Dr. Towne moved approval of Article 11. Ms. LeGacy seconded. With no discussion, the motion carried. 7-0-1. Ms. Ford abstained.

Ms. Ford entertained a motion to approve Article 16. **Ms. Mastrangelo moved approval of Article 16. Ms. LeGacy seconded.** With no discussion, the motion carried unanimously. 8-0.

Ms. Ford entertained a motion to approve Article 17. **Ms. Mastrangelo moved approval of Article 17. Mr. Slade seconded.** With no discussion, the motion carried unanimously. 8-0.

Ms. Mastrangelo entertained a motion to approve Article 21. **Ms. Ford moved approval of Article 21. Ms. LeGacy seconded.** After a brief discussion, the motion carried unanimously. 8-0.

4. Minutes of previous meetings –

Ms. Mastrangelo entertained a motion to approve the minutes of the April 11, 2016 meeting. **Dr. Towne moved approval of the April 11, 2016 meeting. Mr. Slade seconded.** With no discussion, the motion carried unanimously. 8-0.

5. Future Meetings – Topics and Schedule –

The next meeting is scheduled for Monday, April 25, 2016, at 7:00 PM.

6. TA Comment – None

7. Finance Committee Comment –

Brief Update on the School Building Committee – Ms. Mastrangelo stated there was nothing new to report; other than to watch for the new survey.

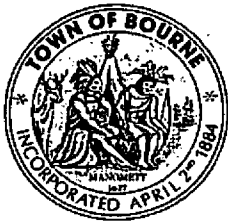
Ms. Ford asked committee members to submit their comments to Ms. Mastrangelo by April 30, 2016.

8. Public Comment – None

III. Adjournment

Ms. Ford moved to adjourn the meeting. Dr. Towne seconded. With no discussion, the motion carried. 8-0. The meeting adjourned at 9:01 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532
TOWN CLERK BOURNE



Finance Committee
Monday, April 25, 2016
7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$190,500

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday April 25, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Review and discuss FY17 Budget Recommendation – Article 3 –Vote
4. Special Town Meeting and Annual Town Meeting Review all Warrant Articles -
Discussion and Vote: STM Article 1, ATM Articles 2-9, 18, 20, 22-30, any other articles
needing consideration or reconsideration.
5. Vote essential and contingent articles
6. Minutes of previous meetings
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
 - Brief Update on School Building Committee
10. Public Comment (for informational purposes only)
11. Adjourn

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
April 20, 2016

Follow Up items:

- Town Administrative Budgets – FTE 5 yr. History by position /Org Chart
- DNR –How Waterways is applied to operating budget
- Group Insurance by Divisions, Active, Retired
- Fire Dept. - Staffing FTE 5 yr. History by position/org chart
- SAFER Grant unfilled positions effect on grant

Town of Bourne Finance Committee Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

April 25, 2016

RECEIVED
2016 JUL 15 AM 10:28
TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on April 25, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, John Redman, George Slade, Dr. William Towne, Karin Meehan, Judy Conron, Kathleen LeGacy and Brian Lemee'.

Finance Committee Members Excused: Andy Roth, Richard Lavoie, and Jeff Perry.

Also Present: Thomas Guerino, Linda Marzelli, Michael Rausch, Carol Mitchell and Jim Mulvey.

Documents: Agenda, Special Town Meeting Articles, Annual Town Meeting Articles, Town of Bourne Budget, 2017 Proposed Op Budget Book, Summary budget and the Warrant.

III. Agenda Items

1. Reserve Fund Transfers – None

2. Review and discuss FY 17 Budget Recommendation –

- *Article 3* vote – Mr. Guerino explained changes that were made from the original summary budget. A discussion transpired concerning the adjustments that were made in several department's salaries.

Ms. LeGacy opened a discussion pertaining to the Library salaries. A discussion ensued.

Ms. Mastrangelo entertained a motion that the Finance Committee recommend approval of Article 3. **Mr. Lemee' moved that the Finance Committee recommend approval of Article 3. Mr. Redman seconded.** With no further discussion, the motion carried. 9-0-0.

3. **Special Town Meeting and Annual Town Meeting Review all Warrant Articles-** Discussion and Vote – STM Article 1, ATM Articles 2-9, 18, 20, 22-30 and any other articles needing consideration or reconsideration.

STM Article 1 – FY 16 Snow and Ice Deficit – Ms. Mastrangelo offered an explanation of the article. With no discussion, **Mr. Redman moved approval. Ms. Ford seconded.** After a brief discussion pertaining to Free Cash, the motion carried. 9-0-0.

ATM Article 2 – Elected officials compensation – Ms. Conron offered an explanation of the article. With no further discussion, **Ms. Conron moved approval. Ms. Ford seconded.** The motion carried 9-0-0.

ATM Article 4 – Sewer Department Budget – **Ms. Ford moved approval. Mr. Redman seconded.** A brief discussion pertaining to their Enterprise Fund and Debt Service transpired. With no further discussion, the motion carried. 9-0-0.

ATM Article 5 – Chapter 90 - **Ms. Ford moved approval. Dr. Towne seconded.** A brief discussion transpired pertaining to the dollar amount the Town will receive in Chapter 90 funds. With no further discussion, the motion carried. 9-0-0.

ATM Article 6 – Reserve Fund - **Ms. Ford moved approval. Dr. Towne seconded.** With no discussion, the motion carried. 9-0-0.

ATM Article 7 – ISWM Budget – **Mr. Redman moved approval. Ms. Ford seconded.** After a brief discussion pertaining to their retained earnings and weaning the Town's reliance on the Host Community Fee, the motion carried. 9-0-0.

ATM Article 8 – Revolving Funds – This article is contingent on the passage of Article 17. The Finance Committee voted to recommend approval of Article 17 at the 4/20/16 meeting. **Dr. Towne moved approval. Mr. Slade seconded.** With no discussion, the motion carried. 9-0-0.

ATM Article 9 – Capital – Capital Outlay plan expenditures - **Ms. Ford moved approval. Mr. Redman seconded.** With no discussion, the motion carried. 9-0-0.

ATM Article 10 – Committee Reports- The Finance Committee voted to recommend approval of this article at the 4/20/16 meeting.

ATM Article 18 – Accrued Contractual Compensated Absences- **Ms. Ford moved approval. Mr. Redman seconded.** With no discussion, the motion carried. 9-0-0.

Mr. Guerino asked if the committee needed to vote on Article 15. A brief discussion ensued. Ms. Mastrangelo stated the committee voted on Article 15 at the 4/20/16 meeting.

ATM Article 20 – Accept Insurance Proceeds – School - **Ms. Ford moved approval. Ms. LeGacy seconded.** With no discussion, the motion carried. 9-0-0.

ATM Article 22 – OPEB – Mr. Guerino recommended conducting an actuarial study before deciding on a figure. Ms. Mastrangelo agreed and suggested revisiting this in the fall. A discussion ensued. **Ms. LeGacy moved approval. Dr. Towne seconded.** A brief discussion transpired pertaining to an agreement that the Town has with the county and also pension contributions. With no further discussion, the motion carried. 9-0-0.

ATM Article 23 – Repair / Resurface Oak Ridge Drive - **Ms. Ford moved approval. Dr. Towne seconded.** With no discussion, the motion carried. 9-0-0.

ATM Article 24 – Repair / Resurface Shaker Drive - **Ms. Ford moved approval. Ms. LeGacy seconded.** With no discussion, the motion carried. 9-0-0.

A brief discussion transpired concerning Article 25 (Easement Trowbridge Road) and Article 26 (By-Law Finance Committee Membership)

ATM Article 25 - Easement Trowbridge Road – This article is not ready to be voted on.

ATM Article 26 - By-Law Finance Committee Membership – This article removes the requirement that the Finance Committee must consist of members representing each of the Town's villages; i.e., Bourne, Pocasset, Buzzards Bay, Monument Beach etc. Ms. Conron asked why the change is being requested. Ms. Mastrangelo explained she requested the change because it has been extremely challenging to fill the requirement of a twelve member committee with representatives from each of the Town's villages. A discussion ensued.

Ms. Ford moved approval. Dr. Towne seconded. With no further discussion, the motion carried. 9-0-0.

ATM Article 27 – Easement and Parking License Agreement - This article is not ready to be voted on.

ATM Article 28 – Disability Retirement – Jared MacDonald - This article is not ready to be voted on.

ATM Article 29 – Amendments to Charter – A lengthy discussion transpired pertaining to the committee's recommendation to amend the section of the proposed article that pertains to the role of the Finance Committee; section 2-9.

Ms. Mastrangelo proposed to recommended approval of Article 29 with an amendment included in the motion to delete the changes in section 2-9. Ms. Ford noted a couple of minor typographical errors to be included in the motion; section 4-1 on page 76 of the Warrant and section 4-4 on page 77 of the Warrant. She also recommended striking the word "potential" in section 4-6 (f) on page 78 of the Warrant. A discussion concerning the verbiage in sections 5-7 and 5-8, Police and Fire, transpired. Members of the committee are concerned that as it is currentl

worded, the police chief is not required to report to the town administrator. A discussion ensued. Mr. Guerino stated the language mirrors statute that the Town follows. He stated day-to-day operations for police and fire are the responsibilities of each department's chief. Ms. LeGacy agreed, however, she feels that section 5-7's wording should mirror that of section 5-8 as it relates to requiring the chief to report to the town administrator upon his/her request. Mr. Guerino stated the statutory language for each department is different. A discussion ensued.

Mr. Mulvey, a resident and former member of the Charter Commission, cautioned the committee on amending this section. He stated that after much discussion, the current language is based on Civil Service law. Mr. Lemee' stated there are different regulations for police which is why it's written differently. Mr. Guerino concurred, stating the fire chief's statutory language is much older than the police chief's statutory language. He added that the current verbiage clarifies and codifies the way business is currently conducted. Further discussion ensued.

The committee then discussed changing fireman to firefighter. Ms. Mastrangelo suggested prioritizing recommended changes to the motion. A brief discussion pertaining to the proposed change in section 4-1 transpired. After reviewing the Charter, Ms. Mastrangelo discovered the proposed change to section 4-1 would not be necessary.

Mr. Mulvey opened a brief discussion concerning the procedure to amend a positive motion. Ms. Mastrangelo is going to speak to town counsel to discuss the format in amending the article.

Ms. Conron opened a brief discussion pertaining to the residency requirement of the town administrator.

Ms. Ford reiterated the three changes the committee is going to recommend. A brief discussion ensued.

Ms. Ford entertained a motion to approve the recommend changes. **Dr. Towne moved to recommend approval of the article with the changes that include; deleting section 2-9, correct the typo in section 4-4 and reword section 4-6 (f), with the final vote of the Finance Committee on the motions as proposed by town counsel. Ms. Ford seconded.** With no discussion, the motion carried 9-0-0.

ATM Article 30 – Conservation Restriction - This article is not ready to be voted on.

Ms. Mastrangelo discussed the moderator's request to limit the amount of time for comments. He is requesting comments pertaining to normal articles be kept under 3 minutes and comments pertaining to the budget be kept under 5 minutes. A discussion ensued.

4. **Vote essential and contingent articles** - A brief discussion transpired pertaining to which articles should be essential.

Ms. Ford moved that Articles 1-9, 11 and 17 be essential articles and Article 8 is contingent on Article 17. Mr. Redman seconded. Mr. Guerino inquired as to whether or not Article 27 should also be essential. Ms. Mastrangelo stated it should not. With no further discussion, the motion carried. 9-0-0.

5. Minutes of previous meetings – None.

6. Future Meetings – Topics and Schedule –

The next meeting will be held in the Professional Library at 6:00 PM on May 2, 2016.

The post Town Meeting discussion has not yet been determined.

7. TA Comment – None.

8. Finance Committee Comment – None.

The new survey is available on the Town's website.

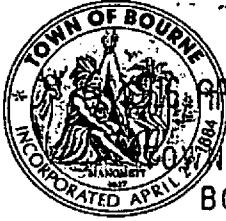
Verbal comments should be submitted no later than April 30, 2016.

9. Public Comment – Mr. Mulvey recognized the Finance Committee as an important and hardworking committee but questioned why the Finance Committee engages in articles or town business that have no financial ramifications. He feels their work should be confined to those issues that have a bearing on the finances of the Town. Ms. Mastrangelo responded, stating the Charter, under section 7-4; Finance Committee Action, states the Finance Committee will indicate its support or opposition to the proposed budget or any sections thereof and its vote by roll call on all warrant articles. She added, it has been the process at the Town Meeting for the Finance Committee to make the motion. Mr. Mulvey reiterated his previous statement and suggested a town government committee be formed to handle the administrative piece which would allow the Finance Committee to focus strictly on Town finances. A discussion ensued. Ms. Mastrangelo thanked Mr. Mulvey for his comment.

III. Adjournment

Ms. Ford moved to adjourn the meeting. Mr. Slade seconded. With no discussion, the motion carried. 9-0-0. The meeting adjourned at 8:52 PM.

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

Buzzards Bay, MA 02532

CLERK'S OFFICE
BOURNE, MASS



The Reserve Fund balance \$190,500

MEETING NOTICE

The Finance Committee will hold a public meeting on **Monday May 2, 2016 at 6:00 PM** at the Bourne High School Professional Library.

1. Reserve Fund Transfers
2. Discuss and vote ATM and STM Articles as needed
 - a. Article 25 – Easement Trowbridge Road
 - b. Article 27 – Easement and Parking License Agreement
 - c. Article 28 - Disability Retirement
 - d. Article 29 – Amendments to Charter
 - e. Article 30 – Conservation Restriction
 - f. Vote Article 9 contingent on Article 15
 - g. Any other ATM and STM Articles requiring discussion and vote
3. Distribute Final Motions and Verbal Comments
4. TA Comment (for informational purposes only)
5. Selectmen Comment (for informational purposes only)
6. Finance Committee Comment (for informational purposes only)
7. Public Comment (for informational purposes only)
8. Future agenda items
9. Move to the Auditorium Stage and Remain in Open Session during the Town Meeting

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
April 28, 2016

Town of Bourne Finance Committee Meeting Minutes

Bourne High School Professional Library

75 Waterhouse Rd Bourne, MA 02532

May 2, 2016

RECEIVED
2016 JUL 15 AM 10:28
TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 6:02 PM on May 2, 2016.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, Judy Conron, George Slade, Dr. William Towne, Richard Lavoie, Kathleen LeGacy (6:09 PM) and Karin Meehan.

Finance Committee Members Excused: Andrew Roth, Brian Lemee' and Jeff Perry.

Also Present: Carol Mitchell and Jim Mulvey (6:22 PM).

Documents: Agenda, Warrant and Motions/Verbal Comments.

III. Agenda Items

1. Reserve Fund Transfers - None

- 2. Discuss and Vote ATM and STM Articles as needed** – Ms. Mastrangelo explained that Articles 25-30 had not yet been voted by the Board of Selectmen. While waiting for the Board of Selectmen's decisions, the Finance Committee discussed the articles at length.

Article 25 – Easement Trowbridge Road- The committee referred to the plans located in the Warrant and discussed the location of the easement. Mr. Slade shared his comments pertaining to this article with the committee. After a brief discussion, the board feels they do not have enough information to make an informed decision. **Mr. Lavoie moved to indefinitely postpone. Dr. Towne seconded.** With no further discussion, the motion carried. 9-0-0.

Article 27 - Easement and Parking License Agreement- This article pertains to the parking lot area next to the Coady School. Ms. Mastrangelo explained that the lot is Town owned. An easement will be given to the purchaser of the Coady School which will allow them to put 4 handicapped parking spots and other improvements on Town owned property. This agreement is a stipulation to finalize the sale of the property. After a brief discussion, **Ms. Ford moved approval contingent on the**

Board of Selectmen's approval. Mr. Redman seconded. After a brief discussion, the motion carried. 9-0-0.

Mr. Lavoie opened a brief discussion pertaining to Article 26. (This was voted on previously).

Article 28 – Disability Retirement- This article pertains to the disability agreement for Jared McDonald, a Bourne Police Officer, injured in the line of duty. A brief discussion transpired pertaining to Massachusetts law and compensation requirements for retired, disabled officers. **Ms. Ford moved approval contingent on the Board of Selectmen's approval. Mr. Lavoie seconded.** With no further discussion, the motion carried 9-0-0.

Article 29 – Amendments to Charter- Ms. Ford stated Mr. Ewell will move to approve the main Motion, then the Finance Committee will move to amend the main Motion with three additional Motions. A discussion ensued. Moderator Parady would rather the Finance Committee move to approve the main Motion and Mr. Ewell will move the amended Motions. Further discussion ensued. **Ms. Ford moved approval of Article 29 and recommends supporting three amendments to the article. Dr. Towne seconded.** With no further discussion, the motion carried. 9-0-0.

Article 30 – Conservation Restriction- A brief discussion transpired concerning this article which pertains to land that will be used to dispose of leachate from the base to the wastewater facility; and includes a Conservation Restriction on two parcels of land located off Route 25. **Ms. Ford moved approval. Ms. LeGacy seconded.** With no further discussion, the motion carried. 9-0-0.

Vote Article 9 contingent on Article 15 – Ms. Ford moved approval. Mr. Lavoie seconded. With no discussion, the motion carried. 9-0-0.

Any other ATM and STM Articles requiring discussion and vote

Article 23 – A brief discussion transpired concerning petitioners for the Oakridge Road betterment, who now state they do not want to move forward with the article. The committee already voted in favor of the article; therefore, it is up to the petitioner to indefinitely postpone at Town Meeting.

Article 17 needs to be voted that it is not essential – **Ms. Ford moved approval. Mr. Redman seconded.** With no discussion, the motion carried 9-0-0.

A brief discussion transpired concerning a correction to Article 8.

Mr. Guerino addressed the committee to report the BOS's decisions on the following articles;

Article 23 – the BOS agreed to support an indefinite postponement of this article.

Article 26 – the BOS unanimously voted to approve this article by the 4 members present.

Article 28 – The BOS voted unanimously 5-0-0 to endorse the disability agreement for Jared McDonald.

Article 27 - The BOS voted unanimously 5-0-0 to endorse the easement at the Coady School.

Article 29 - The BOS voted unanimously 5-0-0 to approve the article with the proposed amendments.

Article 30 - The BOS voted unanimously 5-0-0 to approve.

The BOS had not yet voted on Article 25. A brief discussion ensued. Mr. Guerino will advise of their decision.

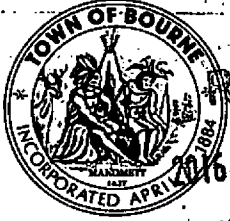
3. **Distribute Final Motions/Verbal Comments** – The committee members received their official motions and verbal comments.
4. **TA Comment** (for informational purposes only) – None
5. **Selectmen Comment** (for informational purposes only) - None
6. **Finance Committee Comment** (for informational purposes only) – None
7. **Public Comment** (for informational purposes only) – None
8. **Future Agenda Items and Meeting Schedule** – TBD

The Finance Committee meeting recessed to ATM at 6:46 PM and will remain in open session until the end of Town Meeting.

IV. Adjournment

Mr. Redman motioned to adjourn the meeting. Ms. Ford seconded. With no discussion, the motion carried 9-0-0. The meeting adjourned at 9:42 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE

Finance Committee

0024 Perry Avenue
Buzzards Bay, MA 02532

TOWN CLERK BOURNE



MEETING NOTICE

The Finance Committee will hold a joint public meeting with the Board of Selectmen on Tuesday, June 21, 2016 at 7:30 PM at the Community Building.

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

7:30 p.m. Call to order Joint Meeting of Finance Committee with the Board of Selectmen

1. Auditor's Report
2. Other business of the joint committee meeting
3. Adjournment

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are televised on the local cable channel.

Mary Jane Mastrangelo
June 17, 2016



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



FY16 Reserve Fund: \$ 190,500.00

FY17 Reserve Fund: \$ 290,000.00

MEETING NOTICE

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday July 11, 2016 at 7:00 PM at the Community Building.

Call Meeting of the Finance Committee to Order.

1. Finance Committee reorganization – vote of officers
2. Minutes of previous meetings
3. FY16 Reserve Fund Transfers
4. FY16 Year-end transfers and closeouts
5. Finance Committee representative appointments – By Law committee
6. FY17 Reserve Fund Transfers
7. TA/Finance Director Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Future agenda items
11. Adjourn

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are televised on the local cable channel.

Mary Jane Mastrangelo
July 6, 2016

RECEIVED
2016 JUL -6 PM 3:19
TOWN CLERK BOURNE

RECEIVED

2016 SEP 26 AM 9:28

TOWN CLERK BOURNE Bourne Veterans Memorial Community Center

**Town of Bourne Finance Committee
Meeting Minutes**

239 Main St. Bourne, MA 02532

July 11, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on July 11, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, John Redman, Richard Lavoie, Dr. William Towne, Karin Meehan, Judy Conron, Kathleen LeGacy, and Renee' Gratis.

Members Excused: Andy Roth.

Absent Members: Brian Lemee'.

Also Present: Thomas Guerino, Linda Marzelli, Michael Rausch, Michael Blanton, Carol Mitchell and Jim Mulvey.

Documents: Agenda, ISWM handout, Yearend Transfer, Summary of Reserve Fund Transfers, Fund Report by Department, Transfer for ISWM and Transfers from other Departments.

III. Agenda Items

1. Finance Committee Reorganization vote of officers –

Ms. Mastrangelo announced she would accept nominations for chair. **Mr. Lavoie nominated Ms. Mastrangelo for the chair position. Dr. Towne seconded.** With no further nominations, Ms. Mastrangelo was nominated as chair. 8-0-1. Ms. Mastrangelo abstained.

Ms. Mastrangelo announced she would accept nominations for vice-chair. **Mr. Redman nominated Michele Ford as vice chair. Dr. Towne seconded. Ms. Ford nominated John Redman as co-vice chair. Mr. Lavoie seconded.** With no further nominations, Ms. Ford and Mr. Redman were nominated as co-vice chairs. 9-0-0.

Ms. Mastrangelo suggested the board start thinking about succession planning.

2. Minutes of previous meetings – Approval of the June 21, 2016 meeting – deferred.

Ms. Mastrangelo entertained a motion to approve the minutes of the April 20, 2016 meeting. **Ms. Ford moved and Dr. Towne seconded to approve, as written, the minutes of the April 20, 2016 meeting.** With no discussion, the motion carried. 7-0-2. Mr. Redman and Ms. Gratis abstained.

Ms. Mastrangelo entertained a motion to approve the minutes of the April 25, 2016 meeting. **Mr. Redman moved and Ms. Legacy seconded to approve, as written, the minutes of the April 25, 2016 meeting.** With no discussion, the motion carried. 8-0-1. Ms. Gratis abstained.

Ms. Mastrangelo entertained a motion to approve the minutes of the May 2, 2016 meeting. **Mr. Redman moved and Ms. Ford seconded to approve, as written, the minutes of the May 2, 2016 meeting.** With no discussion, the motion carried. 8-0-1. Ms. Gratis abstained.

3. **FY 16 Reserve Fund Transfers –**

Mr. Guerino stated ISWM had another very good year; they received \$209,000.00 more than was expected; mainly due to an increase in Construction and Demolition. A transfer of \$200,000.00 is being requested. Mr. Guerino noted in this year's FY 17 budget, the Host Community Fee budget is being increased to \$800,000.00.

Ms. Mastrangelo entertained a motion to transfer \$200,000.00 from the ISWM Reserve Fund to the Host Community Fee. **Mr. Lavoie moved to transfer \$200,000.00 from the ISWM Reserve Fund to the Host Community Fee. Dr. Towne seconded.** With no discussion, the motion carried. 9-0-0.

Mr. Guerino next requested a transfer of \$9,707.85 from the ISWM Departmental Salaries to ISWM Expenses.

Ms. Mastrangelo entertained a motion to transfer \$9,707.85 from the ISWM Departmental Salaries to ISWM Expenses. **Ms. Ford moved to transfer \$9,707.85 from the ISWM Departmental Salaries to ISWM Expenses. Mr. Lavoie seconded.** Mr. Lavoie asked if this was additional revenue that wasn't budgeted because ISWM had such a good year. Mr. Guerino stated yes; he explained the amount is in excess of what was budgeted to be transferred to the Host Community Fee. This excess will be transferred into the Capital Stabilization account. With no further discussion, the motion carried. 9-0-0.

A discussion transpired pertaining to the remaining Reserve Fund balance of \$190,500.00. The requested transfers are as follows:

\$400.00 – Selectmen Services Meetings
\$5,200.00 – Town Administrator Salaries
\$1,350.00 – Finance Committee Salaries
\$14,650.00 – Election and Registration Salaries
\$1,335.00 – Conservation Commission Salaries

\$40.00 – Planning Board Salaries
\$750.00 – Board of Appeals Expense
\$20.00 – Shore and Harbor Salaries
\$125,000.00 – Fire Department Salaries
\$1,800.00 – Inspections Expenses
\$5,300.00 – Council on Aging Salaries
\$7,165.00 – Veteran's Benefits
\$27,490.00 – Insurance Expenses Liability

Mr. Lavoie inquired about the Fire Department Transfer. He asked if new positions are being created. Mr. Guerino stated no, and explained; there was to be a reduction early on in the beginning of the Override scenario. The salary line was reduced by \$125,000 because the Town had discussed acquiring the Dispatch. Because Dispatch was not acquired and the selectmen opted to continue the SAFER Grant, there was a shortfall in the salary line. Ms. Mastrangelo asked if this will also cover over time. Ms. Marzelli stated no and referred to the handout to explain the various salary line items within the Fire Department budget. Mr. Redman inquired as to whether or not the SAFER Grant funds were included. Mr. Guerino stated those funds are separate and not in the Town budget at all. A discussion with regard to the grant and how vacant grant funded positions are filled transpired.

A discussion transpired pertaining to the Recruit Training and the Insurance Expenses Liability line items.

Ms. Mastrangelo entertained a motion for a Reserve Fund Transfer of \$190,500.00 as recommended. **Ms. Ford moved approval. Dr. Towne seconded.** Mr. Lavoie asked for clarification on the transfer. Ms. Mastrangelo briefly explained the transfer. With no further discussion, the motion carried 9-0-0.

Ms. Mastrangelo would like more information with regard to the SAFER grant; when it's going to end, how it will work and how it will work with the budget planning for the next fiscal year's budget.

4. FY 16 Year-end transfers and closeouts – Other Department Transfer

Ms. Marzelli explained the Other Department Transfer request as follows:

Finance Department - \$22,166.23 from Finance Department Salaries to cover other debt service cost expenses.

Planning Department - \$1,118.68 from the Planning Department Expenses to the Planning Department Salaries and Wages.

County Retirement - \$44,451.34 from the County Retirement Expense to the Tax/ Title Expense.

County Retirement - \$41,000.00 to the Public Utilities Electric account.

FICA/Social Security/Medicare Expense - \$10,000.00 to the Election/Registration expenses.

FICA/Medicare Expense - \$3,500.00 to the Public Utilities Electric account.

Police Department Salaries - \$50,000.00 to the Group Insurance expense.

DPW Salaries - \$50,000.00 to the Group Insurance expense.

Total transfers out from departments in this category is \$222,236.25.

Ms. Conron asked how there's a remaining balance in the County Retirement line item. Ms. Marzelli explained that that the amount budgeted may not be what the actual bill is.

Ms. Mastrangelo asked for an explanation on the Tax/Title expense. Ms. Marzelli offered a brief explanation. A discussion ensued.

A discussion transpired pertaining to the Group Insurance transfer.

Ms. Mastrangelo entertained a motion to approve the transfer of \$222,236.25 as presented. **Ms. Ford moved approval. Mr. Redman seconded.** With no discussion, the motion carried. 9-0-0.0

5. Finance Committee representative appointments- By-law Committee –

Ms. Mastrangelo discussed the various committees represented by FinCom members (listed below). She stated the By-law Committee was in need of a representative.

Ms. LeGacy offered to serve on the By-law Committee.

Ms. Mastrangelo entertained a motion to appoint Kathleen LeGacy as the Finance Committee's representative on the By-Law Committee: **Dr. Towne moved and Ms. Conron seconded to appoint Kathleen LeGacy as the Finance Committee's representative on the By-Law Committee.** With no discussion, the motion carried. 9-0-0.

*Capital Outlay Committee (2) 3 year appointment (by Board of Selectmen)
John Redman (expires 2018), MJ Mastrangelo (expires 2017)*

*By-Law Committee (1) - 3 year (appointment by Board of Selectmen)
Kathleen LeGacy – (expires 2017)*

*Bourne Landfill Business Model Working Group (by Town Administrator)
John Redman (expires upon completion)*

*Wastewater Advisory Committee (1) FinCom or Capital Outlay 1 year
(appointment by Sewer Commissioners) Judy Conron – (expires 2017)*

*School Building Committee – (appointment by Moderator) Richard Lavoie
(expires upon completion or leaving FinCom)*

*Police Station Building committee – (appointment by Town Administrator)
John Redman (expires upon completion)*

*Public Works Building Committee – (appointment by Town Administrator)
John Redman (expires upon completion)*

6. **FY 17 Reserve Fund Transfers – None.**
7. **TA Comment** – Mr. Guerino informed the members he will be attending a Priority Based Budgeting meeting in Denver in August.
8. **Finance Committee Comment** – Ms. Ford discussed the possibility of selling beach stickers on the Non-Town Hall side of the canal. She suggested having a designated place for a one to two week period which would allow residents to purchase a beach sticker without having to go to Town Hall. She feels some residents don't have the ability to get to Town Hall during business hours in order to purchase the sticker. Mr. Guerino will speak to the Harbor Master to see if that may be a possibility for next season. A suggestion was made to make beach stickers available for purchase directly on the Town's website; particularly when a resident is paying their excise tax bill. A discussion ensued.
9. **Public Comment** – Resident, Jim Mulvey, suggested that the board properly draft questions pertaining to the Safer Grant and present them to the grant administrator. Additionally, he discussed the need for long-term planning.

Mr. Guerino advised the board that the Town has entered into new collective bargaining agreements with all but two of the collective bargaining units. He stated the bargaining with Fire has so far been amicable; adding the bargaining with the Police patrol officers is also underway. A brief discussion concerning the School Department's contract transpired.

Mr. Guerino discussed changes in the new health policy effective July 1; i.e., co-pays and deductibles have increased, hospital stays are now tiered and prescription drug coverage has increased.

Ms. Conron asked Renee' Gratis to introduce herself. Ms. Gratis introduced herself to the board.

Ms. Conron asked the town administrator to discuss new positions that will be filled. Mr. Guerino stated a Facilities Manager will be hired to replace Jonathan Nelson. A brief discussion transpired with regard to staffing the counter upstairs.

Mr. Redman acknowledged Jonathan Nelson. Mr. Guerino stated Mr. Nelson will stay on to assist with a few of the larger projects.

Mr. Lavoie asked for an update with Hoxie. Mr. Guerino stated the Town has suspended all activity with Hoxie. There is currently no additional Town money being appropriated for this project. The project from the Town's perspective has been terminated.

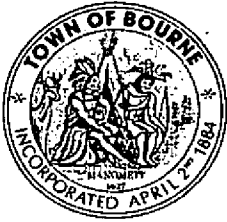
Ms. Mastrangelo asked the board to introduce themselves to Ms. Gratis.

10. Future Agenda Items – TBD

IV. Adjournment

Dr. Towne moved to adjourn. Mr. Lavoie seconded. With no discussion, the motion carried. 9-0-0. The meeting adjourned at 8:52 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, September 19, 2016
7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$290,000

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

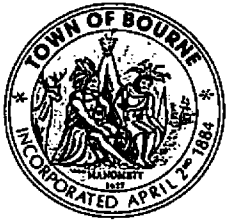
The Finance Committee will hold a public meeting on Monday September 19, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Presentation Police Facility Building Committee
4. Presentation Peebles School Building Committee
5. Discussion on Debt Service and Borrowing
6. Minutes of previous meetings
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
10. Public Comment (for informational purposes only)
11. Adjourn

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
September 14, 2016

RECEIVED
2016 SEP 14 PM 3:56
TOWN CLERK BOURNE



TOWN OF BOURNE

Finance Committee

24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee

Monday, September 26, 2016

7:00PM

Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$290,000

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday September 26, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Special Town Meeting Warrant Article Review and Discussion
 - Article 9 – FY17 Budget amendment
 - Sources and Uses
 - Free Cash Analysis
 - Long Term Projection
 - Article 2 – Supplement Sewer Budget
 - Article 3 – Repair/replace ISWM landfill gas extraction wells
 - Article 4 – Accept 35 year Easement with Army Corps of Engineers at Jt. Base Cape Cod
 - Article 5 – Repair and Resurface Laura Lane with betterment assessments
 - Article 7 – Unpaid Bills
 - Article 8 – Capital Request – Packer Truck (Multipurpose Refuse/Recycling)
 - Article 10 – Supplement the FY17 ISWM Budget
 - Article 11 – Bylaw: Single Use Plastic Bag Prohibition
 - Any other articles on the warrant
4. Discuss and Vote Special Town Meeting Articles
 - Article 1 – Peebles School Project
 - Article 6 – Policy Facility Project
5. Minutes of previous meetings
6. Future Meetings – Topics and Schedule
7. TA Comment (for informational purposes only)
8. Finance Committee Comment (for informational purposes only)
9. Public Comment (for informational purposes only)
10. Adjourn

RECEIVED
2016 SEP 20 PM 12:42
TOWN CLERK BOURNE

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
September 20, 2016

Town of Bourne Finance Committee

Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

September 26, 2016

RECEIVED

2016 NOV 31 AM 8:58

TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on September 26, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, John Redman, Dr. William Towne, Karin Meehan, Brian Lemee, Judy Conron, Kathleen LeGacy, and Renee' Gratis.

Also Present: Thomas Guerino, Linda Marzelli, Michael Rausch, Michael Blanton, Carol Mitchell, Steve Lamarche, Charles Noyes, Jane Norton, Dan Barrett, Barry Johnson, Wendy Chapman, Heather DiPaolo, Amy Sharpe, Katherine Kiritsis, Rosanne Bottaro, Chris Hyldburg (8:35) and Jim Mulvey (7:12).

Documents: Agenda, Draft STM Warrant, Sources and Uses, Free Cash Analysis, Peebles School Proposed Financing Schedules and Police Station Proposed Financing Schedules.

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Note any Excused Members – Richard Lavoie**
3. **Special Town Meeting Warrant Article Review and Discussion**

Article 9 – FY17 Budget amendment –

Sources and Uses
Free Cash Analysis
Long Term Projection

Mr. Guerino provided a short synopsis of what each of the items on the budget adjustment are for.

- Board of Selectmen- Expenses- \$25,000.00

- Town Administrator – Expenses - \$5,000.00
- Town Clerk – Salaries - \$12,180.00
- Town Planner – Salaries - \$36,168.00
- Town Planner – Expenses - \$5,000.00
- Council on Aging – Salaries – (\$36,168.00)
- Library Department – Expenses – \$18,500.00

Barry Johnson, the Town Clerk, spoke briefly about the level of staffing in his department vs. surrounding towns, the new voter registrations their office has received, the impact of the upcoming election on their department, ethics training and the new Public Records Law.

Ms. Mastrangelo opened a discussion with regard to an increase in Free Cash over the previous year, local receipts, state aid and new growth.

Ms. Mastrangelo thanked Mr. Johnson for attending.

Members of the Recycling Committee were present to discuss Article 11. Ms. Mastrangelo asked those members to discuss the Article. (out of order)

Article 11 – By-law: Single Use Plastic Bag Prohibition- Heather DiPaolo, chair of the Recycling Committee, along with Amy Sharpe, discussed the proposed Article which would ban the use of plastic bags. She discussed how plastic bags are a major contaminant in the Single-stream recycling process and the various cape towns that have instituted the plastic bag ban. Additionally, she discussed how the ban would be enforced.

Ms. Ford asked about Falmouth's self-compliance and of any issues they've had. Ms. Sharpe stated Falmouth just implemented their ban last month, so it's very new. She stated they have not had any problems with enforcement thus far. Additionally, she stated she spoke with Harwich and Wellfleet who have had the ban in place much longer; neither have had any problems with enforcement.

Ms. LeGacy noted she did not see changes in the language in the Article that was discussed at the last By-law Committee meeting. A discussion transpired pertaining to the changes in the language. Ms. DiPaolo stated she would forward a corrected version to Ms. Mastrangelo and Mr. Guerino.

Ms. Mastrangelo opened a discussion with regard to the chemicals used to manufacture paper bags and the environmental impact the chemicals have. Additionally, she discusses the possible implementation of a state-wide ban of paper bags that contain less than 40% of recycled material.

Ms. LeGacy expressed her appreciation to the Recycling Committee for starting the process. Dr. Towne asked if the ban applies to the pull tie trash bags. Ms. Sharpe stated no, the ban applies to single-use handle bags.

Article 2 – Supplement Sewer Budget – Mr. Guerino stated the Town is working with the town auditor concerning ongoing issues with various sewer invoices that have been received from Wareham. Dr. Towne asked how the \$25,000.00 audit fee will be paid for. Mr. Guerino stated it will be paid for out of the Sewer Retained Earnings. Ms. Mastrangelo asked how much money is currently in that account. Ms. Marzelli stated \$634, 068.00.

Article 3 – Repair/replace ISWM landfill gas extraction wells – Dan Barrett addressed the committee and explained that the switchover to burying mostly ash at the landfill is heavy in Lyme. The Lyme is causing some reactions that has a tendency to increase the temperature of the landfill gas wells. ISWM would like to change the composition of the well pipe to a heavier plastic, which is more heat resistant. The current pipes are getting too hot and are starting to warp. The warping prevents a clear draft on the gas well. There are four wells needing new pipes.

Ms. Conron asked for the cost. Mr. Barrett stated it will cost approximately \$120,000.00; however, they are seeking \$150,000.00 due to the higher cost of the heavier plastic. The money to fund the project will come from ISWM's Post-closure Account. The account will be reimbursed when the annual reconciliation is done in March.

Ms. Mastrangelo asked why this project isn't a Capital project. Mr. Guerino stated well maintenance and replacement has been done over the years and is considered general maintenance. A brief discussion transpired pertaining to the Post-closure Account and how the amount used for the project will be reimbursed.

Article 4 – Accept 35 year Easement with Army Corps of Engineers at Jt. Base Cape Cod- Mr. Barrett explained they've been working on this easement for four years. Legislation has been passed giving the Town permission to traverse the land. The next step is to go before the National Guard Bureau which could take 6-24 months. Once that's complete the final step is to gain an easement through the Army Corps of Engineers. Mr. Guerino asked if the Article should be indefinitely postponed since the next step is a 6-24 month process. Mr. Barrett agreed it should be indefinitely postponed.

Ms. Mastrangelo asked Mr. Barrett to discuss Article 10 (out of order).

Article 10 – Supplement the FY17 ISWM Budget – Mr. Barrett stated ISWM is requesting a supplement to the ISWM budget to pay for several unanticipated projects; the installation of a drainage pipe, unanticipated environmental remediation associated with the teardown of the DPW building and the phone system hook-up.

Ms. Mastrangelo asked how these projects will be funded. Ms. Marzelli stated through retained earnings. A brief discussion ensued.

Ms. Mastrangelo thanked Mr. Barrett for attending.

Article 5 – Repair and Resurface Laura Lane with betterment assessments – Mr. Guerino explained the project to the board. He stated the residents were going to hold one more neighborhood meeting to be sure they wanted to move forward with the project and they would

have a definitive answer before the close of business on September 29, 2016. A brief discussion transpired with regard to how this project will be paid for.

Article 7 – Unpaid Bills – Mr. Guerino stated an invoice from Town Counsel was received but was not processed before the close of the year.

Article 8 – Capital Request – Packer Truck (Multipurpose Refuse/Recycling) – Ms. Mastrangelo explained since the Town converted to Single-stream recycling, the number of stops that the trucks are making and the amount of recycling being generated has increased significantly resulting in the need for a multi-purpose packer truck. The new truck will be paid for by ISWM. A brief discussion transpired concerning the design of the truck and the increased amount of recycling.

Any other Articles on the Warrant – None.

Ms. Mastrangelo asked the board members to inform her of any Articles they are interested in presenting. Ms. Conron asked which Articles are still available. Ms. Mastrangelo stated Mr. Lavoie is interested in the Peebles Article, Mr. Redman is interested in the Police Facility, Ms. Mastrangelo will read Articles 8 and 9, Ms. Ford will read Article 1. She stated Articles 2 through 5 and 7 are still available.

4. Discuss and Vote Special Town Meeting Articles

Article 1 – Peebles School Project – Ms. Mastrangelo referred to the handouts and discussed bonding at 3.75% and 5% over 20, 25 and 30 years. She feels for consistency, both projects should be bonded at the same percentage rate. After a lengthy discussion, **Dr. Towne moved to recommend approval of the project. Ms. Conron seconded.** Ms. Gratis and Mr. Lemee' discussed the condition of the Peebles building based on their tour of the facility. After a brief discussion, the motion carried. 9-0-0.

Article 6 – Police Facility Project – Ms. Conron and Ms. Gratis briefly discussed the condition of the facility based on their tour of the building. Ms. Mastrangelo encouraged residents to tour the facility. **Mr. Redman moved approval of Article 6. Ms. Ford seconded.** Mr. Guerino provided a brief history of the building. Dr. Towne discussed the condition of the building based on his tour of the facility. He reiterated his disappointment of the location of the new building. Ms. Mastrangelo also discussed her tour of the facility which prompted the implementation of a Facilities Maintenance Plan and a Facilities Manager position being created. With no further discussion, the motion carried. 9-0-0.

5. Minutes of previous meetings – Deferred.

6. Future Meetings - Topics and Schedule – The next meeting will be held on 10/3/2016 to vote on the remaining Articles.

7. TA Comment – None.

8. **Finance Committee Comment** – Ms. Mastrangelo reminded the board of the Association of Town Finance Committees Annual Meeting which will be held on October 15th. Anyone interested in going should inform her immediately.

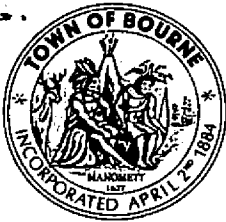
There is a Pre-town Meeting scheduled for October 12th at 3 PM, with the moderator and the BOS.

9. **Public Comment** –None.

IV. Adjournment

Mr. Redman moved to adjourn. Dr. Towne seconded. With no discussion, the motion carried. 9-0-0. The meeting adjourned at 8:50 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



Finance Committee
Monday, October 3, 2016
7:00PM
Bourne Veteran's Memorial Community Building
239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$290,000

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday October 3, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. Discuss and Vote Special Town Meeting Warrant Articles
 - Article 2 – Supplement Sewer Budget
 - Article 3 – Repair/replace ISWM landfill gas extraction wells
 - Article 4 – Repair and Resurface Laura Lane with betterment assessments
 - Article 6 – Unpaid Bills
 - Article 7 – Capital Request – Packer Truck (Multipurpose Refuse/Recycling)
 - Article 8 – FY17 Budget amendment
 - Article 9 – Supplement the FY17 ISWM Budget
 - Article 10 – Single Use Plastic Bag Prohibition
 - Any other articles
 - Essential or contingent articles
4. Update on Unibank interest rates calculations
5. FinCom Report to Town Meeting
6. Minutes of previous meetings - 9/19 and 9/26
7. Future Meetings – Topics and Schedule
8. TA Comment (for informational purposes only)
9. Finance Committee Comment (for informational purposes only)
10. Public Comment (for informational purposes only)
11. Adjourn

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
September 29, 2016

RECEIVED
2016 SEP 30 AM 10:51
TOWN CLERK BOURNE

Chapman, Wendy

From: MJM@MRAIN.C.ORG
Sent: Thursday, September 29, 2016 6:35 PM
To: Johnson, Barry; Chapman, Wendy; Fernandes, Mary
Subject: Agenda for fandom 10/3
Attachments: 100316 FinCom_Agenda.doc

Attached. I am attempting to post it myself.

MJ

I called e and jen:

Per Kevin Maganero - of the
Dir. of Gen. Post - he stated
because we have adapted the "Web
Posting" method & the notice on same
PRIOR to the start of the Oct 3, 2016
mtg @ 7pm - it is OK to go
forward. If it had not been before
the 48 hrs - you could not. We
were NOT here to receive it @ 6:35
on Thurs. mte - printed & posted 9/30/16
= OK & posted same as board.

BHS

9/30/16

12: Bjen

Town of Bourne Finance Committee

Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532

October 3, 2016

RECEIVED

2016 NOV 31 AM 8:58

TOWN CLERK BOURNE

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on October 3, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, John Redman, Richard Lavoie, Karin Meehan, Brian Lemee', Judy Conron, Kathleen LeGacy, and Renee' Gratis.

Also Present: Thomas Guerino, Linda Marzelli, Michael Rausch, Carol Mitchell, Barry Johnson (7:30) and Amy Sharpe.

Documents: Agenda and Draft Motions

III. Agenda Items

1. **Reserve Fund Transfers – None**
2. **Note any Excused Members – Dr. William Towne**
3. **Discuss and Vote Special Town Meeting Warrant Articles -**

Article 2 – Supplement Sewer Budget – Ms. Mastrangelo read the motion. With no discussion, **Ms. Ford moved approval. Mr. Lavoie seconded.** With no further discussion, the motion carried. 9-0-0.

Article 3 – Repair/replace ISWM landfill gas extraction wells - Ms. Mastrangelo read the motion. With no discussion, **Mr. Redman moved approval. Mr. Lavoie seconded.** Ms. Conron opened a brief discussion pertaining to the post closure account. Mr. Lavoie asked how much money is currently in the account. Ms.

Marzelli didn't have an exact figure and will email the board the amount. With no further discussion, the motion carried. 9-0-0.

Article 4 – Repair and Resurface Laura Lane with betterment assessments - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Redman seconded.** Mr. Lemee' opened a brief discussion with regard to the betterment assessments to the abutters. Mr. Guerino elaborated on the process. Ms. Mastrangelo briefly discussed the Debt Service Schedule. Mr. Guerino also discussed the cost of the project, who will complete the work and he discussed other neighborhoods in town that have had similar work done. With no further discussion, the motion carried. 9-0-0.

Article 6 – Unpaid Bills - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Lavoie seconded.** Ms. Gratis asked about the \$1,600.00 Fire Department invoice to the Medical Psychology Center. Mr. Guerino explained it is for psychological testing of new recruits. With no further discussion, the motion carried. 9-0-0.

Article 7 – Capital Request – Packer Truck (Multipurpose Refuse/Recycling) - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Redman seconded.** Mr. Lavoie asked if a packer truck was purchased the previous year. Ms. Mastrangelo stated yes, and explained that recycling has increased so dramatically that a new truck is necessary to meet the demand. She stated another new truck will be purchased in the spring. A brief discussion transpired with regard to the old recycling trucks and how they have been retrofitted for continued use. With no further discussion, the motion carried. 9-0-0.

Article 8 – FY17 Budget amendment - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Redman seconded.** Mr. Guerino briefly discussed salary turn backs and vacancies in various departments. Ms. Mastrangelo briefly discussed the Free Cash Policy. With no further discussion, the motion carried. 9-0-0.

Article 9 – Supplement the FY17 ISWM Budget - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Redman seconded.** Ms. Conron asked what the funds will be spent on. Mr. Guerino stated approximately \$200,000.00 is being set aside for the demolition of the old DPW facility, \$60,000.00 is being set aside to run fiber optic to the DPW facility and \$140,000.00 will be used to deal with drainage issues. With no further discussion, the motion carried. 9-0-0.

Article 10 – Single Use Plastic Bag Prohibition - Ms. Mastrangelo read the motion. **Ms. Ford moved approval. Mr. Redman seconded.** Ms. Ford stated she asked a store owner for their opinion on this article and they were in support of

the ban. Ms. Mastrangelo stated she asked a small business owner in Falmouth for their opinion on the ban since Falmouth has already implemented it; he said he is fine with it. A brief discussion transpired concerning which types of plastic bags won't be affected by the ban; i.e., trash bags, deli meat bags, produce bags, etc. Additionally, the problems that the plastic bags cause to the environment was discussed. With no further discussion, the motion carried. 9-0-0.

Any other articles – None.

A brief discussion transpired with regard to the assigned motions.

Essential or contingent articles – None.

Mr. Lemee' made a point that the taxpayers will not see the increase on their tax bills for the money being spent on the Police Station and the Peebles School immediately; it could take a year or longer. Ms. Mastrangelo agreed. A discussion ensued.

4. **Update on Unibank interest rates calculations** – Ms. Mastrangelo stated after the last meeting, Ms. Marzelli spoke with a Unibank representative who provided a 3.75% amortization table for both projects. They were emailed to the board members.
5. **FinCom Report to Town Meeting** – Ms. Mastrangelo emailed the members the draft report.
6. **Minutes of Previous Meetings** – Ms. Mastrangelo entertained a motion to accept the minutes of the September 19, 2016 meeting. **Ms. Ford moved to accept the September 19, 2016 meeting minutes. Mr. Redman seconded.** With no discussion, the motion carried. 9-0-0.
7. **Future Meetings Topics and Schedule** – The joint meeting with the Board of Selectmen will be held on October 25th.

Finance Committee members should report to the Professional Library at 6:30 PM, prior to the Special Town Meeting.

Ms. Mastrangelo would like the members to submit handbook comments in the next couple of days. She would like the members' verbal comments no later than Saturday, October 15, 2016.

8. **TA Comment** – Mr. Guerino informed the board of a ceremony at the Town Hall celebrating the reconstruction of the Veterans Memorial. The ceremony will be held on November 11th.

Mr. Guerino discussed a conference call that he and Ms. Marzelli had with Chris Fabian from the Center for Priority Based Budgeting. Mr. Fabian will be meeting with the department heads toward the end of the month to discuss the Priority Based Budgeting process.

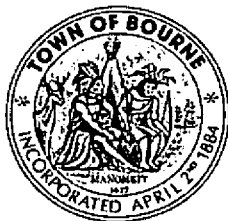
9. **Finance Committee Comment** – Ms. Mastrangelo reiterated that she'd like the handbook comments by Wednesday evening and verbal comments by Saturday the 15th.

10. **Public Comment** –None.

IV. Adjournment

Ms. LeGacy moved to adjourn. Mr. Redman seconded. With no discussion, the motion carried. 9-0-0. The meeting adjourned at 7:42 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



The Reserve Fund balance \$290,000

MEETING NOTICE

The Finance Committee will hold a public meeting on **Monday October 17, 2016 at 6:30 PM** at the Bourne High School Professional Library.

1. Reserve Fund Transfers
2. Discuss and vote STM Articles as needed
3. Distribute Final Motions and Verbal Comments
4. TA Comment (for informational purposes only)
5. Selectmen Comment (for informational purposes only)
6. Finance Committee Comment (for informational purposes only)
7. Public Comment (for informational purposes only)
8. Future agenda items
9. Move to the Auditorium Stage and Remain in Open Session during the Town Meeting

RECEIVED
2016 OCT 13 AM 8:31
TOWN CLERK BOURNE

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo
October 12, 2016

Town of Bourne Finance Committee

Meeting Minutes

2016 NOV 31 AM 8:58

Bourne High School Library

TOWN CLERK BOURNE

75 Waterhouse Rd Bourne, MA 02532

October 17, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 6:30 PM on October 17, 2016.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, John Redman, Michele Ford, Brian Lemee, Judy Conron, Karin Meehan, Dr. William Towne, Richard Lavoie, Renee Gratis and Kathleen LeGacy.

Also Present: Carol Mitchell

Documents: Agenda and Articles of the Warrant handbook

III. Agenda Items

1. **Reserve Fund Transfers** – None
2. **Discuss and Vote STM Articles as needed** – All have been voted on and there are no Contingent or Essential Articles.
3. **Distribute Final Motions and Verbal Comments** – All members received the Final Motions and Verbal Comments.
4. **T/A Comment** – None
5. **Selectmen Comment** – None
6. **Finance Committee Comment** – Ms. Mastrangelo, Ms. LeGacy, Mr. Lemee and Ms. Gratis briefly discussed the Association of Town Finance Committees Annual Meeting they attended.
7. **Public Comment** – None.
8. **Future Agenda Items and Meeting Schedule**– None Presented. Next meeting TBD

IV. Adjournment

Mr. Redman moved and Dr. Towne seconded to adjourn the meeting. With no discussion, the motion carried 10-0-0. The meeting adjourned at 9:26 PM.

Minutes submitted by: Carol Mitchell

F

R



TOWN OF BOURNE
Finance Committee
24 Perry Avenue
Buzzards Bay, MA 02532



MEETING NOTICE

The Finance Committee will hold a joint public meeting with the Board of Selectmen and School Committee on Tuesday, October 25, 2016 at 6:15 PM at the Community Building.

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

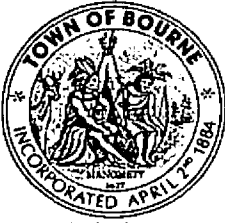
6:15 p.m. Call to order Joint Meeting of Finance Committee, Board of Selectmen and School Committee

1. Year End Financial Review –This will be in joint session with the Town Administrator
Board of Selectmen – Finance Director - Finance Committee and School Committee
2. Other business of the joint committee meeting
3. Adjourn Finance Committee

Residents are welcome and encouraged to attend our meetings.
Finance Committee meetings are televised on the local cable channel.

Mary Jane Mastrangelo
October 25, 2016

RECEIVED
2016 OCT 20 PM 4:22
TOWN CLERK BOURNE



TOWN OF BOURNE

Finance Committee

24 Perry Avenue

2016 NOV 22 11:18 AM
Bourne, MA 02532



TOWN CLERK'S OFFICE

BOURNE, MASS **Finance Committee**

Monday, November 28, 2016

7:00PM

Bourne Veteran's Memorial Community Building

239 Main Street, Buzzards Bay, MA 02532

Reserve Fund: \$290,000

MEETING NOTICE

NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.

The Finance Committee will hold a public meeting on Monday November 28, 2016 at 7:00 PM at the Community Building.

1. Reserve Fund Transfers
2. Note any excused/absent members
3. FY18 Budget
 - Department/Budget Liaisons
 - New position info draft
 - Any special info requests for departments/budgets
 - Long Range Planning/Financial Trends
4. Minutes of previous meetings - 9/26, 10/3, 10/17
5. Future Meetings – Topics and Schedule
6. TA Comment (for informational purposes only)
7. Finance Committee Comment (for informational purposes only)
8. Public Comment (for informational purposes only)
9. Adjourn

Residents are welcome and encouraged to attend our meetings.

Finance Committee meetings are taped and replayed on the local cable channel.

Mary Jane Mastrangelo

November 19, 2016

Town of Bourne Finance Committee

Meeting Minutes

Bourne Veterans Memorial Community Center

239 Main St. Bourne, MA 02532 BOURNE, MASS

November 28, 2016

I. Call to order

Mary Jane Mastrangelo called to order the meeting of the Finance Committee at 7:00 PM on November 28, 2016. Ms. Mastrangelo announced the meeting was being recorded for live broadcast and television replay and asked if anyone in the audience was audio or videotaping the meeting. She acknowledged Michael Rausch and Carol Mitchell were recording the meeting.

II. Roll call

Finance Committee Members Present: Mary Jane Mastrangelo, Michele Ford, John Redman, Brian Lemee', Judy Conron, Dr. William Towne and Renee' Gratis.

Also Present: Thomas Guerino, Linda Marzelli, Michael Rausch, Carol Mitchell and Jim Mulvey.

Documents: Agenda, FY 18 Budget Liaisons, New Positions draft questionnaire and Town of Northborough questionnaire.

III. Agenda Items

1. **Reserve Fund Transfers** – Mr. Guerino stated there were three Reserve Fund Transfers;

- ISWM – in the amount of \$200,000.00 to be transferred from the ISWM Reserve Fund and placed into the Supplies and Other Account to pay for invoices resulting from the landfill fire. Mr. Guerino offered a brief explanation for the request.

Ms. Mastrangelo entertained a motion to transfer \$200,000.00 from the ISWM Reserve Account. **Dr. Towne moved and Ms. Ford seconded to transfer \$200,000.00 from the ISWM Reserve Account.** With no discussion, the motion carried. 7-0-0.

- Police – in the amount of \$14,590.00 to be transferred to the Repair and Maintenance Autos purchase line item. Mr. Guerino offered an explanation

for the request. After a brief discussion, Ms. Mastrangelo entertained a motion. **Ms. Ford moved and Mr. Redman seconded to transfer the amount of \$14,590.00.** With no discussion, the motion carried. 7-0-0.

- Police – in the amount of \$13,356.84 to be transferred to the Police Miscellaneous Supplies line item. Mr. Guerino offered a brief explanation for the request. After a brief discussion, **Ms. Ford moved approval, Dr. Towne seconded.** With no further discussion, the motion carried. 7-0-0.

2. **Note any Excused Absent Members** – Richard Lavoie, Karin Meehan and Kathleen LeGacy. Ms. Mastrangelo explained that the By-law requires the board to vote on excusing absent members. With no objections, the board unanimously excused the absent members.

3. **FY 18 Budget -**

- Department / Budget Liaisons – Ms. Mastrangelo stated she'd like to have liaisons assigned early for the following departments; General Government, Public Safety, Public Works and Facilities, Human Services, Culture and Recreation, Schools, Shared Costs, Debt Service, ISWM, Sewer, Capital Planning and Long-term Planning. Mr. Redman suggested that Ms. Mastrangelo send the department list to all members electronically for their review before assigning Budget Liaisons to any departments.

A brief discussion transpired concerning the budget. Mr. Guerino stated he will meet with the department heads in the upcoming week to finalize their department's budget. He will also meet with the BOS in a workshop to discuss broad themes relative to the budget as well as supplemental requests for positions. The School Department is also working on finalizing their budget and will be submitting their recommendations to the Town Administrator soon. Additionally, the Tech School is estimating about a 2% increase with a reduction from the student body from Bourne.

Ms. Mastrangelo briefly explained the budget process; starting with the department heads submitting their budgets to the Town Administrator by December 8th. The Town Administrator will work with the department heads and submit a proposed budget to the BOS on or before January 15th. The BOS then submits their recommended budget to the Finance Committee on or before February 1st. A discussion ensued.

- New Position info draft – Ms. Mastrangelo referred to the New Positions questionnaire. Mr. Guerino questioned whether or not the Finance Committee would like to be informed of all new position requests or just those be

recommended in the budget. Ms. Mastrangelo thinks it's important for the Finance Committee to receive all information on all new position requests, not just those recommended by the Town Administrator and/or the BOS.

- Any special info requests for departments/budgets – Ms. Mastrangelo advised the board to submit any questions they may have to her and she will forward them to Mr. Guerino.

- Long Range Planning/Financial Trends – Ms. Mastrangelo referred to the Town of Northborough questionnaire that she received while attending the Association of Town Finance Committees meeting. The questionnaire pertains to Long-term financial trends. A brief discussion ensued.

4. **Minutes of Previous Meetings** – Ms. Mastrangelo entertained a motion to accept the minutes of the September 26, 2016 meeting. **Mr. Redman moved and Dr. Towne seconded to accept the minutes of the September 26, 2016 meeting.** With no discussion, the motion carried. 7-0-0.

Ms. Mastrangelo entertained a motion to accept the minutes of the October 3, 2016 meeting. **Mr. Redman moved and Ms. Ford seconded to accept the minutes of the October 3, 2016 meeting.** With no discussion, the motion carried. 7-0-0.

Ms. Mastrangelo entertained a motion to accept the minutes of the October 17, 2016 meeting. **Ms. Ford moved and Mr. Redman seconded to accept the minutes of the October 17, 2016 meeting.** With no discussion, the motion carried. 7-0-0.

5. **Future Meetings Topics and Schedule** – TBD after the New Year.
6. **TA Comment** – None
7. **Finance Committee Comment** – Ms. Mastrangelo stated the Finance Committee has two vacancies and encouraged the members to assist in filling them. Mr. Guerino stated a talent bank has been established and is posted on the Town's website which lists board/committee vacancies.

Mr. Redman reminded residents to vote on December 6, 2016.

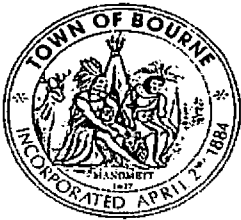
8. **Public Comment** – Mr. Mulvey questioned whether or not the Town has an underfunded retirement account based on a Barnstable County actuarial study. Ms. Mastrangelo and Ms. Marzelli offered a brief explanation of the OPEB Trust Fund.

Mr. Mulvey stated he hopes the Upper Cape Tech budget will be submitted more timely this year than in years past.

IV. Adjournment

Dr. Towne moved and Mr. Redman seconded to adjourn. With no discussion, the motion carried. 7-0-0. The meeting adjourned at 7:43 PM

Minutes submitted by: Carol Mitchell



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

2016 JAN 7 AM 9 23

TOWN CLERK'S OFFICE MEETING NOTICE
BOURNE, MASS

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

January 13, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 144 JEFFERSON RD – CONTINUED from December 9, 2015 - Barbara Frappier for Joe and Elaine Desorcy – Request waiver to use the existing septic system for proposed addition – Discuss and possible vote –
2. 7 BENNET'S NECK RD –CONTINUED from December 9, 2015 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations –
3. 3 BRENDON LANE-- I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations –
4. 85-93 MAIN STREET – Daniel MacDonald – Request waiver of fines that have been assessed against the property –
5. 32 NORTH BEACH AVE – Joe Agrillo for Jerry Noack – Request waiver for proposed addition, renovation and/or alteration of existing dwelling –
6. 749 Head of the Bay Road Unit 2H- Owned by Kenneth & Tara Smead- Failure to comply with the Town of Bourne Board of Health Rabbits, Mink, Foxes, and Other Fur-bearing Animals Regulations. Abundance of rabbits on property within Hideaway Village is causing a nuisance and also in violation of MGL c. 111 s. 122.
7. 1077 COUNTY RD – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses -
8. POCASSET MOBILE HOME PARK – 2016 License Renewal – Discussion and Possible vote –
9. TOBACCO REGULATION UPDATE – Robert Collet of Barnstable County Control Program – Discussion and update of the current tobacco regulations. -
10. APPROVE THE MINUTES – from the meeting dated October 28, 2015, November 18, 2015 and December 9, 2015 -

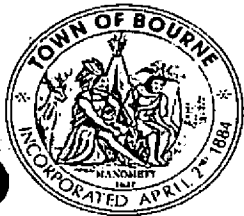
Signed:

Title:

Date:

Secretary

January 7, 2016



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



2016 JAN 10 PM 11 38

MEETING NOTICE

TOWN CLERK'S OFFICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

January 13, 2016.

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

Agenda was amended on 1/11/2016 @ 2:42 pm

1. 144 JEFFERSON RD – CONTINUED from December 9, 2015 - Barbara Frappier for Joe and Elaine Desorcy – Request waiver to use the existing septic system for proposed addition – Discuss and possible vote –
2. 7 BENNET'S NECK RD –CONTINUED from December 9, 2015 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations –
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7. 1077 COUNTY RD – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses -
8. POCASSET MOBILE HOME PARK – 2016 License Renewal – Discussion and Possible vote –
9. TOBACCO REGULATION UPDATE – Robert Collet of Barnstable County Control Program – Discussion and update of the current tobacco regulations. –
10. FUTURE GENERATION WIND – Karen Gibides – Discussion on noncompliance –
11. FUTURE GENERATION WIND – Kathy Peterson – Discussion and possible vote on noncompliance orders with regards to Future Generation Wind. -
12. APPROVE THE MINUTES – from the meeting dated October 28, 2015, November 18, 2015 and December 9, 2015 -

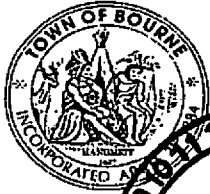
Signed: 

Title: Secretary

Date: January 7, 2016

Amended 1-11-16

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

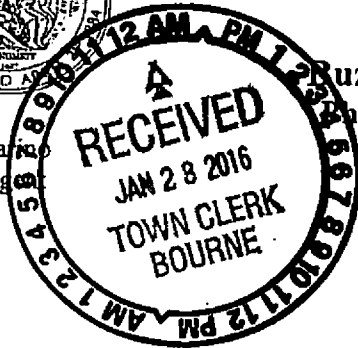
TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

Fax (508) 759-0679



MINUTES
January 13, 2016

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; Donald Uitti, Secretary, Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:01 PM

1. **144 JEFFERSON RD – CONTINUED** from December 9, 2015 – Barbara Frappier for Joe and Elaine Desorcy – Request waiver to use the existing system for proposed additions – Discuss and possible vote. – *Ms. Frappier and Mr. and Mrs. Desorcy were present for this hearing.* Ms. Frappier submitted additional architectural plans showing that one room in question will not be a bedroom. It addressed Mr. Andrew's concerns from the last meeting. The existing window in the bedroom will be removed and a solid wall put in place. Ms. Guarino stated that she has no objection to the board granting the waiver. Mr. Andrews made a motion to approve the waiver to use the existing septic system for the proposed addition. Architecturals submitted 12/1/15 modified 1/13/16. Mr. Uitti seconded the motion. It was unanimous.
2. **7 BENNET'S NECK RD – CONTINUED** from December 9, 2015 – I/A Septic System Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation and maintenance contract and violation of Board of Health Alternative Septic System Regulations – *No one present for this hearing.* Ms. Guarino stated that at the last meeting the board voted unanimously to issue a \$500.00 fine for the first offense for lack of operation and maintenance contract for an alternative septic system for which variances were granted as a condition. The owners did receive the letter stating they must pay the fine and immediately submit a valid operation and maintenance contract. As of today, the owners have done neither. Ms. Guarino stated that the second offense fine is \$1,000.00 and town council is prepared to take action against the owners of the property for failure to comply. Mr. Andrews made a motion to issue a second offense of a \$1,000.00 fine for 7 Bennet's Neck Rd for non-compliance of the alternative septic system. Mr. Barlow seconded the motion. It was unanimous. Ms. Peterson instructed Ms. Guarino to look into some type of lock box that the Health Department can access and shut down the system until the fines are

paid. Mr. Andrews added that the Board of Health could also request the water to be shut off at the property. Mr. Barlow added that the Board of Health can request that the occupancy permit be revoked until the fines are paid and a valid maintenance agreement is signed and submitted. Ms. Peterson stated that she would like these suggestions enforced for every future approval of a variance. It will be part of the motion to grant a variance.

3. **3 BRENDON LANE – I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation and maintenance contract and violation of Board of Health Alternative Septic system Regulations – Mr. Vincenzo Origlio, owner, was present for this hearing.** Mr. Origlio stated when the house was built they would have to abide by a 2 year testing and maintenance contract which he has. He was never told that the maintenance contract would be a perpetual contract. The system is placed one foot outside the 150 foot setback. Ms. Peterson asked when the house was built. Mr. Origlio stated approximately 8 years ago. He only uses the property 4 or 5 weekends a year. Mr. Origlio stated that had he known the maintenance would be required for the life of the system, he would not have built this house. Ms. Peterson stated that Mr. Origlio has two options right now. He can either renew the maintenance contract as the law requires or he can pay the \$500.00 fine tonight and then another \$1,000.00 tomorrow for still being in non-compliance. Mr. Origlio stated that he will contact his lawyer and open a case to sue the Town of Bourne. Ms. Guarino stated that the letter she sent asked that he contract her immediately upon receipt of the letter but Mr. Origlio did not contact her. Mr. Origlio stated that is why he is here tonight. Mr. Origlio stated that he does not plan on having a contract because the property is only used 4 weekends per year. Ms. Peterson asked why Mr. Origlio shouldn't have a contract but all the other systems in town are required to have one. Mr. Origlio stated it's because the system is off most of the time. Mr. Barlow stated that if Mr. Origlio can prove he is a seasonal resident by submitting water and electric bill usage, then he can request a reduction in the number of times the system needs to be maintained. Ms. Guarino explained to Mr. Origlio that the state code also requires a maintenance contract for alternative systems regardless of use. Mr. Origlio stated that the maintenance contracts are very expensive each year. Mr. Andrews stated that it is a town and state requirement. The variance, although it was only for 1 foot, did get granted so that Mr. Origlio could build the house is wanted. Now he must abide by the state and local laws regarding an alternative septic system. Ms. Peterson suggested Mr. Origlio go into the office and speak with the Health Agent. If Mr. Origlio can prove seasonal use, then he may request a reduction in maintenance at the next meeting dated January 27, 2016. **Mr. Andrews made a motion to continue 3 Brendon Lane until the next board meeting dated January 27, 2016. Mr. Uitti seconded the motion. It was unanimous.** Ms. Peterson reiterated that the next meeting is to request a reduction from 4 times per year to possibly 2 times per year based on what Mr. Origlio can prove for seasonal use. It is not to allow Mr. Origlio total relief of a maintenance contract. Ms. Peterson added that if Mr. Origlio is not prepared to request a reduction in the maintenance contract and has not yet renewed a contract, he will start getting fined from this evening forward.

4. **85-93 MAIN STREET, BUZZARDS BAY – Daniel MacDonald – Request waiver of fines that have been assessed against the property –Mr. Barlow stepped off for this item.** *Mr. and Mrs. MacDonald were present for this hearing.* Ms. MacDonald stated that as of the last meeting, there were two more things to be completed which has been done. A letter was submitted to the Building Inspector and the Fire Chief asking for an inspection to verify the all the work has been completed and that the building is safe and ready to be occupied again. Ms. Guarino stated that both the Building Inspector and the Fire Chief did review the report. The portion of the building that the report refers to is unoccupied. The most critical request was that a structural engineer evaluate the building which has been done and submitted. The report stated that the building is viable for continued commercial use. Ms. Peterson asked if the Building Inspector concurs with the report. Ms. Guarino stated that she can't speak for the Building Inspector but the building is not occupied right now. Mr. Andrews stated that the two departments have accepted the letter from the structural engineer but no one can go back into the building and run a business until the Fire Department and the Building Inspector does another thorough inspection. Ms. Guarino stated that prior to today, there were 2 restaurants that occupied the building. That is not the case today. The building is not occupied. Ms. Mastria stated that the board should request a letter from the Fire Department and the Building Inspector stating that the report has been accepted and the build is safe to occupy. Ms. Guarino stated that a tremendous amount of work has been competed to this building and she is satisfied that the owners have fulfilled all the requirements that have been requested by the Board of Health. Mr. Andrews stated that the fines should have then stopped accumulating on December 9, 2015, which is when all the request documentation was submitted. Ms. Guarino stated that was correct. Ms. Peterson asked why the MacDonald's should waive the fees to date. Ms. MacDonald stated that they have complied with what the Board of Health has asked for which was just confirmed by Ms. Guarino, the Health Agent. Ms. Mastria suggested to have the MacDonald's back before the board to request the waiver of fines after the building is back to its pristine condition and ready for occupancy. The fines are stopped today but she is not comfortable about voting a waiver until the building is completely repaired. Ms. Guarino stated that the board informed the MacDonald's at the last meeting that the next step is to request a waiver of the fines. Ms. Peterson stated that she is comfortable with stopping the fines as of December 9, 2015 but not waiving them. Mr. Andrews stated that one of his concerns is how long it took for the MacDonald's to come up with a plan of correction. It was discouraging knowing what needed to be done was not addressed until 2 or 3 days before the meeting and somethings addressed the night of the meeting. Granted, within the last 30 days, things have accelerated and performance to mitigate the concerns have been addressed. Ms. MacDonald stated that it did take a lot of time to coordinate joint inspections with the Health Department, the Inspections Department and the Fire Department so they should not be faulted for that. Mr. Andrews stated that in all total it has been approximately 40 days since this all started. It was half way through, in October, when the first repair was completed. Ms. MacDonald stated that was because the Building Inspector stopped the repair work do to an insufficient building permit. Mr. Andrews stated that there are 4 months of fines that have been levied on the building. An effort was made from October through December as being productive time. Mr. Andrews stated he is not in favor of waiving the fines at this time. Ms. Guarino stated that Mr. MacDonald has been in constant communication with her since this whole thing

started back in August 2015. The work has been continuously completed. Ms. Peterson stated that she would like to review all the minutes and speak with the other departments involved before she makes a decision. Mr. Andrews stated that they are before the board tonight to request a waiver of the fines and the board should vote on something. He is not in favor of waiving the fines but would entertain an abatement of some of the fines that have been accrued because the Health Agent is satisfied with the work that has been completed. Mr. Andrews stated that he is leaning toward one third or even half of the fines to remain at this time. **Ms. Peterson made a motion to continue until the next meeting dated January 27, 2016 to give the board some time to decide on an appropriate fine. She would also like to do a site visit. Ms. Mastria seconded the motion. It was unanimous.**

Mr. Barlow stepped back on for the next hearing.

5. **32 NORTH BEACH AVENUE – Joe Agrillo for Jerry Noack – Request waiver for proposed addition, renovation and/or alteration of existing dwelling – *Mr. Agrillo and Mr. Noack were present for this hearing.*** Mr. Agrillo stated they are planning a modest addition to the property which includes a 4 ft addition of a bathroom on the first floor. The 4'X8' breezeway will be torn off which will improve the entry way into the living room. There will be no increase in bedroom space. This property is used seasonally at this time. The current title 5 inspection report states that the system is sound. Ms. Guarino stated that all the properties here do not meet the setback regulations but she does not have any issue with the plans being proposed. Ms. Guarino stated that the tank is only an H10 and sometimes cars are parked quite close to the area of the tank which is her only concern. **Mr. Andrews made a motion to approve the waiver to use the existing septic system for the propose addition. Drawings received December 23, 2015 for 32 North Beach Ave. Mr. Uitti seconded the motion. It was unanimous**

6. **749 HEAD OF THE BAY ROAD, UNIT 2H – Owned by Kenneth & Tara Smead – Failure to comply with the Town of Bourne Board of Health Rabbits, mink, foxes and other Fur Bearing Animals Regulations – Abundance of rabbits on property within Hideaway Village is causing a nuisance and also in violation of MGL c. 111 s. 122 – Mr. Barlow stepped off this this hearing. *Ms. Smead was present for this hearing.*** Ms. Butler, the Health Inspector, stated the office received a complaint about rabbits on the property. After her inspection, she counted approximately 40 rabbits. The property does not meet the setback regulations for rabbits. Hideaway Village does not have property setbacks so the setback is to the road. Ms. Butler asked that the rabbits be removed because a request for a variance did not seem likely. She would need to notify approximately 240 abutters by certified mail which would be a hardship imposed on the Smeads. Ms. Butler stated that she has been out to the property at least 4 more times and has counted a decrease of the amount of rabbits to 15. Ms. Smead stated that there are only 8 rabbits today. Ms. Guarino stated that there have been several complaints regarding the rabbits. Ms. Guarino and Ms. Butler have been very flexible so far because the family consumes the rabbits. Ms. Guarino didn't want to cause any hardship through the holidays. Mr. Andrews stated one of the biggest concerns the board has regarding animals is manure management. Ms. Butler stated when she first visited the property,

there were huge cages along the house. The droppings were running down the house. The Smead's have since then submitted a manure management plan which does seem very sufficient. Ms. Butler instructed the Smeads to sanitize the side of the house and install liners in the cages. Ms. Smead stated there aren't any outside cages. All of the cages have been moved into a greenhouse and out of sight from her neighbors. Ms. Peterson stated that this is a condominium complex which has a bylaw. In section 13b the bylaw states no nuisances shall be allowed on the property nor shall any use of practice be allowed which is a source of annoyance to occupants in which interferes with the peaceful procession of properties or the properties by its occupants or residents. So there are regulations here that need to be abided by. Mr. Andrews stated that the condominium regulations have nothing to do with the Board of Health. Ms. Peterson stated that they do when they start causing a nuisance. Ms. Peterson stated that she understands the family consumes the rabbits and according to the state, it is done humanly and within the states regulations. Ms. Guarino stated that the rabbits can only be euthanized at a certain age. Ms. Smead verified that at 4 months is when they are ready for consumption. Ms. Peterson asked where the rabbits are processed. Ms. Smead stated they are processed onsite in the yard. Ms. Laurie Lalor stated that she is an abutter to this property. She called the Board of Health because she was concerned about someone hanging rabbits and cutting off their heads. The Board of Health told her that they were aware of the situation and explained that the rabbits are for consumption and being processed correctly and humanly. She lives directly next door and has never heard anything, smelled anything and has no concerns about what they are doing with the rabbits. Ms. Peterson asked what is done with the fur. Ms. Smead stated that she uses the skins and the fur to make blankets, hats, mittens etc. Ms. Peterson asked what measures are in place for diseased or sick animals. Ms. Smead stated that they are euthanized and disposed of. Ms. Smead stated that all the scraps are fed to her dogs so there is literally no waste. Ms. Guarino stated that there have been other complaints regarding the rabbits from other in the neighborhood. Ms. Guarino stated that if the board allows Ms. Smead to keep the rabbits to raise as food, the Smead's should process the rabbits in an enclosed area and out of the sight of her neighbors. Mr. Andrews stated that the regulation is worded very clearly. A variance is required if the applicant can't meet the setback regulations. Ms. Smead stated the distance from the road to where the rabbits are located is 96 feet. Mr. Andrews stated that she needs to get another 4 feet away to meet the setback regulation. Ms. Guarino stated that if the applicant were allowed to keep the rabbits, the board should put more restrictions in the number allowed in the motion. Mr. Andrews stated that the applicant would also need to abide by the regulations within the condo association. The Board of Health regulation does not supersede what Hideaway Village might have in effect. Ms. Guarino stated that the board needs more information before making a motion. Also, some letter of support if possible. Ms. Peterson stated that the board should continue this item until the applicant can obtain letters of support from the immediate circle of neighbors. Mr. Andrews stated that he wants to see the regulation being adhered to or the applicant must request a variance. Ms. Peterson stated that she would like to do a site visit. Ms. Peterson stated that she would not allow any more than 4 rabbits at one time even if the board grants the variance. **Ms. Peterson made a motion to continue this until the meeting dated February 10, 2015. Mr. Uitti seconded the motion. It was unanimous.** Mr. Barlow stepped back on.

7. **1077 COUNTY ROAD – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses –** Mr. Kozaryn stated that they are planning to add miniature horses to complete a therapeutic riding school for children. Ms. Peterson asked if there is room here for 8 horses. Ms. Guarino stated that these are mini horse's not regular sized horses. Mr. Andrews stated that the current regulation does not differentiate the size of a horse. Ms. Guarino stated that there is a significant difference between miniature horses and horses. Mr. Kozaryn stated that miniature horses don't eat or create waste as much as a full size horse does. One full size horse eat more than 4 miniature horses. Same with space. 2 or 3 miniature horses can fit in one full size horse stable. Mr. Ballentine is present for this hearing and is not in favor of this project. Mr. Ballentine asked the board if there is a guideline that the board uses for the number of horses allowed on the property. Mr. Ballentine feels the property is too small to allow 8 horses and several dwellings. Mr. Andrews stated that the riding arena and the stalls are not being considered as dwellings. Mr. Kozaryn stated there is a house, a 6 stall barn and a riding arena in the process of being built. The riding area is enclosed and made fully out of metal. The property is 2.7 acres. Susan Dirubio was present at this hearing and is not in favor of this project. Ms. Dirubio stated that she is concerned about overuse on this property. There are in fact 2 dwellings on the property with people living in them. She is concerned about having 8 horses on this property. There is run off onto her property when it rains. Ms. Dirubio stated that this started out as a family wanting to raise horses. It is now becoming a full blown business and is concerned it will affect the character of the neighborhood. Ms. Kozaryn stated that in reference to the run off, that has always been like that even before she purchased the property. The horses are kept on the other side of the property so there is no runoff in the form of waste. Ms. Dirubio stated that there is dirt run off when it rains. Mr. Dirubio was present for this hearing and is not in favor of the project. Mr. Dirubio stated that the whole property is going to be utilized. Ms. Peterson stated that there is no law against that. Mr. Dirubio stated that the town bylaw states that licenses will be limited to 2 horses. Mr. Dirubio stated that he was never notified of the request to have 2 horses. Ms. Peterson stated there is nothing she can do about that now because it can't be proven. Mr. Dirubio stated that he did receive a letter when the request went from 2 to 3 horses but was not concerned at that time but did not receive a letter for a request to increase from 3 to 5 horses. Mr. Dirubio stated that the land does slope into his yard. Ms. Peterson stated that she wants the board to do a site visit which means that this discussion will not continue until the site visit is completed. During the site visit the members will not answer any question from anyone. This issue will be continued until the next board meeting dated January 27, 2016. Ms. Peterson stated that she wants a business plan submitted before the next meeting. Provide the website information to the board. Ms. Roth was present for this meeting and is in favor of this project. Ms. Roth stated that this is a non-profit organization. The website address is her address which is incorrectly stated by the website designer which will be corrected. Ms. Peterson stated that she would also like approval from the zoning board. Ms. Guarino stated that the applicants do have approval to build the indoor riding ring for this reason. On May 18, 2015, to the Zoning Board of Appeals, Ms. Coffin wrote that the applicant only has approval for 5 horses at this time and will need to come back before the board to request and increase in the number of horses to 8 horses. Mr. Dirubio stated that the regulation that it is required
- BOH minutes January 13, 2016

to prove a hardship before a variance is granted. Mr. Barlow stated that it is not being discussed right now and will continue on January 27, 2016. **Mr. Andrews made a motion to continue this until the next meeting dated January 27, 2016. Mr. Uitti seconded the motion. It was unanimous.**

8. **POCASSET MOBILE HOME PARK – 2016 License Renewal – Discussion and possible vote** – Mr. Sabatt stated that the construction of the wastewater treatment plant has begun. The foundation and the walls are up. Should be completed by March 2016. A water delivery system is also being designed. The sewer system and water system should be completed and online by July 2016. The receivership should conclude sometime in September 2016. Ms. Peterson asked how many sites the system is being designed for. Mr. Sabatt stated the design is for 110 sites and currently there are 85 occupied units right now. The vacant units will be demolished. Ms. Guarino stated that she is happy to hear that some of these units are going to be demolished because the office does receive a number of complaints on these. Mr. Sabatt is not sure who actually owns the units. Mr. Pritchard has claimed ownership but nothing is proven to who actually owns them. Ms. Peterson stated that the Board of Health has just adopted a blight regulation which they intend to use. The fines are much more expensive. There will be an enforcement group that will get assigned to different parts of town searching for violations under the new blight regulation. Ms. Guarino asked that Mr. Sabatt provide information for Mr. Pritchard so that she too can follow up on some of these units. **Mr. Barlow made a motion to renew the license for the Pocasset Mobile Home Park with all the original stipulations. Mr. Uitti seconded the motion. It was unanimous.**

9. **TOBACCO REGULATION UPDATE – Robert Collett of Barnstable County Control Program – Discussion and update of the current tobacco regulations** – Robert Collett, Director of Cape Cod Regional Tobacco Control Program, Kathleen Wilbur, Program Manager of the Southeast Tobacco Free Community Partnership and DJ Wilson, Tobacco Control Director of Mass Municipals Association were all present for this hearing. Mr. Collett stated it's been approximately 4 years since he has addressed this board and there have been many changes and upgrades to the regulation since then. Many other local towns have already adopted the new list of upgraded regulations. Mr. Collett stated that the current regulation for the Town of Bourne does not contain a minimum legal sales age to purchase of 21 which has now gained great momentum across the state. Mr. Collett is also requesting that the board prohibit the sale of flavored nicotine delivery products. Blunt wraps have also been discussed in the past but no action has been taken on them. This product is clearly aimed at Children. The bright packaging, flavors like fruit and alcohol. Mr. Collett is requesting that the board prohibit the sale of this product. Mr. Barlow asked when a retailer in this town violates the regulation, will Mr. Collett attend the disciplinary meeting. Mr. Collett answered yes, he would be happy to attend any meeting the members wish him to attend. Mr. Andrews stated especially with what happened the last sting with 11 violations. Mr. Collett stated he would be delighted to attend the meeting after the sting. Mr. Collett stated that each time the state issues the tobacco license, they give a copy of the regulation so these store owners should be clear of what the regulation is. Mr. Collett stated that those 11 sales is a disgrace to the community and an embarrassment to the program. Those retailers

should be held responsible to run their business in the proper way which includes proper identification is given when purchasing age restricted products. If 11 sales were made in one day, what is happening the rest of the year is the question and should be the board's concern. Ms. Peterson stated that she does not feel comfortable restricting which stores can sell which products so she is not in favor of prohibiting the sale of any products. Mr. Wilson submitted a document which shows the numbers of other cities and towns that have adopted the upgraded regulation. Ms. Peterson stated that most of the items on the list Mr. Collett submitted the town already has a regulation for or it is not practiced in the town. Ms. Peterson stated she interested in raising the fines from \$100.00 first offence, \$200.00 seconded offense and \$300.00 third offense to having all three offenses at \$300.00 each. Mr. Barlow asked which items Mr. Collett wants the board to discuss and vote on. Mr. Collett stated that he would like to see the board ban flavored tobacco products, cap the number of tobacco licenses to 35, include a minimum cigar package price to \$2.50 for a single and \$5.00 for a pack, ban blunt wraps, ban tobacco product sales in health care institutions like CVS, fining structure to mirror state law to \$300.00 for each offense and raise the legal age to purchase tobacco products to 21. There was discussion between the board members, the health agent, Mr. Collett and Mr. Wilbur on the items Mr. Collett suggested the board address. **Ms. Peterson made a motion to cap the tobacco permits to 35. Ban tobacco product sales in health care institutions. Fining structure to mirror state law being \$300.00, \$300.00, \$300.00. Mr. Uitti seconded the motion. It was unanimous. Mr. Barlow added to the motion that no sales of tobacco products within 500 feet of a school. Mr. Andrews seconded the motion. It was unanimous.**

10. **FUTURE GENERATION WIND – Karen Gibides – Discussion on non-compliance** – Mr. Barlow stepped off for this hearing. Ms. Gibides was present for this hearing. Ms. Gibides reads from a document that she submitted to the board this evening. A hard copy of this document can be found in the Future Wind Generation File at the office of the Health Department. Ms. Peterson addressed the comments stated and informed Ms. Gibides of the board position as of today regarding this issue. She apologized for not knowing what was required until December 23, 2015 which was too late. Mr. Matheson stated the boards in town have been sitting on this issue for years. Years ago Mr. Mann offered the town to buy power from his future plant and the town refused so this is in no way a new issue. This was discussed years ago and now the turbines are built. What is the next step to follow? Ms. Peterson stated that the Board of Selectmen have completely tied the hands of the Board of Health right now. Ms. Mastria stated that the board now needs to file an enforcement order which can be done tonight which is a start. Ms. Peterson stated that she has demanded new council but there is no money in the budget to hire someone. During an executive session at a Selectmen meeting, the Board of Health was denied ability to use town funds to hire another lawyer. Ms. Levesque stated that Cheryl Farrell, the Attorney for the Mass Association of Health Boards would be willing to speak with this board regarding Future Generation Wind and she can supply the board with Ms. Farrell's email address. Ms. Peterson stated that she would like Ms. Farrell's email address. **No action was taken at this time.**

11. **FUTURE GENERATION WIND – Kathy Peterson – Discussion and possible vote on non-compliance orders with regards to Future Generation Wind** – Mr. Barlow stepped off for this agenda item. Ms. Peterson stated that the first order will be sent to Mr. Keith Mann as an individual and as a trustee of Garland Nye Realty Trust, Future Generation Wind, LLC, Consolidated Edison Solutions, Inc. and **Eversource**. Also, all the mortgage companies will be sent this order. Ms. Peterson stated that both Con Edison and Eversource have signed contracts with Future Generation Wind to buy their power. Ms. Peterson feels that is a violation for companies that sit on a town border to purchase power for profit. The Board is instructed to look at the draft enforcement orders and open the meeting for discussion between the members of the board. There are two draft enforcement orders being discussed. One is written by the Health Agent and the other by Ms. Peterson and Ms. Mastria. The goal is to combine both ideas into one enforcement order. Ms. Peterson stated that the order will be sent to the Town of Plymouth Selectmen, Town of Plymouth Planning Board, Town of Plymouth Board of Health, Town of Plymouth Appeals Board and a copy to Plymouth Town Council. **Ms. Peterson made a motion to accept the drafts of the enforcement orders. Mr. Uitti seconded the motion. It was unanimous.**

12. **APPROVE THE MEETING MINUTES from the meetings dated October 28, 2015, November 18, 2015 and December 9, 2015** – Mr. Andrews made a motion to approve all three sets of minutes as presented. Mr. Uitti seconded the motion. It was unanimous.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 11:25 PM.

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson

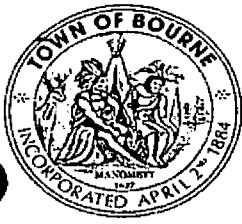
Stanley Andrews

Galon Barlow

Don Uitti

Kelly Mastria –

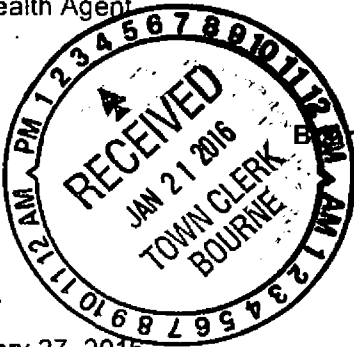
cc Board of Selectmen/Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent



MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

January 27, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. **3 BRENDON LANE—CONTINUED from January 13, 2016 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations –**
2. **85-93 MAIN STREET –CONTINUED from January 13, 2016 Daniel MacDonald – Request waiver of fines that have been assessed against the property –**
3. **1077 COUNTY RD –CONTINUED from January 13, 2016 - Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses -**
4. **10 FORETOP – Terri Guarino – Failure to repair/upgrade failed septic system from expired Title 5 report –**
5. **JASPERS TOO MOTEL – Jamie Butler – Failure to comply with the State Sanitary Code and Town of Bourne Motel Regulations – Discussion and possible vote to refuse renewal of motel license and/or enforce fines -**
6. **APPROVE THE MINUTES – from the meeting dated January 13, 2016**

Signed:

Title: Secretary

Date: January 21, 2016

cc: Board of Selectmen/ Town Clerk



7:11 AM 11 09
TOWN CLERK'S OFFICE
BOURNE, MASS
Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



MINUTES January 27, 2016

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:10 PM

Michael Rausch from the Bourne Enterprise is present and recording.

1. **3 BRENDON LANE – Continued from January 13, 2016 – I/A Septic system non-compliance – Terri Guarino – Discussion and possible vote to issue fined for lack of operation and maintenance contract and violation of Board of Health Alternative Septic System Regulations. – There is no one in attendance for this hearing.** Ms. Guarino stated that since the last meeting, she still has not received a maintenance contract. Ms. Guarino stated that this is not the first offense by this homeowner. Ms. Peterson stated the homeowner has 2 options. Renew the maintenance contract as the law requires or pay a \$500.00 fine tonight and then another \$1,000.00 tomorrow for still not being in compliance. **Mr. Andrews made a motion to implement the \$500.00 fine for non-compliance and that this gets continued until our next meeting dated February 24, 2016.** Ms. Peterson stated that can't be done because the homeowner was already fined the \$500.00. This is actually the third offense. Ms. Peterson stated she is willing to keep it at the second offense. Ms. Peterson would like to fine him at least \$3,000.00. ****Mr. Barlow suggest to skip this item and approve the minutes of January 13, 2016 before further discussion.** Ms. Peterson agreed. **** The minutes were approved unanimously.** Mr. Barlow referred to the minutes from January 13, 2016 stating the board would fine the homeowner \$500.00 that evening then another \$1,000.00 the next day. Mr. Andrews asked what the regulation allows for fines. Ms. Guarino read the regulation verbatim to the board. The regulation does not have a third offense amount. No other system in the town has ever been fined before. Ms. Peterson stated that a statement must be made because the board allowed them to build the house as long as he abided by the regulation. Mr. Barlow suggested to have the water shut off at the house. Ms. Peterson stated that she would like to place another \$1,000.00 fine bring the total to \$2,500.00. She would also like the water department notified to find out if the board can

request to have the water shut off. Mr. Andrews stated he would also like to have the occupancy permit removed. Ms. Guarino stated that she believes the board can request that once the fines are issued and the homeowner refuses to pay them. That would be the next step. Ms. Peterson made a motion to send the homeowner a letter stating the fines, the water department is being contacted to shut the water off and that the next step will be, which does not need to come back before the board, if a contract is not submitted within 7 days, removal of the occupancy permit. The property will be deemed unfit for human habitation because of the septic system being in non-compliance. Mr. Andrews seconded the motion. It was unanimous.

2. **85-93 MAIN STREET – Continued from January 13, 2016 – Daniel MacDonald – Request waiver of fines that have been assessed against the property –** Ms. Peterson asked what the total is for the fines already incurred. Ms. Butler answered the fines started September 13, 2015 and ended January 13, 2016. \$300.00 per day for 122 days would equal \$36,600.00. Ms. MacDonald stated that she agrees with the start date but the end date should be December 9, 2015. The new figure due with the correct end date and amount is 87 days which equals \$26,100.00. Mr. Andrews stated after reviewing the documents since September 2015 there have been corrections made but not steadily until October 2015. Approximately 3 weeks which calculates to \$6,300.00. A lot of work has been done by the MacDonald's. Contracts were signed and carried through. Mr. Andrews stated that he would willing to reduce the fines from \$26,100.00 to \$5,000.00 and settle this out tonight if the MacDonald's are willing. Ms. Guarino stated that she is comfortable with the offer Mr. Andrews is making. Mr. MacDonald asked what other rights have been waived. Mr. Andrews answered that Mr. MacDonald admits he was in violation and will pay \$5,000.00 in fines to settle with the Board of Health this evening. Ms. MacDonald reviewed with the board again the dates, times and activity that has been submitted to the Board of Health since the violation occurred. Ms. MacDonald feels the fines should be waived completely as requested. Ms. Peterson stated that the Board is being more than fair with the \$5,000.00 offer. If the MacDonald's decide to decline this offer, the issue will be continued and referred to Town Counsel. Ms. MacDonald stated that a meeting in September 2015, 69 Main Street was also fined \$300.00 per day but eventually all their fined got waived. Ms. Peterson stated that was correct but in that case, the owner acted very quickly and had the building demolished. There are no other violations concerning that building. Mr. MacDonald asked if they agree to the settlement could the board allow for time to pay other than this evening. Ms. Peterson stated that this has been going on for a long time and the MacDonald's are clearly aware that they are being fined so they should have been prepared to pay this evening. She is not willing to give any extra time. Ms. MacDonald feels they have already paid significantly, not in the form of dollars but with insulting comments made by the board and negative comments written in the newspaper by the press. Mr. MacDonald asked when the payment needs to be paid. Ms. Peterson stated this evening. Mr. MacDonald stated that he does not have a check with him tonight. Mr. MacDonald stated that without offending the board, he feels that he has complied with what the board has requested but it willing to settle with the board by paying \$5,000.00 by check at the office tomorrow. Mr. Andrews made a motion to reduce the fines on 85-93 Main Street to \$5,000.00 and that the MacDonald's will be making the payment at the office before close of

business on Thursday, January 28, 2016. Ms. Mastria seconded the motion. It was unanimous.

3. 1077 COUNTY RD – Continued from January 13, 2016 – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses – Mr. Barlow stepped back on for this item. Mr. Victor Gross, Ms. Wendy Roth and Ms. Rose Kozaryn were present for this hearing. Ms. Roth stated that at the last meeting, it was discussed that a horse is a horse and there are really no differences. After lots of research, she can prove the vast differences between a horse, a pony and a miniature horse. Ms. Andrews stated that according to the Board of Health regulation, it does specify horses and ponies. Ms. Roth read from a document which clearly indicates the differences between these 3 animals. Mr. Barlow stated that if the applicants would like to amend their variance request to state 5 miniature horses and 3 ponies would be a big difference from 5 horses he does not have a problem with that. Mr. Andrews stated that the current license is for 5 horses. Mr. Barlow stated the applicant can amend from the 5 horses to fit the Board of Health regulations. Ms. Guarino stated that it needs to be clearly noted what types of equine will be allowed on this property. Ms. Mastria stated she has done a lot of reading regarding horses. One acre per horse and one acre per 3 miniature horses so the regulation does need to be changed and updated. Ms. Roth would like to amend their variance to state 4 ponies and 4 miniature horses. Ms. Guarino stated she would like the names and ages of what is existing on the property. Mr. Gross stated there are 2 ponies named Reeses and Blue. One miniature horse named Snickers. There are two other miniature horses that stay but are in training. Their names are Heath and Twix. Ms. Guarino stated that according to the current license, there is a horse named Flash age 4.5. Mr. Gross stated that Flash is now renamed to Twix. Ms. Guarino stated there is a horse named Peaches. Mr. Gross stated that Peaches is gone. She was a rescue horse. Ms. Guarino stated there is a horse named Lillie. Mr. Gross stated that she too is gone and was also a rescue horse. Ms. Guarino asked why the other animals are not listed on the current license. Ms. Kozaryn stated that the changes came after she relicensed for the year. Ms. Roth stated that there are 2 barns that the horses move back and forth. Ms. Peterson stated that concerns her because if this variance is granted, it will be granted for what is requested tonight which is 4 ponies and 4 miniature horses. Ms. Peterson stated that she did a site visit and the fence is right up against the property line. That will need to be moved if the variance is granted. Mr. Andrews stated that he would like a scaled plan submitted proving the distances from the buildings to the paddocks. He would also like to see an asbuilt to make sure the paddocks are not on top of any septic components. Mr. Kirk Dirubio was present for this hearing. Mr. Dirubio stated his property abuts the entire paddock. Mr. Dirubio stated that the side of the yard with the paddock there is a slope. Each time it rains, urine and feces runs off and into his yard. Ms. Guarino stated that the Health Department has never received a complaint on this issue. Mr. Dirubio stated that it was mentioned in a letter dated January 5, 2016. Ms. Guarino stated that some sort of drainage could be installed to prevent that from happening should the variance get granted. Ms. Mastria stated the applicant can come up with some type of mitigation for that. The Board is not responsible for any recommendations to that effect. Ms. Guarino stated that issue should be addressed immediately with or without the variance being granted. Mr. Dirubio stated that his second concern is that Candyland has not retained a BOH minutes January 27, 2016

license from the Board of Health. Ms. Guarino stated that the license will need to be updated to include the name of the business. Ms. Peterson stated that she has a copy of the corporation records that indicates the business named Candyland is at 1077 County Rd. Mr. Dirubio stated that his third issue is none of the abutters were notified when the variance request was from 3 to 5 horses. Ms. Guarino stated that the physical file has been looked at numerous times by a number of people and cannot be truthfully verified if the abutters were notified or not because information could have been removed from the file. Mr. Dirubio stated that his fourth issue is regarding the paddocks but that has already been addressed. Mr. Dirubio stated that his fifth issue is regarding variances to which a hardship is proven. There is no hardship here so there should not be any approved variances. Ms. Collett explains the definition of a hardship as it pertains to setbacks. The Board agreed with the definition. Mr. Dirubio stated that his sixth issue is the paddocks. He doesn't believe the paddocks are big enough to accommodate the number of horses they want to have. Mr. Gross stated that the driveway will be moved to meet the setback to the paddock. Mr. Dirubio stated that his seventh issue is the miniature horses. The regulation states that a horse is a horse so who will be the one determining if a horse is a miniature horse or a regular horse. Ms. Guarino stated that based on a complaint, the office will come and verify the size of the miniature horse to prove it is a miniature horse. Mr. Gross will get a gauge to be able to measure at the Board's request. Ms. Susan Dirubio is also present for this hearing. Ms. Dirubio stated she also has concerns with the site plan and appreciates the board has addressed it. Ms. Dirubio stated that she is very concerned about the meeting that the abutters were not notified. A couple of statements were made at that meeting which probably allowed the variance to be granted. One was the statement that there is 2.5 acres of land and there is not. There is only 2.17 acres. Ms. Dirubio stated she was unaware she could voice a complaint to the Board of Health. Mr. Steve Ballentine was present for this hearing. Mr. Ballentine stated that his concerns have been addressed to this point. Mr. Ballentine would like it stipulated in the variance that only 4 miniature horses and 4 ponies are allowed on the property at any given time. Mr. David Dimerek was present for this hearing. Mr. Dimick stated that by the sounds of this, he should be able to add 100 animals on his property but he knows that is untrue. The regulation states basically that you can have 2 large animals on your property. Otherwise you must request a variance from the Board of Health. Mr. Dimick stated that there is no grass what so ever and he is concerned for the animals because of no grass. A small area should not be allowed to be over crowded with livestock. Ms. Peterson stated that there are no regulations on how a person chooses to use their property in regards to maximizing space. Mr. Barlow stated that this discussion as he understands it will be to allow 4 miniature horses and 4 ponies which is a lot less than the 5 horses they are permitted for right now. Ms. Peterson stated that there were a lot of things discussed tonight and feels more information should be submitted before a decision is made. **Ms. Peterson made a motion to continue this discussion until the next meeting dated February 24, 2016. The applicant must supply a mitigation plan for the runoff. The fence line and the reconfiguration of the paddocks to meet the setback. The asbuilt for the septic system to make sure there is nothing built over the components of the system. An updated plot plan to scale. The Manure Management Plan submitted. Sanitary facilities for the indoor riding ring. A hand gage to be able to measure the miniature horses.** Mr. Barlow seconded the motion. It was unanimous. For the record, a cell phone was used to

look up information from the internet regarding size of horses, other regulations and pertinent information regarding this item and to photograph the list that was read into the motion. Ms. Peterson reminded the applicant to request a Withdrawal Without Prejudice form if they will not be able to make it to the meeting. Otherwise the board will automatically deny due to time constraints. The applicants are aware that should the board deny because of time constraints, the applicants start from the beginning to request a variance.

4. **10 FORETOP – Terri Guarino – Failure to repair/upgrade failed septic system from expired Title 5 report** – Ms. Guarino stated that there really isn't anything to discuss at this point. This is a foreclosed property with a failed Title 5 report from 2 years ago. The property has not been occupied since the Title 5 report. Ms. Peterson stated that she will get the information from the foreclosing attorney. The bank is the new owner and will be held accountable for the failed system as any other homeowner would be. Once the information is received the office can inform of the failed Title 5 explaining they are not in compliance and if they do not repair the system they will be before the board. **No action was taken at this time. Ms. Peterson would like this continued to the February 24th meeting.**
5. **JASPERS TOO MOTEL – Jamie Butler – Failure to comply with the State Sanitary Code and Town of Bourne Motel Regulations – Discussion and possible vote to refuse renewal of motel license and/or enforce fines** – Ms. Judith Tubbs was present for this hearing. Mr. Richard Flaherty and Ms. Louise Nelson were also present for this hearing. The Health Inspector, Jamie Butler stated she was out at this property in August of 2015 for a routine inspection. She noted several violations throughout the hotel. Most of the violations have been addressed by Ms. Tubbs. There was one room that she was unable to inspect due to an issue with an aggressive dog. As of November, that issue turned out to be not true but there was a problem in that room with excessive clutter. This has been an ongoing issue since August 2015. Ms. Butler stated that there should be conditions before a new Motel License is issued. Ms. Butler stated that she has attempted several times to inspect the rooms. Ms. Peterson counted at least 5 times that the Board of Health Inspector has had to go out to this property to inspect. Ms. Peterson asked if the conditions here fall within the Board of Health's new Blight Regulation. Ms. Guarino stated yes. Ms. Peterson would like to start charging for each time Ms. Butler needs to go out and do an inspection. Ms. Guarino stated that the conditions in this room are deemed unsafe for the inspector to do a proper inspection. Mr. Andrews asked if the inspector is looking to track the violations that have been stated on a list. Ms. Guarino stated that this is a reoccurring violation of the town's regulations and the minimum standards for human habitation. Ms. Mastria stated that it is the owner of the motel's responsibility to make sure the Board of Health has safe conditions when an inspection of a room is needed. Ms. Peterson stated that similar issues have been brought before the board very recently about another Motel in the town and feels this owner should have to face the same consequences as the owner from the last motel brought before the board. Ms. Tubbs stated that looking back over the years, there has never been any problems with her hotel. After Ms. Butler did the routine inspection, so problems were found and addressed. During the inspection in early December is when Ms. Butler discovered the excessive clutter enabling her to do a proper inspection. That very next day, Ms. Tubbs stated she
BOH minutes January 27, 2016

served Mr. Flaherty and Ms. Nelson with an eviction notice. Ms. Tubbs stated that her court date for the eviction is February 11, 2016. Mr. Flaherty stated the he and Ms. Nelson are the occupants of room 10. Ms. Nelson stated that they have had some very extraordinary experiences that have brought them to the hotel in the first place. Ms. Nelson stated that she lived in Western Massachusetts but her home there burnt down during a storm. Ms. Nelson stated that she has a summer home here in Bourne. The summer home has been robbed and vandalized to the point of her not feeling safe to live there. That is when she decided to move into the hotel. Ms. Nelson has a storage unit and is trying to get things from the hotel room into the storage unit. Ms. Nelson disagrees with Ms. Butler stating she is unable to do a complete inspections. The windows and the egress is clear and there is plenty of room to move around. Each day she is trying to get things out of the room and into storage. Her goal is to get back into her summer home eventually. Ms. Nelson stated that she has never caused any trouble to Ms. Tubbs or anyone else living at the hotel. Ms. Peterson asked what the condition of the room was when she did the last inspection. Ms. Butler explains what she saw in the room. Ms. Butler took pictures and shared them with the members of the board. Mr. Andrews stated that the condition of the room is unacceptable. It is unsafe for Mr. Flaherty and Ms. Nelson and certainly not safe for emergency personnel if they ever needed to get in there to help someone. Ms. Tubbs asked the board if she can have until after her court hearing to make sure everyone is out. Mr. Flaherty stated that there are some items in the room that Ms. Nelson needs on a daily basis. Mr. Andrews stated he saw nothing in the pictures that someone would need every day so he would like the room completely cleaned out. Ms. Peterson stated that the Board of Health has requested a number of times to clean out the clutter. Right now the only option for Ms. Nelson and Mr. Flaherty is to clean out that room completely and remain a normal state of sanitization. Mr. Andrews stated that the board will put stipulations on the renewal license because of the state of this room. Ms. Peterson stated that this room is being ordered by the Board of Health to have the room cleaned and sanitized immediately. Ms. Guarino stated that this room is deemed unfit for human habitation and the board should make a motion to that effect. **Mr. Andrews made a motion that the tenant and all its contents be out of room 10 within 24 hours from this moment. It will be at the cost of the tenants not the motel owner. Mr. Barlow seconded the motion. It was unanimous. Mr. Andrews made a motion to approve the Jaspers Too Motel License with the 8 bullet items referenced in Ms. Butler's email sent this afternoon. Ms. Mastria seconded the motion. It was unanimous.**

6. **APPROVE THE MEETING MINUTES - from the meeting dated January 13, 2016 – Mr. Andrews made a motion to approve the minutes dated January 13, 2016. Mr. Barlow seconded the motion. It was unanimous. **Ms. Peterson stated the board will now hear item number 1****

Mr. Andrews made a motion to adjourn the meeting. Ms. Peterson seconded the motion. It was a unanimous vote and the meeting adjourned at 9:44 PM.

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson _____

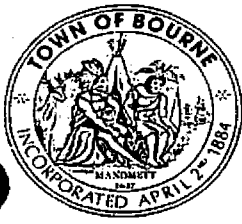
Stanley Andrews _____

Galon Barlow _____

Don Uitti _____

Kelly Mastria – _____

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
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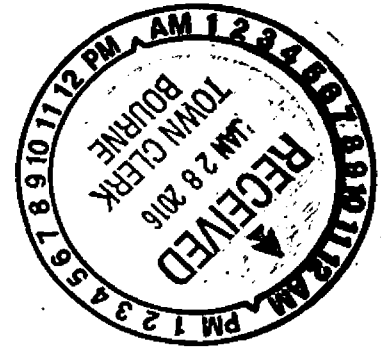


MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH

Schedule of Meeting

EXECUTIVE SESSION



Date:

February 4, 2016

Time:

5:00 P.M.

Place:

Bourne Veterans Memorial Community Bldg.
239 Main Street
Buzzards Bay, MA 02532

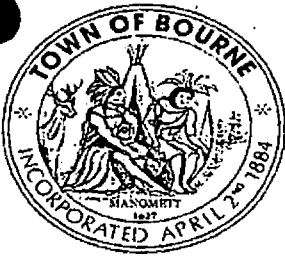
AGENDA ITEMS:

1. Board of Health and the Board of Selectmen – Strategy discussion on litigation with regards to Future Generation Wind. -

Signed:
Title:
Date:

Lisa M. Allett
Secretary
January 28, 2016

cc: Board of Selectmen/ Town Clerk



Board of Health Meeting Notice



AMENDED AGENDA

Date

Thursday
February 4, 2016

Time

5:00 p.m.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

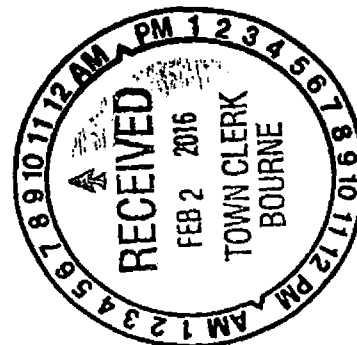
EXECUTIVE SESSION 5:00 P.M. – The Board is expected to meet in joint session with the Board of Selectmen

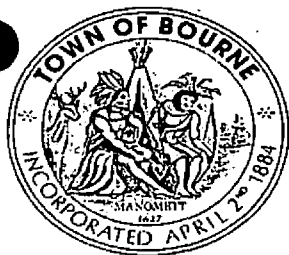
5:00 p.m. Call to order in open session

Remote Participation vote

Executive Session: To conduct strategy session with respect to strategy and litigation regarding the Con Edison Solutions wind turbine project, as an open meeting may have a detrimental effect on the litigation position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will not reconvene in open session following the Executive Session.





Board of Health Meeting Notice



AMENDED AGENDA

Date

Thursday
February 4, 2016

Time

5:00 p.m.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

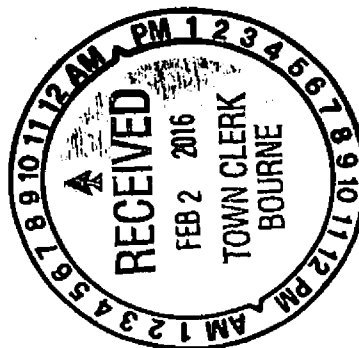
EXECUTIVE SESSION 5:00 P.M. – The Board is expected to meet in joint session with the Board of Selectmen

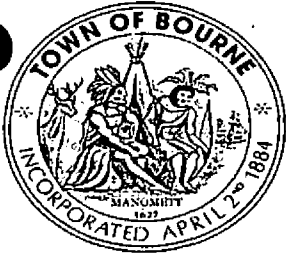
5:00 p.m. Call to order in open session

Remote Participation vote

Executive Session: To conduct strategy session with respect to strategy and litigation regarding the Con Edison Solutions wind turbine project, as an open meeting may have a detrimental effect on the litigation position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will not reconvene in open session following the Executive Session.





Board of Health Meeting Notice



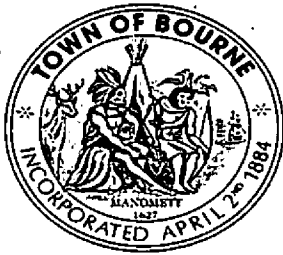
AMENDED AGENDA

2016 FEB 3 AM 2 06

Date TOWN CLERK'S OFFICE Time
Thursday BOURNE, MASS 5:00 p.m.
February 4, 2016

Location
Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

This meeting is being cancelled by the Board of Health for lack of quorum.



Board of Health Meeting Notice



AMENDED AGENDA

Date

Tuesday
February 23, 2016

Time

6:00 p.m.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

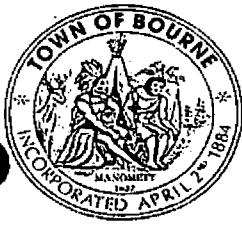
EXECUTIVE SESSION 6:00 P.M. – The Board is expected to meet in joint session with the Board of Selectmen

6:00 p.m. Call to order in open session

Executive Session: To conduct strategy session with respect to strategy and litigation regarding the Con Edison Solutions wind turbine project, as an open meeting may have a detrimental effect on the litigation position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will not reconvene in open session following the Executive Session.

2016 FEB 18 AM 11 37
TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

2016 FEB 17 PM 3 06

MEETING NOTICE

TOWN CLERK'S OFFICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

February 24, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 1077 COUNTY RD – CONTINUED from January 27, 2016 – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses and modification of the site is being proposed. Variance has been requested to accommodate an indoor riding arena at the property know as Candyland Farms?
2. 173 Standish Road- Mark M. Flaherty, P.E.—Request variance from Title 5 of the State Environmental Code and the Board of Health 150ft Setback Regulation to install a conventional septic system for the proposed renovations at 173 Standish Road, Sagamore Beach. Dwelling is located in a Nitrogen Sensitive Area and does not meet the 150 foot setback to the wetland resource located on the property.
3. 80 CIRCUIT AVE – Jeff Perilli, Owner – Request reduction in number of maintenance inspections for the Alternative Technology FAST septic system from 4 times per year to 2 times per year – Discussion and possible vote.
4. 24 Briggs Avenue – Anne-Marie Taylor, Owner – Request for hearing to discuss and vote on modification of order dated February 4, 2016 in regards to non-compliance with Town of Bourne Board of Health Poultry Regulations. Existing coop for chickens and ducks does not meet property line setbacks.
5. Bodyworks Regulation – Terri Guarino, Health Agent – Discuss and possible vote to promulgate a Bourne Board of Health Bodyworks Regulation in the Town of Bourne pursuant to M.G.L. c. 111 §31.
6. Distribution of Board of Health Regulations Packets—Terri Guarino, Health Agent—Discuss priorities to amend, rescind, and/or adopt local regulations to protect the health, safety, and well-being of the public and environment pursuant to M.G.L. c. 111 §31.
7. Discuss I/A Septic System policies—Terri Guarino, Heath Agent-- Conditions for approvals, operation and maintenance agreements, and enforcement methods for noncompliance.
8. APPROVE THE MINUTES from the meeting dated January 27, 2016

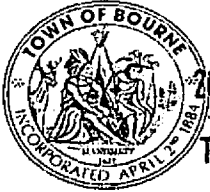
Signed:

Title:

Date:

Liam O'Leary
Secretary

February 18, 2016



RECEIVED

TOWN OF BOURNE

2016 APR 14 BOARD OF HEALTH

TOWN CLERK BOURNE 24 Perry Avenue
Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

Fax (508) 759-0679



Terri Guarino
Health Agent

MINUTES
February 24, 2016

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:00 PM

Michael Rausch from the Bourne Enterprise is present and recording.

1. **1077 COUNTY RD – Continued from January 27, 2016 – Rose Kozaryn – Request variance to add 3 additional horses to her existing variance. Total number of horses will be 8 horses and modification of the site is being proposed. Variance has been requested to accommodate an indoor riding arena at the property known as Candyland Farms – Ms. Guarino stated that has been another modification to the plan involving a driveway that was never built but approved. Mr. Andrews stated there is no scale on the plan so he is unable to determine the correct distance. Ms. Guarino stated she will need more clarity on what conditions will be on the license including the variances. Mr. Andrews stated that at the last meeting the board requested 6 items to be submitted for the boards review. First of a mitigation plan addressing the run off. It will be a retaining wall. Second was an as-built for the septic system to confirm nothing was built over any components of the system. There are 2 systems connected to the main house. Mr. Andrews would like the scale added to the plan to accurately figure out if the components of the system meet the legal distances. Third was an updated plot plan to scale. That has not been received. Fourth was a manure management plane. Mr. Andrews asked one had been submitted to the office yet. Ms. Guarino stated one has been submitted but is not as detailed as ones received by others in the past. Ms. Guarino stated that the applicant is dumping the manure at the dump themselves on a regular basis which is a great manure management system. Mr. Andrews stated that the Fifth requirement was a sanitary facility for the riding ring. The proposal is for a portable toilet through Bouse House which is shown on the plan. Ms. Guarino stated that there are so many different technologies but a self-contained system would be most preferable. There must be hot and cold water available. This is a requirement for recreational camps as well. Also the facility must be ADA compliant. The Sixth item was to make sure**

there is a hand gauge to measure the size of the miniature horses on site. Mr. Gross was present for this meeting. Mr. Gross stated that there will not be any people staying overnight so it should not be considered a recreational camp. Ms. Peterson stated that it does qualify as day camp which falls under the recreational camp. Mr. Gross stated there will be a fence installed around the entire back of the property. He also has a measuring stick in the car if the board would like for him to bring it in. Ms. Wendy Roth was present for this hearing. Ms. Roth stated the height for the miniature horse is 38 inches. Ms. Peterson stated that regarding the horse manure, the applicant needs to inform the board of how it will be handled. Mr. Gross stated right now he goes at least once per week to the landfill. Ms. Peterson stated that just a portable toilet will not be enough so what else is being planned to address the facilities issue. Mr. Gross stated that they are more than welcome to use the full bathroom inside the house. Ms. Guarino stated that a Title 5 inspection will be needed to make sure the system is sized big enough for the additional flow. Mr. Steve Ballentine was present for this meeting. Mr. Ballentine stated the property is grossly overused. Feels one or two horses is enough. The program is a great idea but they should find a piece of property big enough to accommodate it. Mr. Ballentine is not in favor of this variance. Mr. Kirk Dirubio was present for this hearing. Mr. Dirubio stated he is concerned about the retaining wall on the Ballentine property. Ms. Peterson stated that has already been discussed with Mr. Ballentine. Mr. Dirubio stated that he has a video of the runoff onto his property and gave a copy to the Health Agent. Ms. Peterson stated that the runoff problem has already been discussed and will be addressed. Ms. Guarino stated that due to the topography of the land, Mr. Dirubio's driveway is at the lowest point. There is not requirement that runoff solution would have to be professionally engineered so what the applicants are proposing do seem to be the most feasible solutions. Hopefully once everything is implemented the problem will be solved. Mr. Brian Handy was present for this hearing. Mr. Handy stated the project has not started out very well from his standpoint. There has been some clean up but there is still is a big mess down there. He is also concerned of the lack of concern that Mr. Gross has for the abutting properties. Ms. Peterson stated that the applicants have done everything the board has requested so far about addressing the concerns of the abutters. Mr. Handy stated that the back berm is his immediate concern right now. Mr. Gross stated a fence is going up so nothing will be in the way of Mr. Handy's property. Mr. Handy stated that the building is much too large for the property to begin with. Ms. Suzi Dirubio was present for this hearing. Ms. Dirubio stated that there is no ground cover left on the property. It's just a big mud pit when it rains. There is no area for the horses to graze. The look of the retaining wall will be painful to see from County Rd. Ms. Peterson stated that back a few meetings, Mr. and Mrs. Dirubio agreed to the retaining wall to address the runoff. Mrs. Dirubio stated that she never agreed to a retaining wall. Mr. Barlow stated that whether the horses are there or not, the runoff problem is being addressed with a retaining wall. It is not the fault of the applicants that the Dirubio driveway is the lowest point. It's the natural contour of the land. Mrs. Dirubio understands that the retaining wall will take care of the runoff but states that it is at the cost of the neighborhood. Mrs. Dirubio states that there are other ways of addressing the runoff. Mr. Barlow stated that the owner of the land can address the runoff in whichever way they decide to address it. Mr. Dirubio asked if himself and Vincent could get together to make a drainage system that was not a retaining wall. Mr. Dirubio feels as if the retaining wall is criminal and that Vincent is constructing this wall as a form of

revenge. Ms. Peterson applauded the owners of 1077 County Road for addressing these concerns thus far and added that the Board of Health still has concerns that need to be addressed. Ms. Peterson stated that there is too much change since this discussion started and that there is no clear and direct plan to direct these concerns. Mr. Handy's concerns need to be addressed in writing. The Board of Health will need to visit Mr. Handy's property and observe the concerns that were discussed at the meeting. The Board of Health needs in writing exactly what concerns the owners are addressing, and how the owners plan to address each concern in writing. Kelly Mastria asked the owners to add to the list of concerns that was generated at the last meeting. Ms. Peterson added that the owners need to be clear and concise with what concerns they are addressing and how exactly they are addressing them, and specifically what variance they are requesting from the Board of Health. These concerns and the plan to address each concern shall be submitted in writing to the Board of Health office prior to the next meeting so that the abutters have time to come into the office and review and digest this plan. Ms. Peterson stated that in order to accomplish this the owners must withdraw without prejudice their request because it is over the forty five day period, and they must re-submit at a later date. Kelly Mastria stated that if the owners had any questions they can contact Terri Guarino. Ms. Peterson stated that however the owners decide to address these concerns they should attach a photograph. Ms. Peterson requested that Brian Handy submit his concerns in writing to the Board of Health office and also asked if he was available Saturday morning for a site visit. **Rose Kozaryn withdrew her application for a variance without prejudice.**

2. **173 STANDISH RD – Mark Flaherty, P.E. – Request variance from Title 5 of the State Environmental Code and the Board of health 150 foot Setback Regulation to install a conventional septic system for the proposed renovations at 173 Standish Road, Sagamore Beach. Dwelling is located in a Nitrogen Sensitive Area and does not meet the 150 foot setback to the wetland resource area located on the property -** Mark Flaherty the engineer, and Chris Ellis the builder were present for this hearing representing the owner of the house Ed Moyer. Mr. Flaherty stated that Ed owns a one story, four bedroom house on a 12,000 square foot lot. This lot resides right beside a Town of Bourne drainage lot. The drainage lot has wetlands on it. Mr. Flaherty stated the conservation commission has established this as a wetland. The existing cesspool on Mr. Moyers property is about 65 feet from the drainage lot. Mr. Flaherty stated that strictly from a title five standpoint the leaching areas can be within 50 feet of the wetland. Mr. Moyer would like to engage Mr. Ellis to build out his basement nearly doubling the square footage but keeping the same number of bedrooms and installing a title five septic system. The new leaching area would be located 100 feet from the wetland and Mr. Flaherty stated that he realizes the Town of Bourne has a 150 foot setback regulation to any wetland. Mr. Flaherty stated that this is not a typical wetland, it is a drainage lot where the wetlands from the town's drainage has contoured the bottom and created this wetland. The four bedroom house is one story and resides on 11,050 square feet. Mr. Ellis is going to build out the basement and bring two bedrooms downstairs and rather than have a cesspool they are going to install and new title five septic system for a four bedroom house that will be on town water and located 100 feet from the wetland. Ms. Guarino stated that is a four bedroom house going into a four bedroom house that is in a zone two and that is why the size of the lot and the proximity to the wetland is

significant. They are upgrading a non-compliant title five system to a title five compliant system. Mr. Barlow asked if this is a land locked wetland and Ms. Guarino responded yes. Mr. Barlow stated that since it's a manmade wetland, he sees no problem with it. Ms. Mastria agrees. Mr. Andrews is concerned about the zone that it is in but feels that this is an improvement and is better for the environment. **Ms. Mastria made a motion to approve the variance from the Title 5 of the State Environmental Code and the Board of health 150 foot Setback Regulation to install a conventional septic system for the proposed renovations at 173 Standish Road, Sagamore Beach. Dwelling is located in a Nitrogen Sensitive Area and does not meet the 150 foot setback to the wetland resource area located on the property. Mr. Andrews seconded the motion. All in favor. The vote was unanimous.**

3. **80 CIRCUIT AVE – Jeff Perilli, Owner – Request reduction in number of maintenance inspections for the Alternative Technology FAST septic system from 4 times per year to 2 times per year – Discussion and possible vote.** - Mr. Perilli was present for this hearing. Ms. Guarino stated that Mr. Perilli purchased this property and that it is being used seasonally and testing has been up to date. Mr. Perilli submitted utility bills to the Board of Health office. Compliance has been good for this property and there hasn't been any issues with the performance of the system and it meets Mass DEP parameters and Town of Bourne Board of Health regulations. Ms. Guarino asked Mr. Perilli what the intended use of the property will be. Mr. Perilli responded that the dwelling will be used for a summer residence and that he leaves the heat on in the winter time. Mr. Perilli uses the dwelling towards the end of June through the end of September. It is used primarily on weekends. Mr. Andrews stated that the two tests have to be done at specific times: mid-July and also at the end of the season. Ms. Peterson stated that the owner has to go down to the property one month ahead of time to turn the system on. The utility bills that Mr. Perilli submitted to the Board of Health office do not reflect seasonal usage of the property. Mr. Perilli stated that property underwent renovations during the off season and that he allowed the workers to utilize the property. The Board of Health welcomed Mr. Perilli to reapply for the reduction when an accurate representation of the properties utility usage fits the definition of seasonal usage. **Mr. Andrews made a motion to deny the request for reduction in septic inspections for 80 Circuit Ave. Mr. Barlow seconded the motion. All in favor. The vote was unanimous.**

4. **24 BRIGGS AVENUE – Anne-Marie Taylor, Owner – Request for hearing to discuss and vote on modification of order dated February 4, 2016 in regards to non-compliance with Town of Bourne Board of Health Poultry Regulations. Existing coop for chickens and ducks does not meet property line setbacks** - Anne-Marie Taylor was present for this hearing. Ms. Taylor stated that the last health inspector that came to her property did not have an issue with the location of the chicken coop because she addressed the issue of the runoff that her neighbor submitted a complaint about to the Board of Health office. Ms. Taylor stated there would be a hardship to move the chicken coop into another location. Ms. Peterson stated that the chicken coop is directly on the property line adjacent to the fence. Ms. Peterson read verbatim that coops, hutches or other buildings and poultry runs used to house or confine poultry shall be located not less

than 50 feet from adjoining property lot lines or the lot lines of any street, court or passageway except upon written permission of the Board of Health. There are 9 chickens and 6 ducks that reside on the property. Ms. Taylor stated that she can move the hutch in the spring time into a location that fits the Board of Health regulation. Ms. Taylor stated that as a manure plan she hoses down the coop every night. She also addressed the drainage issue from last year by putting 10 drainage holes in the coop. Ms. Peterson stated that she would like to see Ms. Taylor move the chicken coop so that it is located 100 feet away from the adjacent dwellings. Mr. Andrews stated that he would like to see the chicken coop moved into a location that is 50 feet from adjoining property lot lines. **Mr. Andrews made a motion to grant Ms. Taylor a timeframe of 60 days to relocate the chicken coop into a location that complies with the Town of Bourne Board of Health Poultry Regulations and to continue this case to the Board of Health meeting on May 11, 2016. Ms. Mastria seconded this motion. All in favor. The vote was unanimous.**

5. **BODYWORKS REGULATION – Terri Guarino, Health Agent – Discuss and possible vote to promulgate a Bourne Board of Health Bodyworks regulation in the Town of Bourne pursuant to M.G.L. c. 111 §31 – Joe Cheney the owner of 112 State Road was present for this hearing. Ms. Guarino stated that the Bourne Police Department requested the Board of Health to implement a regulation for Bodyworks. There is a significant need in the community to implement this regulation. Mr. Cheney stated that there are erotic massage parlors. Ms. Guarino stated that massage parlors used to be under local boards of health jurisdiction, however, now massage parlors are licensed by the state through the division of professional licensure and those are inspected by the state health department. Bodyworks includes acupressure, acupuncture, and any form of treatment that manipulates the tissue of the human body. Ms. Guarino stated that these parlors in the Town of Bourne are unregulated and that other towns have implemented these regulations. Ms. Guarino stated that this regulation would have to be posted in the newspaper and that existing establishments will have to be notified. Mr. Andrews asked how this regulation would affect chiropractors and masseurs. Ms. Guarino stated that there would be no effect because establishments that are licensed under the division of professional licensure are exempt from this regulation. Mr. Cheney stated that he has been trying to evict an erotic bodywork parlor from 112 State Road for a while. He stated that they came in as a business that would be doing manicures and pedicures and was not required to have any licensure. Ms. Peterson stated that this regulation was moved to the forefront when the police department and the health agent both requested this. **Ms. Peterson made a motion to approve the Bodyworks Regulation acting pursuant to M.G.L. c. 111 §31 the Board of Health determines that reasonable regulations should be adopted for the protection of the public health and safety of the residents of the Town of Bourne. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.****
6. **DISTRIBUTION OF BOARD OF HEALTH REGULATIONS PACKETS – Terri Guarino, Health Agent – Discuss priorities to amend, rescind, and/or adopt local regulations to protect the health, safety and wellbeing of the public and environment pursuant to M.G.L. c. 111 §31 – Ms. Peterson stated that the Board of Health**

Regulations are everywhere and that she would like to have a copy of all the regulations stored in one book. **No action was taken on this matter at this time.**

7. **DISCUSS I/A SEPTIC SYSTEM POLICIES – Terri Guarino, Health Agent – Conditions for approvals, operation and maintenance agreements, and enforcement methods for noncompliance** – Ms. Guarino stated that she spoke with the Clerk Magistrate at Falmouth District Court as well Health Agents of other Barnstable County towns. The best and easiest option that Ms. Guarino is going to pursue is filing a criminal complaint with the Falmouth District Court. Ms. Guarino stated that this is dependent on whether or not these offenders show up at the Board of Health hearing. If they are not present at the Board of Health hearing a criminal complaint will be filed against them in Falmouth District Court. If the offender is present at the Board of Health hearing and fails to correct the violation a criminal complaint will be filed against them in Falmouth District Court. It is unreasonable that homeowners don't comply with the maintenance requirements for these alternative septic systems. Keeping records of notification is the most important aspect of filing a criminal complaint. The violator will have 21 days to pay the fine and or appeal to the court. To file a criminal complaint in the Falmouth District Court, the Board of Health must obtain the offenders date of birth. Ms. Peterson stated that from now on when a person applies to construct an Alternative Septic System in the Town of Bourne obtaining a date of birth will be required in the application. A photocopy of the owner's license will be required. Ms. Guarino also stated that when a home with an alternative system is transferred to a new owner it is important to let these new homeowners understand the financial burden of these systems in advance. Mr. Andrews wants to add to the Alternative Septic System Policy that if homeowners are non-compliant with the Alternative Septic System policy than a deed restriction can be placed on their property. There is a need to tighten up this policy. Ms. Guarino feels that a reasonable reason to a request a reduction should be based on compliance rather than on seasonal use. Ms. Guarino feels that if someone purchased a property and was unaware of the financial burden these systems have then if they are continuously compliant with the policy and they live in Bourne year round than reducing it to 3 times per year is still advanced protection to the environment than what is required by state statute. It is considerable for year round residents. Mr. Andrews stated that he would like to hear from some of the operators because different technologies require different maintenances. For instance with a UV light system, a lot of the UV lights could blow and could not be working for a long period of time. Some of the older systems don't have these protections on them and they require more maintenance checks. As these systems get older they are more apt to fail, Mr. Andrews stated. Ms. Guarino stated that we currently have a year round resident who has requested a reduction and that he has always been compliant. This resident is scheduled for a hearing with the Board of Health on March 23, 2016. Ms. Peterson stated that maybe this could be a test program. Mr. Andrews stated that he would like to see a copy of the prints of the system that was installed there and also who the installer was prior to the meeting. Mr. Andrews was concerned about 37 Circuit Ave and the number of bedrooms according to the design flow. Ms. Guarino stated that this was a local upgrade approval for a failing system. Ms. Peterson stated that any deed restrictions filed should be generated from the Board of Health office. Ms. Peterson stated that she does not want to use the state form and that the Board of Health should see the deed restriction form that the office wants to use. At the registry of deeds, BOH minutes February 24, 2016

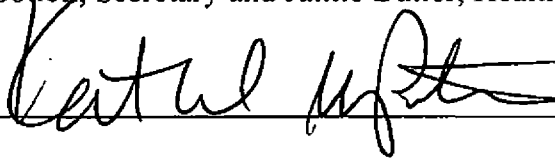
the deeds do not have to be notarized, but the Board of Health form needs to be notarized. Ms. Guarino stated that the form is supposed to be notarized. The deed restriction form will be on the Board of Health agenda for the next meeting on March 9, 2016. **No action was taken at this time.**

8. **APPROVE THE MEETING MINUTES - from the meeting dated January 27, 2016**
– Mr. Andrews made a motion to approve the minutes dated January 27, 2016. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.

Ms. Peterson made a motion to adjourn the meeting. Mr. Andrews seconded the motion. It was a unanimous vote and the meeting adjourned at 9:34 PM.

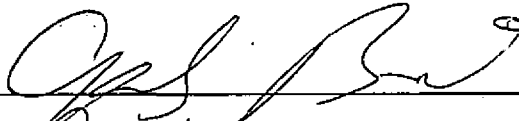
Taped and typed by Lisa Collett, Secretary and Jamie Butler, Health Inspector

Kathleen Peterson _____

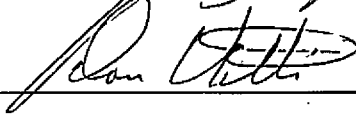


Stanley Andrews _____

Galon Barlow _____

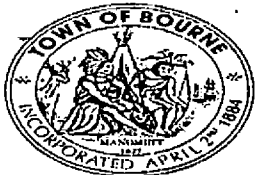


Don Uitti _____



Kelly Mastria – _____

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



MAR 4 PM 2 53
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE
Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

March 9, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

REMOTE PARTICIPATION VOTE

AGENDA ITEMS:

1. TOBACCO REGULATION UPDATE – Revisited from January 13, 2016 – Bob Collett of Barnstable County Control Program – Discussion, possible vote and update on the current tobacco regulations including:
 1. Raising the minimum legal sales age for tobacco products from 18 to 21
 2. Include minimum cigar package size/price-- \$2.50 single/ \$5.00 pack
 3. Ban sale of blunt wraps
 4. Tolling periods for violations- §O- Increase from 18 months to 36 months
2. TOBACCO VIOLATIONS DATED FEBRUARY 21, 2016 – Discussion and possible vote to fine each of the following \$300.00 for selling tobacco to a minor, and suspend Tobacco Product Sales Permit for repeat offenders pursuant to the Board of Health Sale and Usage of Tobacco Products Regulations amended January 13, 2016–
 1. Cape Cod Filling Station – 156 Main Street – 2nd offense within 18 months
 2. Cumberland Farms #2298 – 435 Shore Rd – 2nd offense within 18 months
 3. Gray Gables Market – 181-183 Shore Rd – 2nd offense within 18 months
 4. Liberty Warehouse Liquors – 21 St. Margaret's St
 5. Bourne Bridge Mobil – 2 Head of the Bay Rd –
 6. New England Farms – 360 MacArthur Blvd –
 7. Pocasset Country Market – 303 Barlows Landing Rd –
 8. Portside Liquors – 590A MacArthur Blvd –
 9. Sam's Food Store – 261 Main St – 2nd offense within 18 months
 10. Seaside Liquors – 4 Barlows Landing Rd –
 11. Shell Food Mart – 282 Main St – 3rd Offense within 18 months
 12. Tedeschi #393 – 174 Clay Pond Rd
3. 13 EMMONS RD –Thomas Bunker for Smullen Family Realty Trust – Request variances from the 150 foot setback to water resource areas for the proposed addition and upgraded septic system– Discussion and possible vote –
4. 10 HARBOR WAY/ZERO LIGHTHOUSE LANE – Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling–
5. 3 BRENDON LANE – Terri Guarino –CONTINUED from January 13, 2016 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations – Update Board of non-compliance
6. DEED RESTRICTION FORM – CONTINUED from February 24, 2016 - Discuss and vote on a Deed Restriction template to be used for future deed recordings –
7. SYNTHETIC DRUGS REGULATION—Terri Guarino, Health Agent—Discussion and possible vote to adopt Board of Health Synthetic Drugs Regulations pursuant to MGL c. 111 §31 WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body.
8. BODYWORKS REGULATION—Terri Guarino, Health Agent-- Discussion and possible vote to amend regulation adopted on February 24, 2016.
9. APPROVE THE MINUTES – February 24, 2016

Signed:

Title:

Date:

Secretary

March 4, 2016



RECEIVED

2016 APR 14 PM 2:25

**TOWN OF BOURNE
BOARD OF HEALTH**

CLERK BOURNE

24 Perry Avenue

Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

Fax (508) 759-0679



Terri Guarino
Health Agent

**MINUTES
March 9, 2016**

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; and Galon Barlow

Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health Inspector

MEETING WAS CALLED TO ORDER AT 7:00 PM

Kelly Mastria Remote Participation

1. TOBACCO REGULATION UPDATE – Revisited from January 13, 2016 – Bob Collett of Barnstable County Control Program – Discussion, possible vote and update on the current tobacco regulations including:

- 1. Raising the minimum legal sales age for tobacco products from 18 to 21**
- 2. Include minimum cigar package size/price-- \$2.50 single/ \$5.00 pack**
- 3. Ban sale of blunt wraps**
- 4. Tolling periods for violations- \$0- increase from 18 months to 36 months**

Bob Collett of the Municipal Tobacco Control Program was present for this hearing. Ms. Peterson stated that she received a memo from the Falmouth Board of Health that states that they raised their minimum legal sales age for tobacco from 18 to 21 and that Falmouth Board of Health would like the Town of Bourne Board of Health to also adopt this policy. Mr. Barlow stated that the only concern he has is that he believes that the Town of Wareham is also adopting this policy and that the Town of Bourne would be in the middle. Mr. Barlow stated that he feels that this going to lead to some boot legging where people over the age of 21 are going to be buying cigarettes to sell them to the minors and that you're not going to be able to catch those people and that it would lead to further issues. Mr. Barlow stated that education on preventing smoking might get better results than raising the minimum sales age to 21 would get. Ms. Peterson doesn't feel as if raising the minimum sales age to 21 will fix the problem of selling to minors. If you can fight for this country or be a police officer or a fireman, Ms. Peterson adds, than you just can't tell someone that's 18 that they can't smoke. Mr. Andrews states that he feels the same way on this. Ms. Mastria also agrees. Mr. Collett stated that Falmouth Board of Health did adopt this regulation on Monday night, Wareham and Marion have adopted

it in January and it will be effective in April, Carver is also moving forward with this regulation. There are over 100 towns in MA that have raised the minimum legal sales age to 21. Mr. Collett stated that this is based on solid public health science, and really strongly supported by the New England Journal of Medicine, American Medical Association, and the Institute of Medicine. This is based on brain science, where we know that the human brain does not mature until age 25. This would bring the legal age of smoking in line with that of alcohol and would make the job for the retailer easier. There has been no reliable data that shows there has been any loss of business from this coming into effect. Ms. Peterson says in six to eight months they would be happy to revisit this if they see that it is changing. Mr. Andrews requested that research and data be submitted and presented to the Board of Health. Mr. Collett stated that he submitted this information at the last Board of Health meeting. Mr. Andrews stated that at the last meeting Mr. Collett brought very good evidence in support of including a minimum cigar package price and banning the blunt wraps. Mr. Andrews stated that he does not like to set minimum limits when it comes to price and that he does not like to get involved in the financial aspect. Mr. Andrews would like to see data that shows that raising the price deters and prevents underage smoking. Ms. Peterson stated that the issue of pricing has never been brought up before. Kelly Mastria stated that a single cigar has become cheaper than cigarettes, so that she can see the strategy of putting the price in line with cigarettes. Kelly Mastria does not want to bring pricing into public health. Kelly Mastria stated that she feels that the motivation behind raising the price was so that it was not so convenient to purchase cigar packages as opposed to the expense of cigarette packages. Mr. Barlow feels as if it is beyond the realm of the Board of Health to set minimum prices. Ms. Peterson asked what this does to the higher end cigar market if they set a price for the singles. Mr. Collett stated the 18 years olds are not going to store to buy high end cigars. These are the 99 cent products where these products have become the products of choice for the 18 year olds. When the FDA adopted their regulation in 2009 to prohibit the sale of flavored cigarettes they simply changed the color on the paper and call themselves cigars now. Flavored cigarettes changed their wrapper to brown to qualify under the FDA regulations as cigars. This regulation is meant to address these products. A single cigar would have to sell for \$2.50 and anything more than that would have to be packaged and sold for \$5.00. Mr. Collett explained that a blunt wrap is a reconstituted tobacco product that comes in packages that resemble a fruit roll up. They come in alcohol, candy, and fruit flavors and are used to wrap marijuana. The market is for younger individuals. They cost anywhere from \$0.50 to \$1.00. Mr. Andrews read the current Town of Bourne Board of Health tobacco regulation verbatim: in the case of three or more violations within an eighteen month period a fine of \$300.00 and the tobacco product sales permit shall be suspended for sixty consecutive business days. In the case of a fourth violation or repeated egregious violations of this regulation within an eighteen month period the Board of Health shall have a hearing in accordance with §P4 and may permanently revoke a tobacco sales permit. Mr. Andrews explained that in the case of a first violation it is a \$300.00 fine, in the case of a second violation within an eighteen months of the date of the violation a fine of \$300.00 and the tobacco sales permit shall be suspended for 14 consecutive business days, in the case of a third violation a fine of \$300.00 the tobacco sales permit shall be suspended for 60 consecutive business days, and in the case of a fourth violation a fine of \$300.00 and the tobacco sales permit may be permanently revoked. That is what the current regulation states. Ms. Mastria stated

that they are looking to change that from 18 months to 36 months, and Mr. Andrews agreed. Mr. Collett stated that the reason for this increase to 36 months is because these tobacco inspections are normally conducted two times during each fiscal year. It is possible that during the compliance checks they may only go around once per year, so the violations never reach the third and fourth violation. Mr. Collett stated that they conduct 2 inspections per year and a re-inspection for violators. Ms. Peterson stated that the Board of Health has to follow process and will not suspend any permits tonight. Mr. Andrews stated that the way the current tobacco regulation is written with the word usage of *shall* indicates that the board must follow the regulation. Prior to suspending tobacco licenses at tonight's meeting, Ms. Peterson states that, the Board of Health needs to review all the meeting minutes that covered tobacco from 2012 as well as the minutes from the last meeting where the current tobacco regulation was adopted. Mr. Andrews stated that it has been a long time since the Board of Health has seen a double offense in an 18 month period. Mr. Collett stated that it should be noted that FDA also conducts tobacco inspections and may or may not notify the town. Ms. Peterson would like to continue the tobacco license suspensions to the next meeting to allow the Board of Health time to review the minutes from 2012 and also the minutes from the last Board of Health meeting. Ms. Peterson asked for public comment. John Waterbury from the Falmouth Board of Health was present for this hearing. Mr. Waterbury stated that the Falmouth Board of Health amended their tobacco regulation last Monday night raising the legal tobacco sales age from 18 to 21. The business community of Falmouth asked the Falmouth Board of Health to speak to the surrounding towns about also raising the legal tobacco sales age to 21 so that all the businesses are on the same playing field. The Falmouth Board of Health feels that there are very persuasive public health reasons for raising the minimum tobacco sales age. Mr. Waterbury submitted a copy of the Falmouth Board of Health tobacco regulation at the time of the meeting. Mr. Andrews asked how much evidence was provided to the Falmouth Board of Health in order to get the Falmouth Board of Health to amend its tobacco regulation. Mr. Waterbury stated that quite a bit of information was provided to the Board and that the medical community was present at the hearing and provided testimony as well as the Falmouth Board of Health conducting their own research on the subject. The New England Journal of Medicine recently posted a very persuasive article on this subject. Ms. Mastria stated that she feels that 18 year olds should be able to buy cigarettes but is unsure how that prevents 17 year olds from also getting cigarettes. Ms. Mastria does not think that raising the age to 21 will make a difference. Ms. Guarino stated that one thing that does make a significant difference between 18 and 21 year olds is that 21 year olds are no longer in high school and that raising the minimum tobacco sales age to 21 would bridge a greater gap between high school age students obtaining cigarettes. Stan Budryk was present for this hearing. He stated that his wife smoked for many years. Mr. Budryk also stated that he does not believe that raising the minimum tobacco sales age will do much to prevent underage smoking and tobacco sales to underage. He stated that he is against raising the price for tobacco products and said that kids are going to get it either way. If an 18 year old can fight for this country, he can have a cigarette. DJ Wilson the tobacco control director of MA municipal association was present for this hearing. He stated that 55% of the state has banned the sale of blunt wraps and that police departments generally support this since blunt wraps are often used for illegal drugs. Ms. Peterson stated that the Board of Health office will need to check with Mr. Woodside to see how he feels about adopting

this ban on blunt wraps. Paresh Patel was present for this hearing. Mr. Patel stated that raising the minimum price to \$2.50 will not make a difference and if blunt wraps are not available then people are just going to use something else such as a cigar and rolling papers. He stated that he is not in the business to sell to minors. **Mr. Barlow made a motion to continue raising the minimum tobacco sales age from 18 to 21 to the fall. Mr. Andrews seconded the motion. All in favor. The vote was unanimous. Mr. Andrews made a motion to continue the minimum cigar package size/price-- \$2.50 single/ \$5.00 pack to the fall. Ms. Peterson seconded the motion. All in favor. The vote was unanimous. Mr. Andrews made a motion to ban the sale of blunt wraps in the Town of Bourne and to add it to the existing Town of Bourne Board of Health Tobacco Regulations. Ms. Mastria seconded the motion. Paula Cody from Bourne was present for this hearing. Ms. Cody stated its not tobacco that people are putting into the blunt wraps, but rather it is something else and that if you ban the sale of blunt wraps, people are just going to buy rolling papers or something else. If they want to flavor it then they're going to find something to flavor it with. If you take one away they are just going to substitute it with something. Russell Salamone from Grey Gables Market was present for this hearing. Mr. Salamone stated that prior to putting in any motion to banning a substance there should be more research and understanding before it is immediately banned. Mr. Andrews amended his motion to make the banning of blunt wrap sales in the Town of Bourne effective 60 days from the date of publication in a newspaper of general circulation. Joveal was present for this hearing. Mr. Joveal stated that if people are going to buy the whole pack of cigarettes then they are going to smoke the whole pack, and cigarettes are addictive. DJ Wilson stated that it does make sense to make the effective date later so that retailers have a chance to sell their remaining stock. There is no wholesale discount on blunt wraps. Mr. Barlow seconded the motion. Ms. Peterson opposed. The vote was 3 in favor and 1 opposed. The vote passes. Mr. Andrews stated it would be difficult to get to a third and fourth violation within an 18 month period due to timeline of inspections. Mr. Andrews made a motion to continue the tolling periods for violations- §O- increase from 18 months to 36 months discussion to the fall. Mr. Barlow seconded this motion. All in favor. The vote was unanimous. Mr. Andrews stated that he would like to see a timeline drawn out. Ms. Cody stated that it would have been nice of the Town of Bourne to send a letter to retailers notifying them of the tobacco violation. Ms. Peterson stated that she would like to discuss the notification procedure to retailers for tobacco violations at the next Board of Health meeting. Ali Wolf from New England Farms, Monument Beach, was present for this hearing. Ms. Wolf asked if tobacco violators could be notified at the time of violation. Ms. Mastria noted that when she worked retail people were notified right then and there. Mr. Collett stated that he notifies tobacco violator retailers in the Town of Barnstable on the same day as the violation. Mr. Collett stated that he can start doing this if it's something the Board of Health would like. Mr. Collett also stated that they do not tell the retailer at the time of inspection to protect the youth that is working with the program.**

- 2. TOBACCO VIOLATIONS DATED FEBRUARY 21, 2016 – Discussion and possible vote to fine each of the following \$300.00 for selling tobacco to a minor, and suspend Tobacco Product Sales Permit for repeat offenders pursuant to the**

**Board of Health Sale and Usage of Tobacco Products Regulations amended
January 13, 2016—**

Mr. Andrews made a motion to issue the tobacco violation fines at this meeting but to continue the tobacco license suspensions to the Board of Health meeting on March 23, 2016. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.

- 1. Cape Cod Filling Station – 156 Main Street – 2nd offense within 18 months.** Mr. Barlow and Mr. Andrews stepped off for this matter. Ms. Peterson stated that this a second offense and has a fine of \$300.00. No one was present for this hearing.
- 2. Cumberland Farms #2298 – 435 Shore Rd – 2nd offense within 18 months.** Mr. Barlow and Mr. Andrews stepped back on. Ms. Peterson stated that this a second offense and has a fine of \$300.00. Brian Walker, the manager, was present for this hearing. He stated that Cumberland Farms does take this seriously and that it is extremely important. He stated that every new employee has to undergo training, and they have to card everyone under the age of 30. Even if customers appear older, they still ask for a birthdate. He stated that the company was not notified of this change in the tobacco regulation. He also believes the store should not be held to this new regulation policy.
- 3. Gray Gables Market – 181-183 Shore Rd – 2nd offense within 18 months.** Ms. Peterson stepped off for this matter. Russell Salamone owner of the market was present for this hearing. Mr. Salamone apologized for the violation. He admitted that the clerk was a new employee. He stated that he has to revisit his policy with all of his employees. The fine is \$300.00.
- 4. Liberty Warehouse Liquors – 21 St. Margaret's St.** Ms. Peterson stepped back on. Ms. Peterson stated that the fine for this violation is \$300.00.
- 5. Bourne Bridge Mobil – 2 Head of the Bay Rd –** Ms. Peterson stated that is the first offense and the fine is \$300.00. No one was present for this hearing.
- 6. New England Farms – 360 MacArthur Blvd –** Daniel Costa was present for this hearing. The fine is \$300.00. Mr. Costa stated that this store takes tobacco sales very seriously and that the employee whom violated the tobacco regulation has been terminated. A draft of a letter regarding New England Farms tobacco policy was submitted to the Board of Health office. Mr. Costa would like for the Board of Health to fine the employee whom violated the tobacco regulation.
- 7. Pocasset Country Market – 303 Barlows Landing Rd –** Paresh Patel was present for this hearing. Mr. Patel apologized for the tobacco violation and stated that this would not happen again. Mr. Andrews stated that this is the first offense and he must pay a fine of \$300.00. Ms. Peterson stated that in the tobacco regulation item O on pg. 9 it states that it shall be the responsibility of the establishment permit holder and/or his or her business agent and/or his or her employee to ensure compliance with all the sections of the regulation.

8. **Portside Liquors – 590A MacArthur Blvd** – No one was present for this hearing. The fine is \$300.00.
 9. **Sam's Food Store – 261 Main St –2nd offense *within 18 months***. Jawad Nasar was present for this hearing. Mr. Nasar stated that they are now going to start carding everyone. The fine is \$300.00.
 10. **Seaside Wine and Spirits – 4 Barlows Landing Rd** – Paula Cody was present for this hearing. Ms. Cody apologized for this violation. The fine is \$300.00.
 11. **Shell Food Mart – 282 Main St –3rd Offense *within 18 months***. Mohammad Waheed was present for this hearing. Mr. Waheed apologized for the violation. Ms. Andrews stated that as it was just discussed with the tobacco county control board getting three violations in a period of 18 months is nearly impossible, but Shell Food Mart did it. Mr. Collett stated that this establishment also sold flavored cigars during a pilot program about 18 months ago. The fine is \$300.00.
 12. **Tedeschi #393 – 174 Clay Pond Rd**. Bob Binder was present for this hearing. Ms. Peterson stated that there is a \$300.00 fine. Mr. Binder stated that he has owned the establishment since 2003, and he apologized for the violation. Ms. Peterson stated she would address all the concerns in a draft policy that will be submitted to the office.
3. **13 EMMONS RD –Thomas Bunker for Smullin Family Realty Trust – Request variances from the 150 foot setback to water resource areas for the proposed addition and upgraded septic system– Discussion and possible vote** – Thomas Bunker, BSS Design, representing the Smullin Family Realty Trust was present for this hearing. He is requesting a variance because he intends to increase the size of a dwelling and that the system does not conform to the setback requirements to the coastal bank. The flood zone is far back on the property. This project meets the title five requirements. Mr. Andrews asked about the number of bedrooms. Mr. Bunker stated that it is a 5 bedroom house and they are adding 4 bedrooms to make this a 9 bedroom house. Ms. Guarino stated that this property was going to be a secondary structure and due to zoning requirements they had to combine it. Ms. Peterson stated that it is a 9 bedroom house and that she is concerned that in the variance request letter it states that it is a 5 bedroom house. Ms. Peterson read verbatim from the letter it would be considered a five bedroom house. Mr. Bunker stated that some of the bedrooms are uninsulated. Mr. Andrews stated that they still meet the definition of bedrooms. Ms. Guarino stated that she advised Mr. Bunker to design for a 9 bedroom system, which he has. Mr. Andrews wants to letter of request to state that it is a 9 bedroom dwelling. **Mr. Barlow made a motion to continue the request for variances from the 150 foot setback to water resource areas for the proposed addition and upgraded septic system at 13 Emmons Road to the Board of Health meeting on March 23, 2016. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.**
4. **10 HARBOR WAY/ZERO LIGHTHOUSE LANE – Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with**

§310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling—Don Bracken of Bracken Engineering and Zachary Basinski of Bracken Engineering representing Elizabeth Warden were present for this hearing. Mr. Bracken stated that this application is not one that the Board of Health typically sees. This application includes an easement for a sewage disposal system and also includes the approval of a Nitrogen Loading Facility Aggregation Plan. Mr. Bracken stated that he would like to review the letter that Mr. Budryk submitted to the Board of Health. This application involves two properties, 10 Harbor Way which is a vacant buildable lot, and 0 Lighthouse Lane which is also a vacant lot. Back in 2006 the Board of Health approved variances for this property. What was approved through the Board of Health in 2006 was a variance for a 3 bedroom system to the 150' setback regulation. With all the well locations in the neighborhood, there is no room for a septic system. The owners of lot 10 and the owners of 0 Lighthouse lane are sisters. Ms. Peterson stated that an easement has been approved by the Board of Health previously and there were issues. Ms. Peterson wants to review the file for the Sagamore Beach property that the Board of Health granted an easement to in the past. This is going to be a 3 bedroom trench. The variances that are being sought is a 105' variance to the coastal bank and approval of a nitrogen loading facility aggregation plan. There are two different easements on this lot. The Board of Health requested a site visit of the property. Mr. Andrews asked if all the drinking wells have been discovered and if there are any unidentified drinking wells. Mr. Bracken stated that all the wells that he could be made aware of have been accounted for in this project. Mr. Andrews stated that the army has done a lot of work in finding wells and that information was reported to the Board of Health office. Ms. Guarino stated that the office has limited records on wells. Mr. Stan Budryk was present for this hearing. Mr. Budryk stated that the certified abutters list is incomplete. Ms. Guarino stated that the abutters for both 0 Lighthouse Lane and also 10 Harbor Way have been notified. Ms. Peterson stated that this is a certified abutters list generated from the Town of Bourne. Ms. Guarino stated that according to title five it is front back and side to side abutters that are notified. Julie Malloy was present for this hearing. Mr. Andrews explained that the abutters notified are the connecting lots. Mr. Budryk stated that Mr. Flannigan asked if this hearing could be continued for 60 days. Ms. Peterson stated that this will be continued for 2 weeks, because the Board of Health would like to conduct a site visit. Mr. Budryk is concerned that this project would require digging up 2 roads to install a force main. Mr. Bracken stated that this is not a title five variance it is a local variance. The roads are not private, there is no easement necessary to put utilities in the road. Mr. Budryk stated that the exception to that is the association. Ms. Peterson stated that more research on associations will need to be conducted. Ms. Malloy stated that the Army Corp of Engineers is a direct abutter. Ms. Guarino stated that the Army was notified. Ms. Malloy asked about the credit land and if it is being used by another lot. Mr. Bracken said that he will address that in writing. Mr. Bracken does not think that these lots are connected according to Board of Health purposes. Board of Health and Zoning issues are separate. Ms. Guarino stated that the lighthouse was built a long time ago and if anything were to be done to that property it would require an upgrade and a hearing in front of the Board of Health because it would not meet the 150 foot

setback. Mr. Budryk said that Mr. Flannigan said that there is no 0 Lighthouse Lane because the two lots merged as one. Mr. Bracken stated that from a Board of Health standpoint they are two separate lots. Mr. Barlow stated that every project is site specific. Ms. Peterson stated the Board of Health needs to conduct a site visit and verify that the abutters list is accurate. Ms. Peterson wants to look at a different project in Sagamore Beach that also included a change in the credit land. **Mr. Andrews made a motion to continue 10 Harbor Way/0 Lighthouse Lane to the next Board of Health meeting on March 23, 2016. Mr. Barlow seconded the motion. All in favor. The vote was unanimous.**

5. **3 BRENDON LANE – Terri Guarino –CONTINUED from January 13, 2016 - I/A Septic system Non-Compliance – Terri Guarino – Discussion and possible vote to issue fines for lack of operation & maintenance contract and violation of Board of Health Alternative Septic System Regulations – Update Board of non-compliance.** No one was present for this hearing. Ms. Guarino stated that Mr. Origlio fines were \$1,500.00 at the last Board of Health meeting. Ms. Guarino feels that the fine should be weekly so that there is a gap period in the time that they hire a contractor and the contract gets submitted to the Board of Health office. Ms. Guarino stated that she plans to file a criminal complaint with Falmouth District Court. Ms. Guarino stated that the Board of Health office has received some inquiries on this property but has not yet received a contract. Ms. Guarino stated that there is no occupancy permit on this house. Mr. Andrews would like to tighten up the Board of Health alternative septic system policy in regards to the occupancy. Ms. Guarino stated the fines to date are \$7,500.00. Ms. Guarino feels as if it is reasonable to issue fines of \$1,000.00 every week starting on January 27, 2016. **Ms. Peterson made a motion to issue Mr. Origlio a fine of \$1,000.00 every week starting on January 27, 2016 until compliance is reached. Ms. Mastria seconded this motion. All in favor. The vote was unanimous.**
6. **DEED RESTRICTION FORM – CONTINUED from February 24, 2016 - Discuss and vote on a Deed Restriction template to be used for future deed recordings –** Mr. Andrews stated that he cannot support moving away from the deed restriction form that the Board of Health is currently using. Ms. Guarino stated that according to title five a deed restriction form should be essentially identical to what is attached in the appendix. Ms. Guarino stated that she used the deed restriction form that is provided in title five and she added the local regulations and the letterhead to it. Ms. Guarino stated that more stringent regulations than title five can be set, but local boards of health cannot adopt policies that are less stringent than title five. Ms. Guarino feels as if the deed recording form that was used in the past is less stringent. Ms. Peterson stated that on the new form the alternative and the bedrooms have been separated, title five language has been added, and local regulations have been added such as the Board of Health bedroom definition citation. Ms. Peterson asked that Ms. Guarino sign the form prior to it getting recorded. Ms. Guarino stated that she signs all of them in advance. Mr. Barlow stated that he curious about way the number of bedrooms are written. Ms. Guarino stated that this is a moveable item. Mr. Andrews stated that by splitting the alternative septic system and the bedroom deed restriction into two different deeds now the Board of Health is going to have to require a vote for

two different deed recordings to be filed on one system. Ms. Guarino stated that it is in title five that the variance is disclosed if there is an alternative system in the deed. Mr. Andrews stated that, previously, this was one document. A notice of that septic system needs to be filed at the registry of deeds. Ms. Guarino stated that they can be combined into one document for an alternative septic system. Ms. Peterson stated that it is not up to the Registry of Deeds to tell people how to fill out a deed recording. **Ms. Peterson made a motion to continue the deed restriction form discussion to the next Board of Health meeting on March 23, 2016. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.**

7. **SYNTHETIC DRUGS REGULATION—Terri Guarino, Health Agent—**
Discussion and possible vote to adopt Board of Health Synthetic Drugs
Regulations pursuant to MGL c. 111 §31 WHEREAS, it has been reported by
various agencies that synthetic cannabinoids, synthetic stimulants and synthetic
psychedelic/hallucinogens have been linked to serious physical effects resulting
in hospitalization and death when ingested, inhaled or otherwise introduced into
the human body. Ms. Guarino stated that this has been adopted by many other towns both as a regulation and also as a bylaw. This regulation prohibits the sale of synthetic drugs. Ms. Peterson asked if a registered doctor has reviewed this. Ms. Guarino stated yes, this regulation came from the Mass Association of Public Health Boards. Ms. Peterson asked if the Bourne Police Department has reviewed this. Ms. Guarino stated yes. Police cannot penalize people for possession of these products, only for selling these products in the Town of Bourne. Ms. Guarino stated that designee can be the Town of Bourne Police Department. Ms. Mastria asked if the Bourne Police Department has agreed to be the designee. Ms. Guarino stated that to eliminate any confusion she can take out the Bourne Police Department and just leave designee written there. Mr. Barlow asked about medication and pharmacies in regards to this regulation. Ms. Guarino stated that with bath salts they labeled it not for human consumption. Ms. Guarino stated this product is not a product that you can get at any pharmacy. **Ms. Peterson made a motion to approve the synthetic drugs regulation with the following changes: section F subset 1, delete Bourne Police Department and leave designee. Mr. Andrews seconded the motion. All in favor. The vote was unanimous.**

8. **BODYWORKS REGULATION—Terri Guarino, Health Agent-- Discussion and possible vote to amend regulation adopted on February 24, 2016.** Ms. Butler stated the Bourne Police Department cannot run CORI/SORI checks for the Board of Health, and that this regulation was amended to state that the applicant must submit this information at the time of application. Ms. Peterson asked who is going to get the CORI/SORI information. Ms. Guarino responded that the applicant must submit this information themselves using icori.com as one of the most accessible ways of getting this information. Mr. Andrews asked that any changes to a regulation be highlighted in red. Ms. Guarino stated that the office can do this in the future, however, the office color printer is broken at this time. Ms. Butler read verbatim, the applicant must submit a criminal history check for bodywork therapists, operators, and establishment owners. All responses to these record checks are kept confidential. This information will not necessarily disqualify the applicant. Mr. Andrews would

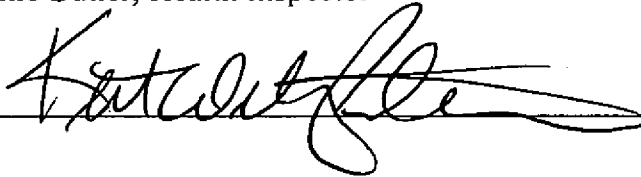
like the SORI to be added to this. Ms. Peterson asks if the Board of Health is responsible for the language barrier that this might present. Ms. Guarino responded no. Ms. Guarino stated that as an example in the housing code certain enforcement orders state that this is a legal document that you should have translated. This regulation went into effect upon circulation in the general newspaper which was February 26, 2016. Ms. Guarino stated that under the compliance and enforcement section the fines state \$100 for the first offense, \$200 for the second offense, and \$300 for the third offense. Ms. Guarino stated that this section needs to be amended so that the fine is \$300. Ms. Butler stated that fees for the establishment permit as well as the therapist permit should be similar to the current body art fees. It will be \$300 for the establishment permit and \$125 for the therapist permit. **Mr. Andrews made a motion to make the following changes to the Bodyworks Regulation: to adopt a fine of \$300 per offense, to add the license fees to duplicate the body art fees, and to change the wording on the CORI/SORI section so that the information is provided by the applicant at the time of application. Mr. Andrews then amended his motion to include removing the massage therapy certificate requirement from the bodyworks regulation. Ms. Mastria seconded this motion. The vote was unanimous.**

9. **APPROVE THE MINUTES – February 24, 2016. No action was taken at this time.**

Mr. Andrews made a motion to adjourn the meeting. Ms. Mastria seconded the motion. It was a unanimous vote and the meeting adjourned at 10:49 PM.

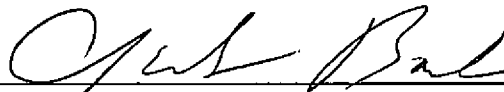
Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson _____

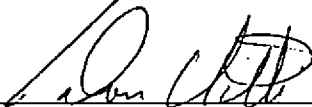


Stanley Andrews _____

Galon Barlow _____

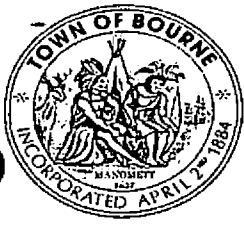


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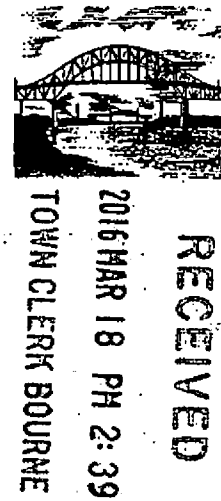
Kelly Mastria – _____

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

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Buzzards Bay, MA 02532
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Fax (508) 759-0679



MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

March 23, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

Remote Participation Vote

AGENDA ITEMS:

1. 260 CIRCUIT AVE – James F. Dineen, Homeowner – Request Reduction in Quarterly Maintenance Inspections for the Alternative Technology System –
2. 13 EMMONS RD – CONTINUED from March 9, 2016-- Thomas Bunker for Smullen Family Realty Trust – Request variances from the 150 foot setback regulation for the proposed addition and upgraded septic system– Discussion and possible vote –
3. 10 HARBOR WAY/ZERO LIGHTHOUSE LANE – CONTINUED from March 9, 2016-- Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling–
4. 61 MARYLAND AVE – Mark Tuleja of MTI Home Designs for Mark Peretti – Request waiver to use the existing system for renovations, additions and/or alterations – Discuss and possible vote -
5. APPROVE THE MINUTES FROM FEBRUARY 24, 2016 AND MARCH 9, 2016–

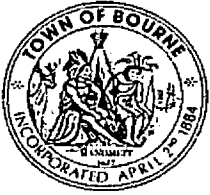
Signed:

Title: Health Agent

Date: March 18, 2016

T. Guarino

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

RECEIVED

**TOWN OF BOURNE
BOARD OF HEALTH**

2016 APR 14 PM 2:25
TOWN CLERK BOURNE
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



**MINUTES
March 23, 2016**

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; and Galon Barlow

Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health Inspector

MEETING WAS CALLED TO ORDER AT 7:01 PM

Kelly Mastria Remote Participation

- 1. 260 CIRCUIT AVE – James F. Dineen, Homeowner – Request Reduction in Quarterly Maintenance Inspections for the Alternative Technology System –** Mr. Dineen was present for this hearing. Mr. Dineen has owned his house for 9 years. He stated that Rosano Davies are the inspectors for his innovative alternative septic system. He stated that the samples are as clear as Poland Springs water. Mr. Andrews stated that he is not in favor of the reduction because Mr. Dineen utilizes his dwelling year round. Ms. Peterson stated that the Board of Health needs more time to review the alternative septic system policy prior to granting a reduction in maintenance inspections for alternative technology systems to any year round residents. Mr. Andrews stated that he would like to hear from some wastewater operators in addition to reviewing the policy. Ms. Peterson stated that in June or July the Board of Health will review the policy, and advised Mr. Dineen to reapply for the variance during those months. Ms. Mastria is in support of revisiting this in June or July. Mr. Dineen asked if there was a specific benchmark level for determining purity of wastewater. Ms. Guarino stated that wastewater is considered pure if it is within the parameters set by DEP and the local Board of Health policy. Mr. Barlow added that he would like to hear input from Barnstable County prior to granting a reduction in maintenance to year round residents. **Mr. Andrews made a motion to deny the reduction in quarterly maintenance inspections for the Alternative Technology System located at 260 Circuit Ave. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.**

- 2. 13 EMMONS RD – CONTINUED from March 9, 2016-- Thomas Bunker for Smullin Family Realty Trust – Request variances from the 150 foot setback regulation for the proposed addition and upgraded septic system– Discussion and possible vote –** Thomas Bunker was present for this hearing. Mr. Bunker stated that he had corrected the wording on his variance request letter addressed to the Board of Health and that he has re-submitted it to the Board of Health office. Mr. Bunker stated that 13 Emmons Road is a small, seasonal, uninsulated home. He also stated that the bathroom is being made handicap accessible. The number of bedrooms in the house is being increased from 5 to 9. Mr. Bunker also stated that this home has sentimental value to the owners. Mr. Bunker stated that there is no conforming location to put the soil absorption system. The proposed septic system is designed to be adequate for 9 bedrooms. There is a denitrifying component. Mr. Bunker stated that they have maintained a 50' set back to the coastal bank, which is required by title five. The system would be 146' from one coastal bank which would require a 4' foot variance and also 51' from the secondary coastal bank which would require a 99' variance. These variances are from the Board of Health policy which requires a 150' foot setback to any coastal bank. Mr. Bunker stated that this system would provide better protection for the environment. Mr. Andrews stated that Mr. Bunker did not fill out the top portion of the nitrogen loading calculation worksheet and asked that he fill that out. Mr. Andrews also stated that Mr. Bunker has a compelling argument and that there is a definite benefit for the environment. Ms. Mastria asked if this property has gone through conservation yet. This property has gone through conservation and all delineations have been approved. Ms. Guarino read verbatim the conservation agents, Brendan Mullaney's comments on the tertiary bank: this bank has been delineated based on the location of the flood zone and slope of the landform, this project will have minimal impact on the ability of this bank to act as a buffer to prevent storm damage. **Mr. Andrews made a motion to approve the variances of 51' (99' variance) from the secondary coastal bank and 146' from the seawall by little bay (4' variance) from the 150 foot setback regulation for the proposed addition and upgraded septic system for 13 Emmons Road. Mr. Barlow seconded the motion. All in favor. The vote was unanimous.**
- 3. 10 HARBOR WAY/ZERO LIGHTHOUSE LANE – CONTINUED from March 9, 2016-- Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling–** Zachary Basinski was present for this hearing. Elizabeth Warden is participating remotely.

Ms. Warden thanked the Board of Health for allowing her to participate remotely. Mr. Basinski stated that the proposed project is to construct a one bedroom house at 10 Harbor Way and to install an off-site septic system located at 0 Lighthouse Lane. This is being requested under §216 of the nitrogen loading aggregate plan. Mr. Basinski is looking for the approval of the nitrogen loading aggregate plan and also 2 local variances from the Board of Health regulation that requires a 150' setback to a water resource area. Ms. Warden stated that she was having some difficulties being able to hear the discussion. **Ms. Warden was no longer participating remotely.** Mr. Basinski stated that one attachment is for the facilities lot and the second is for the credit land. Ms. Peterson stated that in this state document there are no provisions that state that the credit land remain completely untouched. Ms. Peterson stated that the land needs to remain completely untouched, no gazebos, no portable structures, and no gardens. Mr. Basinski stated that the 12,000 square feet will remain untouched. Ms. Peterson stated that the document needs to be modified, and has to go to town council for review. Mr. Barlow stated that a septic system was approved for this property in the past. Ms. Mastria asked if a septic system was approved for this property that was also located on another property in the past. Mr. Barlow stated that in the past another builder had proposed building a home on that property and a septic system was approved by the Board of Health, but a home was never built there because it did not meet other criteria. Ms. Guarino stated that on the credit land easement attachment under obligations and easement, number 1 is the prohibition section which states that the grantor agrees to maintain the property as nitrogen credit land by prohibiting activities which have a detrimental effect on nitrogen loading on the property. Ms. Peterson stated that specifically the Board of Health wants written that there will be no structures on this land, and that the land has to remain in its natural state. Ms. Peterson stated again that town council needs to tighten this document up. Mr. Andrews stated that this document needs to be compiled prior to the Board of Health approval. The Board of Health needs draft copies of the future deed restrictions prior to approving this system. Ms. Guarino stated that on page 2 of the credit land attachment under obligations and easement, number 1 prohibitions, what is included in that but not limited to waste water discharges, the use of nitrogen fertilizer, introduction of artificial and impervious surfaces, the raise and grazing of animals, and so on. Ms. Guarino suggests that this would be an appropriate section to add additional prohibitions and more stringent requirements such as prohibiting a playground and any other prohibitions that the Board of Health deems necessary. Mr. Barlow suggested adding in the prohibition of recreational use. Mr. Andrews suggested adding in the prohibition of portable structures, and temporary tents. Ms. Guarino summarized that on attachment 2, under obligations and easements, on the second page under prohibitions, the Board of Health needs a clause added that prohibits temporary or portable structures and commercial or recreational use within the parcel that is 12,100 square feet of credit land that is illustrated on the

plan. Ms. Guarino stated that under the enforcement section, criminal and civil penalties and including but not limited to injunctive relief is already mentioned in the document. Mr. Budryk from 15 Canal Road was present for this hearing. Mr. Budryk stated that 0 Lighthouse Lane merged with 1 Lighthouse Lane, and that there is no 0 Lighthouse Lane. Mr. Budryk stated he received a letter from Denis LeBlanc a hydrologist with US Department of the Interior and Mr. Budryk read this letter verbatim. Mr. Budryk stated that the residents of Wings Neck are not against a house being built on that lot but rather they are concerned with water and the size of the house. Ms. Peterson stated that she explained to Mr. Flannigan on the phone today that everything that would not be a bedroom would have to have a 6' cased opening and could not have a door. The Board of Health has a different definition of a bedroom. Mr. Budryk asked if the owner has considered downsizing the dwelling so that a different septic system could be proposed. Ms. Peterson stated that it is not up to the Board of Health to tell people what size house to build. Mr. Budryk feels that there are a lot of wells on Wings Neck, and that if those systems were to fail there would be no room to rearrange things. Ms. Guarino stated that the entire locus, Wings Neck as a whole has been investigated. Ms. Guarino stated the private water supplies are a significant reason as to why this type of system is being installed. Mr. Basinski stated that this type of system meets all requirements and that this is the best system that can be installed. Mr. Barlow stated that every project is site specific. Mr. Budryk asked if a hydrologic study could be performed. Ms. Guarino stated the regulation requires that if the septic system is within 100 feet from a water resource then a hydrologic study could be performed. However, this project does not meet the requirements to perform a hydrologic study. Mr. Budryk feels as if there is erosion on Wings Neck. **Mr. Barlow made a motion to continue the variance request for 10 Harbor Way/ 0 Lighthouse Lane to the next Board of Health meeting on April 13, 2016. Mr. Andrews seconded this motion. All in favor: The vote was unanimous.**

4. **61 MARYLAND AVE – Mark Tuleja of MTI Home Designs for Mark Peretti – Request waiver to use the existing system for renovations, additions and/or alterations – Discuss and possible vote –** Mr. Tuleja of MTI Home Designs representing Mark Peretti was present for this hearing. Ms. Guarino stated that a building permit was pulled in which this scope of work did not require BOH review based on town policies. A second building permit was pulled at a later date, and it did require Board of Health review, however, the building permit was already issued. Mr. Andrews asked if there has been a 129% increase since this project started. Mr. Tuleja responded yes. Mr. Tuleja added the total square footage to the existing permit. The second building permit was for dormers. Mr. Tuleja stated that the first building permit was to add 12' to the back of the building, 2 stories, and a farmer's porch wrap around. It is a 3 bedroom house, and it still is a 3 bedroom house. Mr. Tuleja stated that he has added 2 bathrooms. Ms. Guarino stated that in 1997 the septic system was

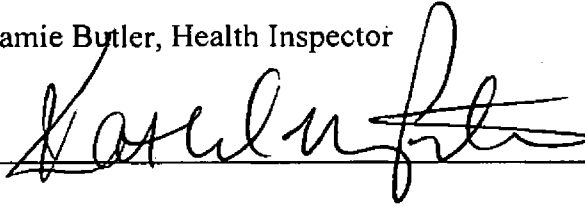
upgraded to repair a failed system and the new system did not meet the 150' setback requirement to a wetland. The 1997 system was red stamped stating that it is not adequate for any additions, renovations, replacement, or upgrade of sanitary sewage facilities or conversions. Mr. Andrews asked if any additions were to occur on this property, would this system need to come before the Board of Health. Ms. Guarino stated yes. Ms. Peterson asked what the status is on the septic system that is located at that property now. Ms. Guarino stated that septic system that is on the property now has not been inspected since 2011. Ms. Guarino stated that system has (3) 500 gallon chambers. Ms. Peterson stated that she would like for Ms. Guarino to go out and inspect the septic system. Ms. Guarino stated that Cindy Coffin measured 132' to high tide in 1997. Ms. Peterson stated that she does not want to make a decision without knowing the condition of the septic system. Ms. Guarino stated that she would be happy to inspect it as long as the distribution box and inspection ports on the leaching are made accessible to her. Mr. Tuleja said that he will open the system up and get it ready for Ms. Guarino's inspection this week. **Mr. Andrews made a motion to continue 61 Maryland Ave to April 13, 2016. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.**

5. APPROVE THE MINUTES FROM FEBRUARY 24, 2016 AND MARCH 9, 2016— No action was taken at this time.

Mr. Andrews made a motion to adjourn the meeting. Ms. Peterson seconded the motion. It was a unanimous vote and the meeting adjourned at 8:44 PM.

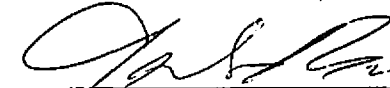
Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson



Stanley Andrews

Galon Barlow



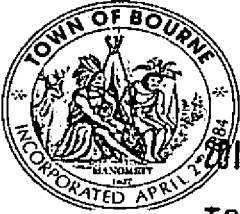
Don Uitti



Kelly Mastria -

cc Board of Selectmen/Town Clerk

BOH minutes March 23, 2016



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2016 APR -8 PM 2:54

Terri A. Guarino
Health Agent

TOWN CLERK BOURNE

TOWN OF BOURNE
BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

April 13, 2016

Time:

6:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

Remote Participation Vote

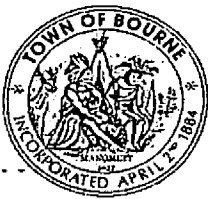
AGENDA ITEMS:

1. 6:00pm- Discussion and possible vote to amend the Board of Health Tobacco Regulations pursuant to Massachusetts General Laws c. 111 s.31 to describe penalties for subsequent violations, and the usage of may/ shall.
2. TOBACCO VIOLATIONS DATED FEBRUARY 21, 2016 – CONTINUED from March 9, 2016-- Discussion and possible vote to invoke a penalty for repeat offenders within an 18 month period
 - a. Cape Cod Filling Station – 156 Main Street – 2nd offense within 18 months
 - b. Cumberland Farms #2298 – 435 Shore Rd – 2nd offense within 18 months
 - c. Gray Gables Market – 181-183 Shore Rd – 2nd offense within 18 months
 - d. Sam's Food Store – 261 Main St – 2nd offense within 18 months
 - e. Shell Food Mart – 282 Main St – 3rd Offense within 18 months
3. 7:00pm – 10 HARBOR WAY/ZERO LIGHTHOUSE LANE – CONTINUED from March 23, 2016-- Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling–
4. 61 MARYLAND AVE – CONTINUED from March 23, 2016 - Mark Tuleja of MTI Home Designs for Mark Peretti – Request waiver to use the existing system for renovations, additions and/or alterations – Discuss and possible vote –
5. 29 CAPTAINS ROW – Zachary Basinski of Bracken Engineering for Thomas Tracey and Cheryl Clifton – Request waiver to use the existing septic system for proposed addition – Discussion and possible vote –
6. PLASTIC BAG REGULATION – Requested by Board of Selectmen Chairman, Stephen Mealy – Discussion and possible vote to ban the use and distribution of plastic bags from retail establishments including restaurants –
7. GOOD FELLAS SMOKE SHOP—270 Main Street, Buzzards Bay—Discussion and possible vote to issue fines and/ or suspend, revoke, or modify license to sell Tobacco Products due to operation without Tobacco Sales Permit from January 1, 2016- April 5, 2016.
8. APPROVE THE MINUTES FROM FEBRUARY 24, 2016, MARCH 9, 2016 AND MARCH 23, 2016–

Signed:
Title:
Date:

Lisa Galletta
Secretary
April 8, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

Fax (508) 759-0679

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2016 AUG 18 AM 9:41



TOWN CLERK BOURNE

MINUTES April 13, 2016

Members in attendance: Kathy Peterson, Chairman; Don Uitti, Secretary and Galon Barlow

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

MEETING WAS CALLED TO ORDER AT 6:23pm

1. 6:00pm – Discussion and possible vote to amend the Board of Health Tobacco Regulations pursuant to Massachusetts General Laws c. 111 s.31 to describe penalties for subsequent violations and the usage of may/shall. – Ms. Peterson stated that while this is being discussed, the people in the audience that are present for the next item will hear the board's intentions on violations. The board wants to make with very clear what the penalties will be for any future violations. Ms. Peterson stated that the regulations had some discrepancies. There is a problem with the words May or Shall. This board is never been one to say that anything will be absolute. The board tries to work with people. Ms. Peterson stated that the words may/shall will be added to the regulations. The fine will remain the same provided they are voted on this evening. The fine shall be \$300.00 for each violation. Mr. Barlow made a motion in the Tobacco Regulation pursuant to Mass General Laws Chapter 111.6 s31 to change the wording that states SHALL lose their license to MAY/SALL lose their license which gives the board the option to not suspend a license. Ms. Peterson added that an age recognition device may be required if there are continuous violations. If the board chooses to revoke a license, it can be up to 14 days. Mr. Uitti seconded the motion. It was unanimous. Ms. Guarino stated that the time frames for those license suspensions that might have been questionable. May be there was an error here. Ms. Guarino stated that in the 2012 regulation it had 7 days for the second offense and 30 days for subsequent violations. Ms. Guarino stated that the regulation that was modified in January 2016 lists 14 consecutive days. Ms. Peterson stated that she would like to add to the motion the words up to 14 consecutive days should the board decide to revoke a tobacco license. It is also be applied to the second option which will read for up to. Ms. Peterson stated that this does not mean that the board is taking away their ability by any stretch. It will allow a merchant to be able to come to a hearing and plead the case. Mr. Barlow

stated that in the past, the board has had a lot of tobacco cases where someone sold cigarettes to a minor but was not actually an employee of the store. That really does happen and the board would not like to put blame on the store owner if he wasn't aware that a non-employee sold cigarettes. Mr. Barlow stated that there are different circumstances for everyone and each is site specific. Gary Bourne was present for this meeting. Mr. Bourne asked what the correct policy right now with regards to the State of Massachusetts inspections in order to obtain a tobacco license. Ms. Peterson stated that this will be discussed at a later time during this meeting. Ms. Peterson asked if anyone had any other discussion. Ms. Guarino stated that to maybe put the age increase to 21 back on the agenda sometime in the fall. **Mr. Uitti seconded the motion. It was unanimous.** Ms. Peterson stated that these are the changes she would like to see on the tobacco regulations. They must be published in the newspaper before they become effective. Ms. Peterson stated that she would also like to draft a letter to Mr. Collett, the Tobacco Control Director for Barnstable County, asking him to go back around after he has made his tobacco stings, and notify the manager on duty that they failed the sting. This is something Mr. Collett would have to decide whether he would do this or not. As far as what will happen in the office, it will be discussed in the office not at a general public meeting. Mr. Bourne asked if it would be possible for Mr. Collett to inform store managers when they are successful. Ms. Peterson stated that he can't speak for Mr. Collett but she feels that would be encumber some on Mr. Collett because he wouldn't be able to go into one store telling them they failed then another that they passed. Mr. Bourne stated that he understands that but even the next day have Mr. Collett inform those who passed that they passed. Mr. Barlow stated that Mr. Collett is a Barnstable County employee. What he does is consistent within all towns in Barnstable County. This board does not have any oversight with Mr. Collett at all. Ms. Peterson stated that what works very well is that there are no stores listed in the newspaper for failing tobacco stings. As Mr. Collett stated before, if you fail once, the county has the ability to go back to that store as many times as they want. It used to be each store would get visited twice per year but now it is as many times as they want. Mr. Bourne stated that as a store owner, he does not have any issues with that. Mr. Bourne stated that he did end up in the newspaper and rightly so because his store did fail the sting but he did not receive any notification beforehand, just what was printed in the newspaper. As a result, he missed the meeting that he was supposed to attend. It would be handy to be told when they fail but also when they succeed. It would be good to be able to reward our employees for doing a good job and abiding by the law. Ms. Peterson stated that the office did try to contact him but received no call back. When a store applies for a license, it is required to give a contact number. It is going to be the responsibility of the store owners to inform the office of any new employccs or managcrs along with correct contact information. Ms. Peterson stated that by the way this discussion is going, the tobacco licenses will not be revoked at this time. The next time anyone of these store owners are requested to come to a board meeting it will be because of third offense. Once you get up to a third offense, it is going to be very difficult for the board to not take serious action. Because of some discrepancies within the regulation, the board felt it would unfair to revoke

any license. Ms. Peterson stated that she will take all comments under advisement and draft a letter to Mr. Collett. Mr. Bourne stated that he would be willing to pay a fee to Barnstable County just to be told he was successful during a tobacco sting even if it is a week later. Mr. Barlow stated that this request is way beyond the scope of the Board of Health and can't really get involved but Mr. Bourne could call Mr. Collett and have this requested. Ms. Peterson stated that she really just wants people to hear that if you fail once, you can be stung every week. It's important that the store owners are aware. Ms. Guarino stated that at a prior meeting, the ban of blunt wraps that was voted upon, this might be a good time to remind store owners of that new regulation. Ms. Peterson stated that blunt wraps are no longer allowed to be sold within the town of Bourne as of mid-June 2016.

2. **Tobacco Violations dated February 21, 2016 – CONTINUED from March 9, 2016 – Discussion and possible vote to invoke a penalty for repeat offenders within an 18 month period.** – As discussed in item number 1, the board informed these store owners of the importance of following the Tobacco Regulations. The fines have all been paid. The board will waive the revocation to licensure at this time.

- a. Cape Cod Filling Station – 156 Main St – 2nd offense within 18 months
- b. Cumberland Farms #2298 – 435 Shore Rd – 2nd offense within 18 months
- c. Gray Gables Market – 181-183 Shore Rd – 2nd offense within 18 months
- d. Sam's Food Store – 261 Main St – 2nd offense within 18 months
- e. Shell Food Mart – 282 Main St – 3rd offense within 18 months

No action was taken as this time.

3. **7:03pm – 10 Harbor Way/Zero Lighthouse Lane – CONTINUED from March 23, 2016 – Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310 CMR 15.216 of the State of Environmental Code, Title 5 and a variance request from the 150' setback of a water resource area for the propose construction of a single family dwelling.** – Ms. Peterson stated that the board will begin discussion, then the presentation from Mr. Basinski, then comments from the public. Mr. Basinski submitted the additional information regarding easements as the board instructed. Mr. Basinski gave a brief description of the proposed project at 10 harbor Way/Zero Lighthouse Lane. Ms. Peterson stated that she did send questions to town council, Robert Troy but feels her questions were not answered yet. Ms. Peterson stated that she did send another letter to Mr. Troy but again he never said whether he approved them or not. Ms. Guarino stated that the documents that are here tonight do have the changes in them. Ms. Guarino stated that council did review the questions and has approved the plan as proposed. Ms. Guarino stated that the owner is aware of these conditions that are in place and these documents so the project is ok to move forward. Mr. Barlow asked what the intended use of the property will be. Mr. Basinski stated that the property will remain in its natural state. The floor was opened to the public. Mr. Budryk addressed the board with questions regarding a variance that may get granted on a

merged parcel of land. Mr. Budryk stated that for one, the property has already been merged according to several departments at Town Hall so how can an easement and or a variance be granted on something that even though it's stated at 0 Lighthouse Lane has already merged from 2 lots into one according to the town register. The second thing is by virtue of the fact that they did merge, the nitrogen loading calculations would be way off. These are very important issues. Ms. Peterson stated that this all has to do with zoning. When dealing with Title 5 and septic, if everything meets what the conditions are it is really difficult to deny a project. If the plan being proposed meets all the Title 5 requirement, then the board must approve the variance request with conditions. Ms. Peterson suggested Mr. Budryk appeal to the Zoning Board of Appeals. Mr. Budryk stated that another issue is the 12000 sq ft for the leaching fields and there was going to be a deed restriction on that and that was not taken into consideration as far as he knows. Mr. Basinski stated that the sq footage of the leaching is not included in the land separation. The land that the house is built on is what was being considered. Mr. Basinski stated that the nitrogen loading calculations are correct. Mr. Budryk stated that he strongly objects to the board approving this variance because of the land already being merged as one property so the nitrogen calculations are not correct. Mr. Barlow stated that the board has already looked at this project very closely and must remain consistent. The project does meet all the requirements for the Board of Health. Zoning is another issue that must be taken up with that board. Ms. Peterson stated that decisions that a board makes in the past may not be the same decisions today. This project meets the requirement and this board could be in a lot of trouble if they decide not to approve it as presented. Mr. Barlow stated that this does preclude Mr. Budryk from appealing at another boards' approval. Mr. Budryk stated that the Conservation Commission stated almost the same thing. Even if the project gets approved by the Conservation Commission, it will still need to go before the Board of Health. The Board of Health is the governing body. Mr. Budryk stated that now the Board of Health is saying that he has the option of going to another board. Ms. Peterson stated that Mr. Budryk went through the appeals process on another project and won so who's to say that won't happen again on this project. Just remember that this is a totally different project. Mr. Barlow stated that the Board of Health is not approving the project, they are just approving the septic system portion of the project. Mr. Barlow stated that Mr. Budryk has some great ideas and valid concerns but they do not involve the Board of Health. Ms. Rose Marie Flannigan Cronin questioned the proximity of the new system. She wasn't aware that two systems could be so close to each other. Mr. Basinski told her they only need to be 10 feet apart. Ms. Flannigan-Cronin stated that her concerns are noise etc. because the system is going in close to where her bedroom window is located. Mr. Basinski assured her the system is quiet. Mr. Tim Cronin had a concern regarding trees and tree roots. Mr. Basinski stated that the trees will be cut down and removed. The roots will not interfere with the system. Ms. Peterson asked that a letter be drawn up by Mr. Basinski to that effect and submit it to the Board of Health office. Mr. Basinski stated that he would and he is on the record as saying so. **Mr. Barlow made a motion to approve the variance request at 10 Harbor Way/0 Lighthouse Lane for a 3 bedroom single family dwelling**

on 10 Harbor way. Reduction in setback distance from the proposed soil absorption system to a non-eroding coastal bank from 150 feet to 105 feet which is a 45 foot waiver and a reduction in the setback distance from the proposed soil absorption system to approximate mean high water of Buzzard Bay from 150 feet to 145 feet which is a 5 foot waiver. For the record the board does give variances of up to 75 feet so this is just a minimal variance. Mr. Barlow wants to specify these items to be recorded against the following identified lots. 10 Harbor Way – a notice of Alternative Sewage Disposal System with a grant of a Title 5 nitrogen loading restriction easement on facility land 0 Lighthouse Lane granted Title 5 nitrogen loading restriction on nitrogen loading easement on nitrogen credit land. Septic easement and benefit of 10 Harbor Way, Bourne and 0 Lighthouse Lane a 10 foot wide septic course made easement for the benefit of 10 Harbor Way, Bourne. This section of land with the septic system and the property at which it services will be tied together in perpetuity. Mr. Uitti seconded the motion. It was unanimous. Ms. Peterson stated that she really appreciates the concerns brought up at this meeting and she does understand the frustration but there are other avenues the parties concerned can go through to try to appeal the project.

4. **61 MARYLAND AVE – CONTINUED from March 23, 2016 - Mark Tuleja of MTI Home Designs for Mark Peretti – Request waiver to use the existing system for renovations, additions and/or alterations – Discuss and possible vote –** Ms. Guarino stated that updated plans have been submitted to the board. These plans will replace the plans that are in the packets dated April 18, 2016 distributed to the members of the board. Ms. Peterson requested that Mr. Tuleja update Mr. Uitti on the project being proposed. Mr. Tuleja describes the project stating he is adding 2 dormers to the existing dwelling for a project that he has already been permitted for with the building department. For some reason the building application never went through the Board of Health. There was a red stamp restriction on the existing septic permit. At the last meeting it was discussed that Ms. Guarino would go out to the property and do a Title 5 inspection. Mr. Tuleja stated that a licensed Title 5 inspector was at the property and did a total inspection while Ms. Guarino witnessed. Since then, Mr. Tuleja stated that he revised the square footages for bedroom and non-bedroom space with the increases. Ms. Guarino stated that the percentage of increase worksheet dated April 6, 2016 is not correct based on what was given. New drawings were just submitted this evening with new figures on them. Mr. Tuleja stated that he measured the entire dwelling and submitted the new numbers. The project is already completed. Mr. Barlow stated he wanted to hear from Ms. Guarino about how she felt after looking at the project and the septic system. Ms. Guarino stated that she looked at the system twice and the system is operating properly with no evidence of failure. Ms. Guarino stated that they were unable to locate the inspection ports for the leaching but used a camera which she was able to get some measurements from the distribution box and it was right at the 150 feet. A rough estimate is to subtract at least 15 feet from that which indicates this is not much of a variance there just to

put it into perspective. Ms. Guarino is comfortable with the septic system and board's approval for this project which has already been completed. Mr. Barlow stated that for the board to approve a variance in which the system is already in it something new to the board. Mr. Barlow stated that board can either take no action and just everything sit or something else because he really does not know how to approve this. Ms. Peterson stated that she agrees with Mr. Barlow in principal. Mr. Tuleja stated that he had to go through many other boards to get his approval to build and does not know how this missed the Board of Health approval. Ms. Peterson stated that if the board decides to take no action, then there will not be anything recorded at the registry of deeds. Mr. Barlow agreed. Ms. Peterson stated that Mr. Tuleja as the builder should have questioned why the Board of Health never signed off on the building permit. Mr. Tuleja stated that he never even considered it nor was he ever approached. Ms. Guarino stated that it would be fair to restrict the dwelling to 3 bedrooms which is what the system is designed for as a conventional Title 5 septic system. Also make sure the owners agree to maintain the system regularly and if any other additions or renovations are proposed that they must come before the Board of Health. **Ms. Peterson made a motion to approve 61 Maryland Ave as it is with a deed restriction of 3 bedrooms to be recorded and that the owners are aware of any maintenance that needs to be done on this system. Mr. Uitti seconded the motion. It was unanimous.**

5. **29 CAPTAINS ROW – Zachary Basinski of Bracken Engineering for Thomas Tracey and Cheryl Clifton – Request waiver to use the existing septic system for proposed addition – Discussion and possible vote.** – Mr. Basinski stated that this is an 8000 sq ft lot out on Mashnee Island. The existing house is a single story 3 bedroom house serviced by a 1000 gallon septic tank with a with a 1000 gallon leach pit. These were installed in 1996. The owners purchased this property in 2014 and at that time received a passing Title 5 inspection report. The resource area on the lot is known as Buzzards Bay which is over 181 feet from the existing septic system. There is a non-eroding coastal bank which is 119 feet from the existing septic system. The owners would like to add a second story master bedroom onto the top of the house and relocate one of the existing bedrooms on the first floor to the second floor. The project won't increase bedrooms on the lot. Floor plans have been submitted with a bedroom increase of 470 sq feet which is approximately a 41 percent increase in bedroom space. Ms. Guarino stated that the only issue with her is that the reserve area will have to be located right at the existing system. Everything else looks good. Ms. Guarino stated that she and Mr. Basinski already discussed this project back in February 2016. **Mr. Barlow made a motion to approve the waiver request at 29 Captains Row. The existing soil absorption system does not meet the 150 foot setback to a non-eroding coastal bank of 119 feet which is a 31 foot waiver. There will be a 3 bedroom deed restriction recorded at the Registry of Deeds in Barnstable before any more work commences. Mr. Uitti seconded the motion. It was unanimous.**

6. **Plastic Bag Regulation – Requested by Board of Selectmen Chairman, Stephen Mealy – Discussion and possible vote to ban the use and**

distribution of plastic bags from retail establishments including restaurants. – Ms. Peterson stated that earlier in the year, she received a memo from Stephen Mealy, one of the goals for the Board of Selectmen is a presentation of a new town bylaw controlling plastic bags similar by those adopted by other Cape towns. Mr. Mealy was selected to be the liaison for this goal by the Board of Selectmen. Mr. Mealy is looking for a member of the Board of Health to work with them and the recycling committee to put together a suitable approach to the town. Ms. Peterson stated that this issue is not a public health issue that would involve the Board of Health at this time. One reason is Falmouth adopted this bylaw and they have no idea how to have it enforced. Ms. Peterson feels this would be impossible to police because there is already a landfill in town. Since the first memo from Mr. Mealy, Ms. Peterson received another memo from Mr. Mealy asking that this issue be removed from the agenda this evening. In the memo, Mr. Mealy asked that his letter get read into the minutes. Ms. Peterson did not have a copy in front of her to read verbatim but stated that Mr. Mealy is asking that this be removed from the agenda because the Board of Selectmen are not ready for this to be discussed with the Board of Health. Ms. Peterson stated that she wanted this item to remain and discuss in case there is someone on the board that may want to be involved should a committee be organized. Ms. Peterson feels this issue would not be able to be policed consistently with the Health office and would rather it not become a Board of Health regulation. Mr. Barlow stated that he agreed with Ms. Peterson and if the Board did decide to have a plastic bag regulation it would have a huge impact on the department. Mr. Barlow stated that the board can ask the retailers of the town to try to use paper instead of plastic but to enforce a plastic bag ban is nearly impossible. Ms. Peterson stated that something of this scope is beyond any town taking over. With the landfill in town taking trash from other communities will make it that much more difficult to enforce. Ms. Peterson stated that she recalls when there was a huge public outcry to stop using paper bags and switch to plastic to help save trees which the town did comply but still everyone uses both paper and plastic to this day. Ms. Peterson stated she just wanted this out for discussion amongst the board. Mr. Barlow stated that should they decide to come up with something, it would have to go to town meeting and be voted on by the citizens of the town. **No action was taken at this time.**

7. **Good Fellas Smoke Shop – 270 Main Street, Buzzards Bay – Discussion and possible vote to issue fines and or/suspend, revoke, or modify license to sell Tobacco Products due to operation without a Tobacco Sales Permit from January 1, 2016 to April 5, 2016.** – Mr. Steve Cardillo was present for this hearing. Ms. Peterson stated that she is surprised to see this on the agenda and that he has been operating without a license for 83 days. When Ms. Butler visited the shop in January, she was told the shop was closing. Ms. Peterson asked after deciding to remain open, why didn't the owner go to the office and apply for the license then. Mr. Cardillo stated that this was no intentional at all, he just simply forgot. Ms. Peterson stated that the board can fine \$300.00 per day for not having a license so at 83 days the board can fine him \$24,000.00 and would like an explanation of why the board should not go through with that fine. The

board is actively taking fines from establishments for selling to minors yet he is operating without a valid license at all. Mr. Cardillo stated that he is completely at fault for this and knows that he will need to pay a fine but at \$300.00 per day that would put him out of business. Mr. Cardillo stated that he hopes the board will forgive him and come up with another amount to be paid as a fine without putting him out of business. Ms. Guarino stated the state minimum is \$10.00 per day which would come to \$830.00. Ms. Peterson stated that she has a problem with giving Mr. Cardillo the same consideration as they did for a store failing a smoking sting. It is a serious offence to operate a tobacco business without a license. Mr. Cardillo stated that he agrees with Ms. Peterson. Mr. Cardillo stated that he is young and irresponsible but is learning the hard way on how to operate a successful business responsibly. He is asking for the boards understanding on that statement. Ms. Guarino stated that the office makes renewing a license pretty easy. The applications are mailed out in November for a December 31 expiration date. All that is required is a signature, the payment and any corrections or additions to the application from the previous year. Ms. Peterson stated that at the very least, she wouldn't be comfortable without starting the fine at \$300.00. Mr. Barlow suggested to fine him the \$10.00 per day like the state law says then waive \$500.00 so the total fine ends up being \$300.00. Mr. Uitti asked if Mr. Cardillo has received a new tobacco license yet. Ms. Guarino stated that she issued a temporary license on April 5, 2016 contingent upon this hearing. Ms. Peterson asked why he stated he was closing in January but remained open. Mr. Cardillo stated that he was not closing, he was relocating to Plymouth but it didn't work out so he decided to stay here in Bourne. Mr. Cardillo stated that Ms. Butler actually spoke with his partner who never told him Ms. Butler was in but it doesn't make a difference, this is 100% his fault and will take his punishment with what the board sees fit. Mr. Uitti suggested to double the yearly fee for this year. Mr. Barlow asked the Health Inspector, Ms. Butler for her thoughts. Ms. Butler stated that the \$10.00 per day is fair. Ms. Butler stated that after speaking with Mr. Cardillo on the day she gave him his temporary license, he did seem surprised and did come right down to the office to pay for the license. Ms. Peterson stated that she would be comfortable making the fine due today \$375.00. **Mr. Uitti made a motion to fine Steve Cardillo of Good Fellas Smoke Shop \$300.00 for operating a tobacco establishment without a license and \$75.00 for a new tobacco license for this year. Mr. Uitti added that he would like the fine paid for in the office tomorrow. Total due will be \$375.00. Mr. Barlow seconded the motion. It was unanimous. Mr. Cardillo thanked the board for their leniency.**

- 8. APPROVE THE MINUTES FROM FEBRUARY 24, 2016, MARCH 9, 2016 and MARCH 23, 2016 – Mr. Barlow made a motion to approve the minutes dated February 24, 2016. Ms. Peterson seconded the motion. Mr. Uitti abstained. Mr. Barlow made a motion to approve the minutes dated March 9, 2016. Ms. Peterson seconded the motion. Mr. Uitti abstained. Mr. Barlow made a motion to approve the minutes dated March 23, 2016. Ms. Peterson seconded the motion. Mr. Uitti abstained.**

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion.
It was a unanimous vote and the meeting adjourned at 8:22 PM.

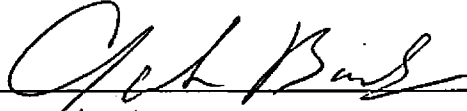
Taped and typed by Lisa Collett, Secretary

Kathleen Peterson



Stanley Andrews

Galon Barlow

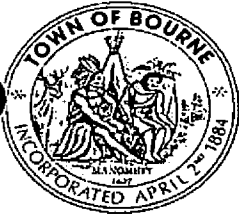


Don Uitti



Kelly Mastria --

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0679
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MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

April 27, 2016

Time:

7:00 P.M.

Place:

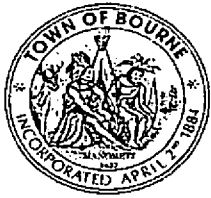
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. Daniel Barret, Director, Department of Integrated Solid Waste Management (ISWM)—Operations Update
2. Renew variances for Tier III Beaches pursuant to 105 CMR 445.100; Electric Avenue, Gray Gables/ Gilder Road, Monument Beach, and Sagamore Beach. Discussion and vote to extend variances four years requiring bacteriological testing once prior to the bathing season and every thirty days thereafter where there has not been a single exceedance for two consecutive years and waters are of low health concern.
3. Kathleen Peterson-- Discuss and possible vote on clarification of policy with regard to any information and questions outside of the Board of Health.
4. APPROVE THE MINUTES FROM APRIL 13, 2016 –

Signed: 
Title: Secretary
Date: April 25, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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TOWN CLERK BOURNE



MINUTES April 27, 2016

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice-Chairman; Don Uitti, Secretary; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:02pm

1. **Daniel Barrett – Director, Department of Integrated Solid Waste Management (ISWM) – Operations Update.** – Mr. Barrett stated that current operations is that they are still in Phase IV Stage 2. This cell is scheduled to last through December of 2017. The Phase IV Stage 1 cap project has been completed. Mr. Barrett stated that he is holding back some money to the contractor to ensure spring cleanup is completed. Mr. Barrett stated that he has begun to excavate Phase 6 area. Cape Cod Aggregates is part of the land purchase deal to take some of that material. Mr. Barrett stated that he will be seeking town meeting approval on Monday to construct Phase 5. This will be a very small cell containing approximately 200,000 cubic yards. It's located off to the left as you drive in through the gate. DEP requested that it should be filled to make the grades work better. Mr. Barrett stated that he anticipates that this will last about 8 months. His intent is to build it now and fill it primarily with ash and keeping the MSW fill in Phase 4 Stage 2. The lower that he can keep of the garbage they take the easier it is to control the gas. Hopefully the gas will become of some value again. He is trying to keep it all in one space. Mr. Barrett stated that he has gained MEPA approval so he will go ahead and apply with the State asking for the authorization to construct next week. Hoping to get this out to bid in early May. Most likely before DEP's approval. His goal is to have this constructed within this year. As far as timing goes, it will allow them to put all the ash up there and get it filled as quickly as possible, then get it capped. Meanwhile he will still have Phase 4 Stage 2 to work in on windy days to try to keep the trash down wind and keep the litter out. Combining these two cells should last into the summer of 2018. That will give about 2.5 years to get Phase 6 excavated and the rest of the permitting process complete as well. Mr. Andrews stated that referring to Stage 5, you are talking about a July 1, 2016 start. Are they cutting into the liner of the existing cell to tie in that

new liner? Mr. Barrett answered no. The existing cap will be included as part of the liner. It will be laid up against it and it joins in. They will not be cutting into it. If that should change, he will make sure the board is informed. This was supposed to be done last year but he just could not get to it. There are 4 or 5 wells in that area they he is having trouble with. They are old wells and he would like to re-drill them as part of this project or the next construction project. They are good wells so he wants to re-drill them and make use out of them. This project will also come before the Board of Health before anything is actually done. **New land purchase** – The Board of Selectmen has approved the purchase of a 12 acre parcel directed to the south of the current ISWM drop off center. The real estate transaction is currently being finalized. Mr. Barrett stated that he hopes to relocate the ISWM office out there and use this area to stockpile materials from the Phase 6 excavation that will be used in the upcoming construction projects. Ultimately, ISWM would like to request that the Town and the Board of Health consider a site assignment for this land for waste handling operation only. No landfill use. This will allow the location of any new alternative waste handling operation that the town may wish to consider as well as a new residential drop off center sometime in the future. If the town does decide to into Phases 7 and 8 that will require a change in that site assignment as well. The land where the transfer station is located right now at the drop center is that is site assigned and permitted for waste handling only. If he wants to landfill there they will need to change the site assignment. The question will be does the town want to do 25 acre parcel and the 12 acre parcel together or split them up. Timing wise it really doesn't matter either way. **Landfill Tour** – At the request of the board, a tour of the ISWM facility was held on April 19, 2016. Mr. Uitti, Ms. Mastria from the Board of Health as well as the Health Inspector, Jamie Butler all attended the tour. The meeting resulted in several good questions and some action of the ISWM staff to assist the board and fire department of increasing the safety and efficiency of the response to emergencies at the facility. Mr. Barrett stated that he hopes to hold these tours on a regular basis to keep everyone up to speed as the facility continues to evolve. Mr. Barrett stated that a lot of the problem is when someone does get hurt at the facility, it's difficult for emergency response to locate them at times. Street signs and building description is a good thing. Ms. Mastria stated that she felt it was a great idea that the firefighths and police would go through on Tuesdays just to get familiarized with the layout of the facility. Mr. Barrett stated that yes, there are always emergency personnel touring the facility. **Harvest Power** – Mr. Barrett stated that Harvest Power was unable to negotiate a power purchase agreement with the public utility, EVERSOURCE and was forced to drop out of its site development and lease agreement with the town. ISWM continues to move forward searching for interested providers of alternative disposal options. Mr. Barrett stated that this did not really come as a shock. He knew things were going south with respect to these types of projects. Energy is so cheap right now that it is really hard to justify building something like that. It's a 35 million dollar investment. DEP is having trouble determining their emissions regulations. They are starting to add new requirement to the emissions part of it. After speaking with someone at Harvest Power, they

used. The recycling center at ISWM will also have singlestream containers for public use. ISWM is still asking residents to separate cardboard from singlestreaming because it is still worth some money. Glass is also requested to be separated at the landfill because although glass is not worth any money, the landfill uses it in place of stone for drainage etc. Mr. Barrett reiterated that at curb side, put everything that is recyclable in the recycling container. If you want to visit the landfill drop off center then he would like the glass and cardboard separated. Mr. Andrews asked what the procedure is once the recycling trucks pass through the gate. Mr. Barrett stated that the trucks go back to the singlestream transfer station which is where the bailing building used to be. Mr. Barrett stated that each container will be equipped with a tracking device. If a homeowner sells their property, the barrels stay with the house. If someone claims their barrels were stolen, they can be tracked and found. Mr. Barrett stated the barrels are 96 gallons. If a residents fills the 96 gallon barrel and proceeds to put bags of trash outside of the barrel, that trash will not be picked up. This system also regulates the amount of trash per household. Mr. Barlow stated that there will be a lot of issues with this new system and Mr. Barrett will need to be prepared to address them once these questions come up. The board thanked Mr. Barrett for his update. **No action was taken at this time.**

2. **Renew Variances for Tier III Beaches pursuant to 105 CMR 445.100; electric Avenue, Gray Gables/Gilder Road Monument Beach and Sagamore Beach. Discussion and vote to extend variances four years requiring bacteriological testing one prior to the bathing season and every thirty days thereafter where there has not been a single exceedance for two consecutive years and water are of low health concern.** Ms. Guarino stated that there are 4 beaches which those variances to be renewed. They get renewed every 4 years. There has not been much change to any of these beaches. Things that would be sources of contamination like wildlife, construction, human introduced sources of nitrogen, dredging things of this sort. There was a new house constructed by Gilder Rd Beach but that didn't have any impact and is considered to be of low health concern. There have been no exceedances in the bacteriological water quality. Ms. Peterson asked if these tests are on record. Ms. Guarino stated that they are recorded on spreadsheets from data collected from Barnstable County Sampling Program. **Ms. Peterson asked if there is a motion to approve. Mr. Andrews stated so moved. Mr. Uitti seconded. It was unanimous.**
3. **Kathleen Peterson – Discuss and possible vote on clarification of policy with regard to any information and questions outside of the Board of Health. – Ms. Peterson turned the meeting over to Mr. Andrews.** Mr. Andrews stated that the board has meet and discussed with the Selectmen over several different items. One of the things that the Board of Selectmen have impressed upon the Board of Health is their concern about cost and expenditure of money. The board feels that any request that needs to be made for outside consultation should come out of the Board of Health with a vote. That way the board can monitor what is being spent. They will

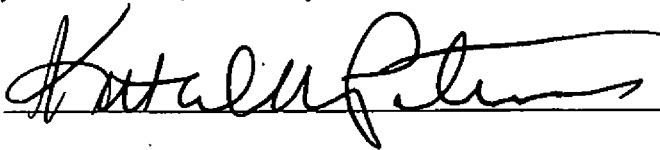
had to include that possibility in the price to give to Eversource. The public utilities just kinda cut the project at the knees. **Singlestream Recycling** – ISWM has been working with the recycling committee and the DPW on the rolling out of the new singlestream recycling program. There is a handout that describes the program specifics. Mr. Barrett stated that they have conducted several public outreach programs and various group gatherings throughout the town. Director of Facilities, Jonathan Nelson, has been spearheading this project with the assistance of Mr. Phil Goddard and the DPW Superintendent, George Sala on the Town's side. The recycling committee has been working hard with the outreach and public education program. The group plans to mail out an educational flyer to all residents of Bourne in early June and have the flyers available for distribution at two interested parties at many upcoming public events. Mr. Nelson mentioned to Mr. Barrett that he hopes to have the cart purchase contract finalized this week. Distribution of the carts will begin on July 1, 2016 and be completed by August 1, 2016. The DPW truck retrofits will be and the program is scheduled to be fully underway by August 1, 2016. Looking at the flyer, singlestream carts are pictured and each resident will receive 2. These are 96 gallon containers. Only one of them will have the imprinted lid which is the one to be used for recycling. Mr. Barrett stated that he is pretty sure some of the board members have seen the big yellow truck around Bourne already. DPW has two of these trucks that are designed to pick up the carts as part of the automated system. Instead of trying to spend all the capital at one time to purchase a fleet of these trucks, they have looked into the possibility of retrofitting the existing trucks with tailgate lifting pads which is what DPW has done and they work very well. Mr. Barrett stated that singlestream recycling is not a real difficult concept. It designed to be simple to higher the rate of participation. Right now the entire country is shifting towards singlestream. There are some down sides to it but the census is among recycling people is that the gain of participation outweighs the loss of the negatives. Mr. Barrett stated that the items are sorted at a special facility. Right now the facility ISWM is using is up in Westwood MA called L. Harvey. This is a pretty impressive system and just keeps getting better all the time. Mr. Barrett stated that once the program starts nothing will need to be sorted for recycling. Everything recyclable gets tossed into the recycle cart. Chipboard can be added as a recyclable. Mr. Barrett stated that only 1 and 2 narrow neck plastic bottles at this time. It will be difficult to handle a large amount of plastics right now during this transition. Later all plastic containers will be recyclable expect for foam and Styrofoam. Mr. Barrett stated that as soon as a resident receives their barrels, go ahead and start with the new singlestream recycling program. Keep in mind that nothing in the recycle container should be bagged. Bags can ruin the recycle machine. On the rubbish side, still bag everything. Garbage should always be bagged. Also shredded paper is not allowed in the recycle container. That should be bagged and put in the rubbish container. Plastic seals from containers, plastic drink pouches and small plastic bags etc. is not allowed in the recycle container. Those items will jam up the recycling machine. Mr. Barrett stated that the enterprise fund at ISWM is paying for all the containers and the new singlestream program. No tax dollars are being

Guarino has her tablet out during a meeting. Mr. Barlow stated that he has read the document that Ms. Peterson passed out this evening and it is pretty much what the policy always was. In the past year or so things have changed somewhat. There were a lot of discussions here particularly when Mr. MacNally was on the board about who had the right to access and how that would happen. The board always knew what was going on. Ms. Mastria stated that Ms. Guarino is part of this group and she is getting a vibe that Ms. Guarino could care less what the board is talking about and does not want to be part of the conversation. Ms. Guarino stated that she feels she already stated all that she feels comfortable stating in a public meeting. Ms. Mastria stated that Ms. Butler and Ms. Collett are at least listening to the conversation and not typing on their iPad or computer. This is done because we all want to work together. Obviously for the past year, the board has been finding that it has not been a very cohesive effort to work together. Here we are trying to do this and Ms. Guarino has absolutely no desire to be part of what they are talking about. Ms. Guarino stated that doesn't feel there is anything that she can say during a public meeting other than it kind of conflicts with her job description. Ms. Mastria stated that as far as the job description, she would have to read through it but she feels having a conversation about it and trying to get past something and trying to get to a point where we can all work together. Ms. Peterson asked what does Ms. Guarino have that states she does not have to follow the direction of the Board of Health. Ms. Guarino stated nothing but that is not what she is implying. Ms. Guarino stated that if it conflicts with the Town Charter, policies or duties of the Health Agent, she must do what she is instructed to do by the Town Administrator. Ms. Peterson stated this does not conflict with Town Charter. If Ms. Guarino is in another meeting like an enforcement meeting, there is nothing the board can do if she is sitting there speaking with Mr. Troy or any other attorneys that may be present. Mr. Andrews added or any consultants that come in to help with the agent's duties. But the policies that the board sets for the way things are enforced in the Town of Bourne as the board sets different policies and variance/changes to the State law that is there. Ms. Peterson stated Ms. Guarino does not have the authority to call town council or anyone else for that matter without board approval. That is something that this board has always discussed openly and put in the meeting, put in the minutes and the board discusses whether to have town council brought in or not. Ms. Peterson stated that she does not understand why there is consistently a problem with this. Ms. Mastria stated that there is a difference. There is that line. There are times when the agent will be able to contact town council without the board approval but on the other side there are times when she can't without board approval. Things that require board approval or consideration you should inform the board. Mr. Barlow stated that he is not trying to offend Ms. Guarino but Mr. Guerino should be sitting here to decide where the line should be drawn. This is really difficult for Ms. Guarino because she is a department head and does work for Mr. Guerino. Mr. Barlow stated that Ms. Guarino works for the Board too. He can understand that it's got to be really confusing for her and for the board where lines should be drawn. Ms. Peterson stated that this has been discussed a number of times with Mr. Guerino before. Ms. Mastria

have a board of consensus and try to curve back on some off the expenses that are going out to the different consultants. Ms. Peterson stated that the board should be able to answer any questions and work as a group. The Health Agent, the office staff and the board will decide most issues. Ms. Peterson submitted a document for everyone to read. It is a very simple request form which can be downloaded into the computer and sent electronically. Mr. Andrews stated that the board should be able to do electronic signoffs. If it is something that is urgent and can't wait until the next meeting, a voice vote over the phone may be possible with authorization. It has been done before with ISWM regarding whales to be brought in etc. Ms. Peterson stated that they have been over this a number of times and it is the only way this will work. It is a reaffirmation of the policy that the board has now. This way with 3 members having to approve, there is nothing that the board isn't aware of. Ms. Mastria stated that anything that is outside of the realm of what they do interoffice so that would be like obviously Town Council, if the office wants to contact town council they can't. Ms. Peterson stated that only unless it was something done at a meeting that is outside of the Board of Health. Anything that might, may, shall, anything that is going to come in front of the Board of Health has never ever ever before went to town council before it came to the Board of Health. It's just not going to continue. Mr. Andrews stated that they have done this with engineers and consultants that they have brought in before, site assignments on other facilities, here in town etc. Ms. Peterson stated that obviously if there is a meeting in town hall that they are not part of they can't control that as it has nothing to do with the Board of Health. But anything else that might come before the Board of Health it absolutely needs verification by board vote. Ms. Peterson stated that if everyone is in agreement, this will go to Tom Guerino, Robert Troy, All the Selectmen, Steve Mealy, and Barry Johnson in the morning. Ms. Mastria asked Ms. Guarino if she is with them on this. Ms. Guarino stated that she feels it is inconsistent with the policy of the town. This will be detrimental to the performance of the office. It is pretty ambiguous so she does not agree with the policy. Ms. Mastria asked if there was a copy of the written current policy. Ms. Guarino answered no. Ms. Mastria stated that she trying to understand and clarify this whole thing. If Ms. Guarino is stating that it is inconsistent with the current policy then there must be a policy somewhere. Ms. Mastria stated that this issue has come up because it is probably not the first time this has happened. Ms. Guarino stated that it's the Town Charter, not a written policy of the board. Ms. Peterson stated that there is nothing in the town charter on this at all. This is a policy of the Board of Health and the Board of Health sets policy for the health office. Ms. Peterson stated that this will be the new policy that the board will undertake. The charter merely states that the Board of Health sets policy and the only variation that the agent has is if there is an emergency and something is done without authorization then within 48 hours the agent must submit a full written explanation as to why to the board. Mr. Andrews stated that was a previous policy before it was voted on in the past. Ms. Peterson asked Ms. Guarino if she was sending messages out from her tablet or just taking notes. Ms. Guarino stated she was just taking notes. Ms. Peterson stated that it is something new that Ms.

Ms. Peterson made a motion to adjourn the meeting. Mr. Andrews seconded the motion. It was a unanimous vote and the meeting adjourned at 8:04 PM.

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson 

Stanley Andrews _____

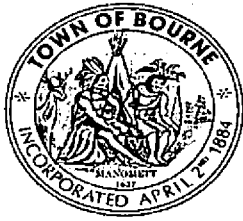
Galon Barlow 

Don Uitti 

Kelly Mastria - 

cc Board of Selectmen/Town Clerk

DRAFT



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679

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2016 MAY -9 AM 10: 03



Terri A. Guarino
Health Agent

TOWN CLERK BOURNE

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

May 11, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

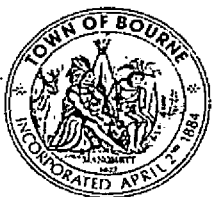
1. 87 SHORE RD – Michael Pimental of JC Engineering for Bay Haven Properties, LLC – Request variances to a bordering vegetative wetland – Discussion and possible vote.
2. 1265 COUNTY RD – Barbara Frappier for Jeffrey and Christine Reade – Request variance to a water resource area – Discussion and possible vote.
3. 214 CIRCUIT AVE – Barbara Frappier for Charles and Judith Huizenga – Request waiver to use the existing septic system for proposed renovations, additions and/or alterations – Discussion and possible vote.
4. 13 EMMONS RD—Kathy Peterson—Amended septic plan discussion and possible vote.
5. APPROVE THE MINUTES – APRIL 13, 2016 AND APRIL 27, 2016.

Signed:

Title: Health Agent

Date: May 9, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

Fax (508) 759-0679

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2016 AUG 18. AM 9:41

TOWN CLERK BOURNE



MINUTES
May 11, 2016

Members in attendance: Stanley Andrews, Chairman; Don Uitti, Secretary; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:00pm

Mr. Pimental was listed as item number one for this hearing. Mr. Pimental had contacted the office and informed that he would be late for the meeting and asked that this item be moved to the end of the meeting. Mr. Andrews addressed the board and asked if they had any concerns moving the item. They all stated no and this item was moved to the end of the meeting (item #3)

1. **1265 COUNTY RD – Barbara Frappier for Jeffrey and Christine Reade – Request variance to a water resource area – Discussion and possible vote.** – Ms. Frappier stated that she has a request for variances to install a new pressure distribution septic system that does not meet the 150 foot setback to a water resource area and that the new system is in conjunction with some new renovations to the existing dwelling. The dwelling will have an increase its square footage in both bedroom and non-bedroom space. The bedroom space does go over the 25% hence why she is proposing pressure distribution. This project has already been through Conservation and approved. This lot is very narrow and there is no ability to move the system any farther from the resource area then what is already there. This is similar to a system that was approved adjacent several years ago. The wetland in the back is an intermittent stream that is controlled by the bogs. The only other plan is to remove the existing shed which is more of a Conservation concern. Again the project is under the non-habitable space increase over the 25% for bedrooms but no increase in bedrooms with pressure distribution per the Board of Health guidelines. Mr. Andrews asked what the variances are for this project. Ms. Frappier stated the variance of 80.3 feet from the required 150 feet from a leaching field to a resource area. Mr. Andrews stated that the leaching field will be at 69.7 feet to the water resource area. Ms. Frappier stated that was correct. Mr. Andrews stated that it looks like there is a 40ml poly liner is being proposed. Ms. Frappier stated that was correct. Ms. Guarino stated that

unfortunately on this plan there is not a secondary treatment unit for nitrogen removal proposed. It just has the pressure distribution laterals in the leaching field. Typically it is required to have a secondary treatment unit in between separate tanks and the pressure distribution field to reduce the nitrogen. What's proposed has 7.06 parts per million. Ms. Frappier stated that according to her cheat sheet that she created with this board and Mr. Halliday about 20 years ago, states pressure distribution would be sufficient if there is no increase in bedrooms. Mr. Barlow stated that the policy has changed within the last 5 years. He can't say whether Ms. Frappier is right or wrong because he does not have the policy with him to verify. Mr. Andrews asked if instead of 7.06 parts per million, they should be getting 5 parts per million. Ms. Guarino stated that this project would be considered new construction. They are remodeling but also an addition is being proposed. Mr. Andrews asked if the boards' policies cover this to require the reduction in nitrogen. Ms. Guarino stated yes. Ms. Guarino stated that another thing to consider is the size of the variance. This is an 80 foot variance which is when she notices that 5 parts per million. Mr. Barlow stated that Ms. Frappier mentioned a home next door. Ms. Frappier stated that it is a 4 bedroom system with an equal distance from the wetlands out back. It was an upgrade without the addition to the house. It does not have pressure distribution, it is a gravity chamber system. Ms. Guarino stated that there are only cesspools existing right now so whatever the applicant it proposing is going to make a positive impact to the property. Mr. Andrews asked how deep the system is. Ms. Guarino stated that it is no more than 3 feet which is typical. There is no strip out being proposed. It is less than a foot below with a 5 foot separation to ground water. Ms. Guarino stated that the liner is there as a precaution. It has to maintain breakout elevation for 15 feet laterally beyond. Where it is slightly mounded, it's only about 2 feet that they mounded up there. They do maintain that 15 feet laterally breakout elevation but it shouldn't be an issue. Typically a liner is 5 feet or deeper. Mr. Andrews asked that Ms. Frappier indicate that on the plan and initial it. Ms. Frappier stated that she would indicate it as standard with at least a 5 foot depth. **Mr. Barlow made a motion to accept the variance request for 1265 County Road as amended here tonight. The architectural drawings were received by the office on April 29, 2016. The site plan received by the office on April 29, 2016 and amended here at this meeting. Mr. Uitti seconded the motion. It was unanimous.**

2. **214 CIRCUIT AVE – Barbara Frappier for Charles and Judith Huizenga – Request waiver to use the existing septic system for proposed renovations, additions and/or alterations – Discussion and possible vote.** – Ms. Frappier stated that the request is to allow the continued use of the existing septic system in conjunction with the planned renovations. There is no increase in bedrooms. There is a worksheet submitted as to the increase in square footage. Bedroom increase will be 7% and non-bedroom space will be 20.9% increase. There is no increase in flow and it is a 4 bedroom system and a 4 bedroom house. The new owners when they bought the house found out that the garage had been turned into a bedroom. The garage and the back are room have been removed and this is now a 4 bedroom dwelling. Mr. Andrews asked how

many building permits have been submitted on this property. Ms. Guarino stated that the first one was in 1991. There was a 35 foot variance from the 150 foot setback to the coastal bank. That was a conventional Title 5. Ms. Guarino stated that Ms. Frappier mentioned that there are 5 bedrooms. That is what the property is assessed at as well. On the Title 5 inspection report that was done on June 9, 2015 indicates that there were 5 bedrooms on a 4 bedroom septic system. Ms. Guarino stated that what is complicated on this is that the system was approved in 1991 which did not include the garage/bunkhouse. Ms. Frappier stated that the bunkhouse was added before her clients bought the property and they are planning on tearing it down. The garage/bunkhouse is gone. Mr. Andrews asked Ms. Guarino if it was a 3 bedroom system that was installed in 1991. Ms. Guarino stated that the complicated issue with this is based on today's code, which the design flow is 426 gallons per day where today's code is 440 gallons per day for 4 bedrooms. When it was approved in 1991 it was designed for 465 gallons per day and that is because they had a multiplication factor for sidewall credit as 2.5 whereas in 1996 that changed to 2.0 as the multiplier. If this system were to be installed today, it would be considered a 3 bedroom septic system. Mr. Andrews stated that the applicant is requesting a waiver to use the existing system that was already approved as a 4 bedroom system. Ms. Guarino stated that was correct. Mr. Andrews stated that the applicant is also proposing to remove the bunkhouse. Ms. Frappier stated that was correct. Ms. Guarino stated that one thing she would have liked to see is on the nitrogen loading calculation sheet a comparison would be with having an alternative technology system here. Mr. Stanley stated that he would like to track any modifications to the property. Mr. Barlow stated that there will be a pretty good system here with denitrification so the board can put a restriction that no further expansion on the property. Ms. Guarino stated that there is one other thing that she would like to point out for future use. On the proposed architectural, 2nd page, 1st floor, master bedroom on the right, there is 94 sq foot 3 season room which she included into the total square footage of the bedroom. Mr. Andrews stated that if it is actual screen, it should not be added into bedroom space. But if there are glass panels then it should be added. Ms. Frappier stated that in the future, would the board like a 3 season room without outside access added to the bedroom space. The board agreed. **Ms. Mastria made a motion to grant the waiver to allow continued use of the existing septic system in conjunction with the proposed renovations to the home at 214 Circuit Ave. Removal of the bunkhouse/garage area prior to permit issue. Architecturals received by the office on April 29, 2016 along with the site plan. Mr. Barlow added to the motion that Ms. Frappier mark and initial that the screen porch will remain un-inhabitable. Mr. Andrews added to the motion that there will not be any other modifications or alterations allowed to the home. Mr. Barlow seconded the motion. It was unanimous.**

3. **87 SHORE RD – Michael Pimental of JC-Engineering for Bay Haven Properties, LLC – Request variances to a bordering vegetative wetland – Discussion and possible vote.** – Mr. Pimental stated that this project involves the construction of a new Title 5 system at 87 Shore Road. There are three properties on one lot prior to the summer of last year. There was

a dwelling over at 87 Shore Road. There was a dwelling at 85 Shore Road and a dwelling at 79 Shore Road. These building were built in the early 1900's. The lot was subdivide into 3 individual lots. The dwelling at 87 Shore Road has their septic system on 85 Shore Road. It's a shared system. The applicant would like to re-direct the sewage system from the existing dwelling on 87 Shore Road to its own septic system on its own property. Mr. Pimental stated that there are wetlands on the property. Mr. Pimental stated that he has tried to maximize the distance from the wetlands to the leaching facility. The leaching facility will be located in the front of the property. Mr. Pimental stated that he is requesting a local variance and a local upgrade approval. The local variance will be a 46.8 foot variance from the leaching facility to the wetland. Mr. Pimental stated that because of high ground water in this area he is also asking for a waiver for the separation of the septic tank and the pump chamber inverts to the ground water. There are no proposed renovations to the property. This is an existing 2 bedroom dwelling which is what the system is designed for. Mr. Pimental stated that this project has gone through Conservation and received approval. Mr. Andrews asked if to ground water is only the inverts. Mr. Pimental stated that was correct. Ms. Guarino stated that the proposed plan looks good. Ms. Guarino stated to put a condition that there are no additions or renovations. The red stamp would be the in house approval for the local upgrade. Ms. Guarino stated that this project is before the board because there was a modification to the site from subdividing. Mr. Andrews asked what the separation to ground water will be. Mr. Pimental stated that it will be within 12 inches. The groundwater is above the pipe so he made a water tight seal of all penetration with a rubber boot and hydraulic cement. Mr. Andrews stated that he is not a big fan of hydraulic cement. Mr. Guarino stated that is doesn't really specify the best method in Title 5 as to how to provide a water tight seal. Mr. Uitti stated that the plan says Sagamore Beach. It should read Bourne. Mr. Andrews stated to make the correction on the office copy and have Mr. Pimental initial the change on the plan. **Mr. Uitti made a motion to approve the septic system upgrade at 87 Shore Rd, Bourne. A variance of 46.8 feet and a waiver to the septic tank and pump chamber. Plans received April 27, 2016. Mr. Barlow seconded the motion. It was unanimous.**

4. 13 EMMONS RD – Kathy Peterson – Amended septic plan –

Discussion and possible vote. – Ms. Guarino stated that this project was approved March after 2 hearings and the modification is very good to know. The microfast units, the secondary treatment units require 1500 gallon septic tanks despite the design flow of the septic system or the size of that prefab unit. Mr. Andrews asked was size tank did the board originally approve. Ms. Guarino stated it was a 2000 gallon tank. Mr. Andrews stated that in order for the system to operate properly, the engineer drew too big of a tank. Ms. Guarino stated that was correct. Mr. Andrews stated the now needs to modify that approval because that approval was based on the specific plan that the board gave the variances on. Ms. Guarino stated that was correct. Ms. Guarino stated that the new plan is dated received April 22, 2016 revised April 22, 2016. Mr. Andrews stated that he did notice in BSS's letter that they referenced a plan in their

letter for June of 2016. They referenced a date that has not yet occurred. Ms. Guarino stated that she will take a look at that now. She did not notice that. Because of all the different dates and revisions, it could have been June of 2015. This is actually the 8th revision. This is probably a typo. Mr. Andrews stated that it was submitted that way and the board typically approves the letters as received by the office on a certain date. Ms. Guarino stated that the original date is June 12, 2015. **Mr. Barlow made a motion to approve the amendment to the existing plan for 13 Emmons Road. The amendment will be to reduce the size of the septic tanks on that plan from 2000 gallon tanks to 1500 gallon tanks per the manufacturer recommendations. Ms. Mastria seconded the motion. It was unanimous.**

5. **APPROVE THE MINUTES** from April 13, 2016. CONTINUED until the next meeting dated May 11, 2016. **Mr. Barlow made a motion to CONTINUE approval of the Minutes dated April 13, 2016 until the next meeting dated May 25, 2016. Mr. Uitti seconded the motion. It was unanimous. APPROVE THE MINUTES from April 27, 2016 – Mr. Barlow made a motion to CONTINUE the approval of April 27, 2016 minutes to the next meeting dated May 25, 2016. Mr. Uitti seconded the motion. It was unanimous**

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:49 PM.

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson _____

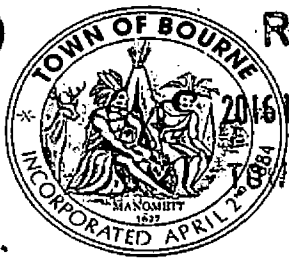
Stanley Andrews _____

Galon Barlow _____ 

Don Uitti _____ 

Kelly Mastria – _____ 

cc Board of Selectmen/Town Clerk



RECEIVED

2016 MAY 12 PM 4:26
TOWN CLERK BOURNE

Board of Health Meeting Notice



AGENDA

Date

Monday
May 16, 2016

Time

4:30 p.m.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

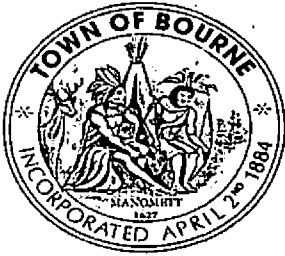
All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.

EXECUTIVE SESSION 4:30 P.M. – The Board is expected to meet in joint session with Town Counsel

4:30 p.m. Call to order in Open Session

Executive Session: To conduct strategy with respect to pending litigation, namely Bourne v. Future Generation Wind and Davies v. Bourne, as an open meeting may have a detrimental effect on the litigation position of the public body. The Chairman declares that such open discussion will have a detrimental effect to the litigation position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will not reconvene in open session following the Executive Session.



Board of Health Meeting Notice



AMENDED AGENDA 5/16/2016

Date
Monday
May 16, 2016

Time
4:30 p.m.

Location
Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

EXECUTIVE SESSION 4:30 P.M. – The Board is expected to meet in joint session with Town Counsel

4:30 p.m. Call to order in Open Session

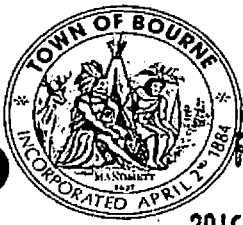
Executive Session: To conduct strategy with respect to pending litigation, namely Bourne v. Future Generation Wind and Davies v. Bourne, as an open meeting may have a detrimental effect on the litigation position of the public body. The Chairman declares that such open discussion will have a detrimental effect to the litigation position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 5:30 P.M.
Roll call Vote to reconvene in open session.

Approximately 5:30 P.M. returning to Open Session

2. Adjourn meeting

RECEIVED
2016 MAY 16 AM 10:30
TOWN CLERK BOURNE



RECEIVED

2016 MAY 20 PM 3:12

Terri A. Guarino
Health Agent

TOWN CLERK BOURNE

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

May 25, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 576 SHORE RD – Lawrence Perrault – Request variances to construct a chicken coop and run area for 4 hens – 62 ft variance from his own dwelling and a 40 ft variance from the north lot line.
2. Title 5 Variance/ Waiver Packets for Board of Health hearings—Review and possible vote.
3. APPROVE THE MINUTES – APRIL 13, 2016 and APRIL 27, 2016 which were CONTINUED from the meeting dated May 11, 2016.
4. APPROVE THE MINUTES – MAY 11, 2016 and MAY 16, 2016

Signed:

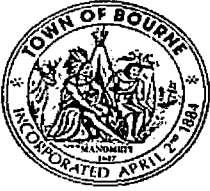
Title: Health Agent

Date: May 20, 2016

T. Guarino

cc: Board of Selectmen/ Town Clerk

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TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Bourne, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

June 8, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Bourne, MA 02532

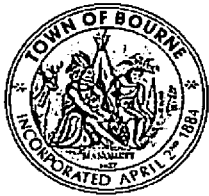
AGENDA ITEMS:

1. 576 SHORE RD – Lawrence Perrault – Request variances to construct a chicken coop and run area for 4 hens – 62 ft variance from his own dwelling and a 40 ft variance from the north lot line.
2. 29 BACK RIVER RD – Michael and Mary Perra – Request a waiver to use the existing septic system for the proposed addition of a barn. -
3. Title 5 Variance/ Waiver Packets for Board of Health hearings—Review and possible vote.
4. APPROVE THE MINUTES – APRIL 13, 2016 and APRIL 27, 2016 which were CONTINUED from the meeting dated May 11, 2016.
5. APPROVE THE MINUTES – MAY 11, 2016 and MAY 16, 2016

Signed:
Title:
Date

Lisa M. Allett
Secretary
June 2, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



MINUTES June 8, 2016

Members in attendance: Kathy Peterson, Chairperson; Don Uitti, Secretary; Gale Barlow and Kelly Mastria

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

RECEIVED
2016 JUN 23 PM 12:13
TOWN CLERK BOURNE

MEETING WAS CALLED TO ORDER AT 7:02pm

1. **576 SHORE RD – Lawrence Perrault – Request variances to construct a chicken coop and run area for 4 hens – 62 ft variance from his own dwelling and a 40 ft variance from the north lot line –** Mr. Perrault stated that he understands that there is a 50 foot setback from adjacent properties. He has 40 feet from his property line but there is a 20 foot private way which is really 60 feet from the property line so he is not sure if he will need a waiver or not. He will need a waiver from the setback to his own house. Mr. Perrault submitted to the board, a manure management plan and pictures of the coop. Mr. Perrault stated that there is a lot of vegetation around his property so the coop will not be visible to any abutting property or from Shore Rd. Ms. Peterson stated that usually the only issue with a proposal to have chickens is if there will be a rooster. Mr. Perrault stated that there will not be any roosters and he can assure the board of that. Mr. Perrault stated that having the chickens will be for fresh eggs only. Ms. Mastria made a motion to approve the variance to construct a chicken coop and run area for 4 hens. This will be a 62 ft variance from Mr. Perrault's own dwelling and a 40 ft variance from the north lot line. Mr. Uitti seconded the motion. It was unanimous.
2. **29 BACK RIVER RD – Michael and Mary Perra – Request waiver to use the existing septic system for the proposed addition of a barn –** Ms. Peterson stated that before the board gets into a discussion, she would like to know why this is on the agenda. This is just a barn with no running water and no bathroom. It's just an empty storage barn. Ms. Guarino stated that it is labelled as a barn/workshop on the building application. Ms. Guarino stated she would like to have seen more detail on the application stating exactly what it is because in the past when there is an issue with the local setback not being met can become a big issue. Recalling a project on Old Dam Rd. It was proposed to be a workshop

with storage above which falls under the Board of Health bedroom definition. The system here is very close to a coastal bank. Ms. Peterson stated that the project on Old Dam Rd was attached to the main house and there was access to the workshop through the kitchen. That would meet the definition of a bedroom. Ms. Peterson stated that this particular project is a detached barn so she is not seeing what can be construed as bedroom space. Mr. Perra stated that it is a detached barn/workshop with no bedrooms. The bay upstairs will not be heated. The workshop will have heat by a wood stove but the majority of the barn will not be heated. Ms. Perra stated that they actually thought of adding a bedroom but her children have moved out and purchased homes of their own so she will not need any more bedrooms. Ms. Perra stated that she just doesn't understand why Ms. Guarino would not sign off on the building permit in the first place because it is clearly just a barn. Ms. Guarino stated that she would also like to have a copy of the Title 5 report because the Perra's just recently purchased the property but a report was never filed. Ms. Guarino stated that she is very concerned about the separation to groundwater in relation to the coastal bank. The Conservation Commission determined that there is no coastal bank issue here. Ms. Perra stated that her septic installer is present so any questions regarding the septic system can be addressed to him. Ms. Peterson stated this project is not within the Board of Health's purview so she does not want to have any further discussion. Ms. Guarino stated that there are two doors on the second floor and would like some clarification on what those two doors are for. Mr. Perra stated that there are actually 3 drawings for this barn. The first drawing does not have that door. The second drawing, which was the one the Conservation Commission voted on, shows a corner of the barn cut off. After the Conservation Commission heard the case, it was determined that the cut was not necessary so the third drawing shows the original staircase. **Mr. Barlow made a motion to take on action because the board is satisfied that this is just a barn. Mr. Uitti seconded the motion. It was unanimous.**

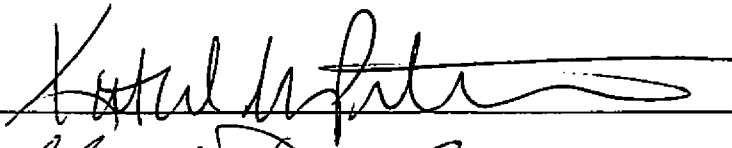
- 3. TITLE 5 VARIANCE/WAIVER PACKETS for Board of Health Hearings – Review and possible vote - Ms. Peterson stated that she has made some changes but it is not ready for discussion. No action to be taken at this time.**
- 4. APPROVE THE MINUTES from April 13, 2016 and April 27, 2016 which were CONTINUED from the meeting dated May 11, 2016. Ms. Mastria moves to not approve the minutes of April 13, 2016 and April 27, 2016 until further discussion on how to make them more thorough. Mr. Uitti seconded the motion. It was unanimous.**
- 5. APPROVE THE MINUTES from May 11, 2016 and May 16, 2016 CONTINUED from May 11, 2016 – Meeting adjourned before any discussion or motion was made for this item.**

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:20 PM.

Taped and typed by Lisa Collett, Secretary

BOH minutes June 8, 2016

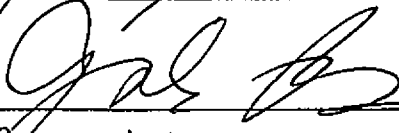
Kathleen Peterson



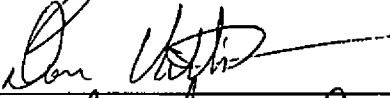
Stanley Andrews



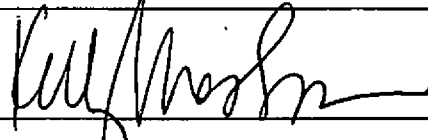
Galon Barlow



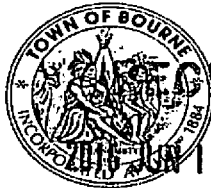
Don Uitti



Kelly Mastria -



cc Board of Selectmen/Town Clerk



RECEIVED

2016 JUN 17 PM 1:20

TOWN CLERK BOURNE
Terri A. Guarino
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
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MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

June 22, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. **TITLE 5 VARIANCE/WAIVER PACKETS FOR BOARD OF HEALTH MEETINGS –**
Review and possible vote –
2. **14 Cannonicus Ave, 37 Circuit Ave, 80 Jefferson Rd, 945 Shore Rd, 87 Shore Rd, 32 Carver Rd, 125 Clark Rd – Discuss and possible vote to amend. -**
3. **CONDENSED MINUTES – Discuss and possible vote to stop the practice of condensed minutes –**
4. **REORGANIZATION AND APPOINTMENTS OF THE BOARD – Kathy Peterson –**
Discuss and possible vote. -
5. **APPROVE THE MINUTES – APRIL 13, 2016 and APRIL 27, 2016 which were CONTINUED from the meeting dated June 8, 2016.**
6. **APPROVE THE MINUTES – MAY 11, 2016 and May 16, 2016 - CONTINUED from June 8, 2016**
7. **APPROVE THE MINUTES – June 8, 2016 -**

Signed:

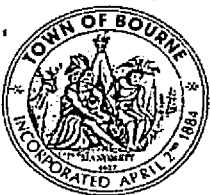
Title:

Date

Secretary

June 17, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES
June 22, 2016

RECEIVED
2016 JUL 28 AM 10:50
TOWN CLERK BOURNE

Members in attendance: Kathy Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Don Uitti, Secretary; Galon Barlow and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent and Lisa Collett, Secretary

MEETING WAS CALLED TO ORDER AT 7:05pm

- 1. TITLE 5 VARIANCE/WAIVER PACKETS FOR BOARD OF HEALTH MEETINGS – Review and possible vote** – Ms. Peterson stated she has some minor changes. On the first page where it reads to please read carefully and follow all instructions, information received late or incomplete MAY result in a delay of your scheduled hearing and your request MAY be moved to the next meeting. The next line under variance, installation of a new Title 5 septic system that does not meet the requirements in Title 5 is ok. Mr. Andrews stated that there are local regulations that need to be inserted here. Mr. Andrews stated it should read as follows, a new installation of a new Title 5 septic system that does not meet the requirements of Title 5 310 CMR 15.000 or the Town of Bourne's modified Title 5 regulations. Ms. Peterson continued with the next line, the request to use the existing septic system for a proposed renovations, addition or alteration to existing dwelling instead of property. These are just suggestions and will be voted on at the end. Ms. Peterson stated that she did not have any changes under the definition of a bedroom. Definition of a non-bedroom non-habitable space. Kitchen, bathroom, living room, halls or any room with a 4 foot or wider cased opening. We should include the Board of Health legal notice for bedroom/habitable space. On the sample of the letter to request a waiver, please accept this letter as a request for a waiver to continue to use the existing septic system. The next line after renovations and/or alterations, to the existing dwelling. The percent of increase worksheet, the first paragraph it says Board of Health at the time of the variance, Ms. Peterson would like to add, or waiver request. Under bedroom square footage, it says any legal bedroom and/or room with provides minimum seclusion. Next paragraph down under percentage of total increase, for the purpose of any variances or waivers, requests for reduction of the 150 foot setback to the wetlands/top of coastal bank which includes a proposal for renovation, alteration or additions to the existing

dwelling, the following guidelines shall apply. The next paragraph after renovations, alterations or additions. The same shall apply for the next paragraph. Ms. Guarino stated that adding the word dwelling on the percentage of increase worksheet and the first page she feels it would be best to use the word facility which is the word used within Title 5. The definition of a facility within Title 5 is any real property including any abutting real property and any buildings thereon which is served, is proposed to be served or could in the future be served by a system or systems where legal title is controlled by the same owner or owners or the local approving authority or the department otherwise determined such real property in single ownership or controlled pursuant to Title 5. Ms. Barlow stated that it gets confusing when there is a barn issue like the last meeting because it would appear to fall under that but the reality is it's just a barn. Ms. Guarino stated that she feels the Title 5 definition would be better in this situation. Mr. Andrews asked that the definition be re-read for him to better understand it. Ms. Peterson reads the definition. Ms. Peterson stated she understands what Ms. Guarino is saying but her issue is she does not think the average person coming in will know what facility means. You will spend more time explaining that than the word dwelling. The board and call any building type a dwelling. Ms. Guarino stated that even the word property might be better because it is less specific. For example, someone could argue an old shack can be referred to as an existing dwelling. Less clarity could be more beneficial in some cases. Ms. Peterson stated that she is opting for dwelling. Mr. Barlow stated that he agrees. Mr. Barlow stated that his vision of a facility would be something like Kingman Marina which is a different scenario to a residential property. Ms. Guarino stated that on the certified abutter's listings, there is a lot of focus on the green cards but really what is required in Title 5 is that the applicant prove that they sent out the certified mail 10 days in advance. The applicant can't control whether or not an abutter signs for the certified mailing so just the white receipts from the post office should be enough. Ms. Peterson stated that she agrees. Mr. Andrews stated to remove the language regarding green cards and just add the receipt of certified mailing to be submitted to the office 10 days prior to the meeting. Mr. Andrews stated to have the green card information removed from the instructions. Mr. Meier stated his secretaries use the on-line website to check the certified mail. Ms. Peterson stated that was all good but the applicant has to supply the office with proof of the certified mailing. Ms. Mastria stated that it also provides proof of mailing for the office to put the applicant on a meeting agenda. Ms. Guarino stated that another problem is the applicant will use an abutters list from a different board which is not the same abutters as the Board of Health so it's important to stress that they need an abutters list for the Health Department. **Mr. Andrews made a motion to accept the variance package as modified this evening on the first line, information received late or incomplete may result in a delay. Second line, request may be moved to the next available meeting. Under variances, it will also state the Town of Bourne, Board of Health Regulations. Under waivers, strike property and install existing dwelling. Under definition of a non-bedroom/non-habitable space, after 4 foot or wider cased opening Board of Health legal notice for habitable space, after bathrooms, halls. Under certified abutter list,**

after 10 days prior to date strike the next sentence from the word the to hearing and insert with acceptable proof of certified mailing. The next one is sample of letters to request a waiver, the first line, request a waiver to continue to use the existing septic system. The second line, address of property will be changed to address of dwelling. The percentage of increase worksheet, the third line, variances for waiver, the next section, bedroom square footage, any labeled bedroom and/or any room that provides minimal seclusion. Percentage of total increase, first line, purpose of any variances, insert waivers requests. Also insert, to existing dwellings at the end of renovations, alterations and/or additions. The next paragraph after renovations, should read comma alterations or additions and the same exact thing with the next line. Mr. Uitti seconded the motion. It was unanimous

2. 14 CANNONICUS AVE, 37 CIRCUIT AVE, 80 JEFFERSON RD, 945 SHORE RD, 87 SHORE RD, 32 CARVER RD, 125 CLARK RD – Discuss and possible vote to amend – Ms. Peterson stated that this item is in regards to deed restrictions. Each individual address will be discussed and Ms. Guarino will be questioned as to why a deed restriction was placed. Ms. Peterson stated that since she has sat on the board, the Board of Health votes to put deed restrictions on addresses. Usually it is for a large variance of if the applicant is requesting to use the existing septic system. 14 Cannonicus Ave, Ms. Guarino stated that she sent some information electronically to explain why deed restrictions are required in Title 5. One is a condition of a variance approval by the Board of Health and the other is the minimum design flow is less than 330 gallons per day so it's required. Ms. Guarino reads the statement for Title 5 requirements. Ms. Peterson stated that the problem she has with this is that on May 13, 2015 this was in front of the board to request to extend previous variances. It was granted to give a 6 month extension. Although Ms. Guarino was not the Health Agent then, this should have stayed in front of the board and not just been handled in the office. Ms. Guarino stated the project was not feasible and the project became null and void. It ended up being just a repaired failed septic system which is always done in house with a red stamp for a local upgrade approval for maximum feasible compliance. Mr. Andrews asked how close is it to a water research area which is why these types of issues come before the Board of Health and are of concern. Ms. Guarino stated that it is pretty close which most are that were built back in the 1900's but it doesn't make a difference for upgrades. Mr. Andrews stated that the board hears everything within 150 feet that is a replacement of a septic system. Ms. Guarino stated no. Mr. Barlow stated that Ms. Guarino is coming in behind Ms. Coffin and she doesn't understand what has been done in the past. Had this project changed, the board would have been notified. At least the board should have been notified by email of this change. Ms. Guarino stated that she can certainly notify the board when projects change but it is not something that requires a hearing. Mr. Barlow stated that this is a very sensitive area and the board should have been notified and involved. Ms. Peterson stated that deed restrictions are coming on fast and furious. Recently was a 6 month restriction on use of the property and there is a tight tank. With a tight tank it just needs to get continuously pumped. A 6 month use of property restriction should not

have been placed without coming in front of the board first. Mr. Barlow stated that he doesn't think the board can legally restrict someone from using their property. Ms. Guarino stated that it is a requirement in Title 5 that a tight tank be restricted to seasonal use. The restriction was modified in 2014 in Title 5. Before then, the property would need to be reported to Mass DEP. Now just the seasonal restriction is required. The same is required for baseball fields and beaches. Ms. Peterson stated that any type of restricted use must come before the board. Ms. Peterson stated that she does not agree with a 6 month restricted use. Ms. Peterson stated that one resident on Carver Rd and Clark Rd spent \$300.00 on 2 deed restrictions and I/A systems. Mr. Andrews stated that back in March the board discussed to have deed restrictions and I/A systems recorded as one document. Ms. Guarino stated that she has not seen that nor has it been received to the office. Mr. Andrews stated that 3 meeting in a row the board discussed and expressed that they wanted the forms put into one document for ease of filing. Ms. Guarino stated that the applicant just needs to read the document and will know how to record the forms properly. Ms. Mastria stated that it is a good idea to notify the board about any changes because it was already in front of the board and it keeps the board updated. Ms. Peterson stated to have the building permits scanned to the board members so they can decide what should come before the board. The board wants to be included in these decisions as they were in the past. Ms. Guarino stated that what happened in the past was less enforcement on this requirement in Title 5 or there is more frequency of it because of the market has been and these are all old cottages with just septic repairs. A repair upgrade that needs to be done very quickly because of a closing is approved in house. Mr. Andrews stated the homeowner's lack of planning does not institute an emergency for the Board of Health. Ms. Peterson stated that she understands what Ms. Guarino is saying they are going to come to an agreement on how this will be done from here on in. The feeling of this board is that they all want to be involved. Anything that is near a water resource area is why the Board of Health has more strict regulations then Title 5. Ms. Guarino stated that the current regulation, which has been in effect for 15 years, if the board wants to see all the properties within 150 feet that are being repaired and upgraded, the board needs to amend the red stamp regulation. Ms. Peterson stated when these types of upgrades come in and a deed restriction is needed, then they must come before the board. Mr. Barlow stated that it was easier for Ms. Coffin to come before the board and let the board discuss and vote. It is easier for Ms. Guarino to refer to the Mass General Laws and enforce without bothering the board. Mr. Barlow stated that it takes the board out of the loop which is what they do not want. Ms. Guarino asked if the board members have had an opportunity to read what she submitted. Mr. Andrews stated that he works and does not have time to read something submitted just hours before the meeting. Ms. Guarino stated that there is a good example of what a local upgrade approval looks like. Mr. Andrews stated that there was one about 6 months back, on Circuit Ave, he came into the office and the unit was in front of the board to add a bathroom in the basement. It was stipulated in the approval to do at alteration to the house that if the system failed, they had to put a compliance system in yet a red stamp septic plan upgrade was approved instead. Ms. Guarino stated

that for 80 Jefferson Rd, you can see that these are placed in the only location that they can go and it is always farthest away from the resource. There is no way that any larger system can fit but these waterfront properties sometimes shared a system which one recently collapsed and luckily Peter Valeri Construction had already started the process of preparing to repair and upgrade. Ms. Peterson stated that Ms. Guarino inform the board once per week with what she has done for that week. Ms. Peterson stated that three things will require a hearing before the Board of Health. Definitely ones that have already been before the board in the past. Anything within a water resource area and the 150 foot setback. Ms. Guarino stated that this is referring to the red stamp regulation. Any repair or upgrade that the board wants to review as a board then that is something that will require amending the regulation. Mr. Andrews stated that the board can amend regulations. Ms. Mastria stated she is not clear on the function of the red stamp. Ms. Guarino read word for word the regulation on failed septic systems within a highly sensitive area. Ms. Peterson stated that she appreciates Ms. Guarino following the rules of Title 5 but it is new for this board. The consensus is the members of the board are not comfortable with the whole writing of the deed restrictions. This has been discussed before and they are now discussing it again. The board members are asking Ms. Guarino for some type of communication with the board. Ms. Peterson stated that Ms. Guarino can justify what she is doing but so can the board when they asked her to stop doing what she is doing because the board members want to do it. Ms. Peterson stated that the board would just like to work together find a way to make this situation comfortable for everyone. Ms. Peterson stated they do not have to read from 310 CMR because she feels everyone understands the Title 5 codes. The root of the problem is getting everyone working together. Ms. Peterson stated the board wants to be included in these decisions regarding deed restrictions. Mr. Andrews stated that this was discussed in February and two meeting in March of 2016 and in fact out the minutes on the deed restriction form just about to the end, it is understood that by splitting the alternative septic systems in the bedroom deed restriction on the two different deeds, now the Board of Health is going to have to require a vote. Two different deed recording to be filed on one system. The board had this conversation back in March 2016. Mr. Andrews thought this was done in March and now here it is, back again. Mr. Andrews stated that as Ms. Peterson already stated, we can work together or change the regulations to make everything stricter and have everything come before the board. If that means to meet weekly to do then that is what we will do. Ms. Mastria stated that this has been on going and communication is the root of all evil here. Everyone just needs to communicate more clearly. Ms. Mastria stated that, for the record, Ms. Guarino is doing a great job and knows the codes and regulations. The board appreciates all that Ms. Guarino is doing however, it is important for the board to know what part of the job is policy and what comes in front of the board or regulations that have not been enforced in a long time requires communication. There is a plethora of information on this board of people that are going to know and have the answers. We need to communicate and talk through things. Simple communication and all working as a team is what is needed. Ms. Peterson asked Ms. Guarino if she is with the board on this and understand where the board is coming

from. Ms. Mastria asked to hear from Mr. Guerino. Mr. Guerino stated that he really is not here to talk, he is here to listen. Mr. Guerino stated that he understands the Board of Health's need to be informed. He also understands where there is administrative authority granted under the CMR similar to the wiring inspector or the plumbing inspector which he does not expect to hear from then on routine things. Coastal bank issues he is not an expert of and will not even try to attempt to comment. Mr. Guerino stated that he provides his board every week or every other week a templated report that he sends electronically to the Board of Selectmen. It is time consuming, and he has informed his board as such, but it does help the members prepare for the meeting. Mr. Guerino stated that he has suggested to some members of the Board of Health and Ms. Guarino about working on communication issues. Mr. Guerino stated that this is a communication issue and certainly not a competency issue. Mr. Guerino stated that he suggested that a communication protocol be put in place. Ms. Mastria stated that she used to be a school teacher and every Friday she would send home with her students a newsletter which kept her on track and kept all the parents informed. It was a lot of work but worth it. Mr. Barlow stated that problem is Mr. Guerino works for the Selectmen. Ms. Guerino does not work for the members of the Board of Health she works for Mr. Guerino which makes this a totally different situation. Mr. Guerino stated that was correct. Ms. Peterson stated that Ms. Guarino does work for Mr. Guerino but she is the Health Agent that also reports to the Board of Health and follows the Board of Health regulations and policies. Mr. Guerino stated that he needed to interject here because the board is starting to get into personnel related issues which should not be discussed at a public hearing. Mr. Andrews stated that his concern is that they are all members of the board. They all walk around the public and are approached with questions that they have no idea what that person is talking about. Had they been better informed, they would know how to answer that person asking the question. Ms. Peterson stated that they need to get back to finding out how to stop this particular issue we are discussing right now. It appears to be communication. Mr. Guerino stated that he feels some of those, based on the discussion this evening, seem to be very perfunctory and some not so perfunctory. Mr. Guerino stated that Ms. Mastria was trying to part these differences out. Mr. Guerino stated that he agrees that the board should be notified when some of these things happen especially in an emergency situation when sewage is spewing out. Ms. Peterson stated that the discussion is getting too far off of the subject at hand because it is not on the agenda. Mr. Guerino stated that this is part of the agenda. Ms. Peterson stated that it is not. There are specific items on the agenda for specific addresses. Mr. Andrews stated that this discussion right now is why these items are on the agenda. Ms. Guarino stated that it has just been very busy in the office. She does understand that the board members do get approached by the public and get questions but she recommends anyone asking any questions to contact her for answers. Ms. Peterson stated that Ms. Guarino is a lot stricter regarding CMR 310 then Ms. Coffin was on certain things. Mr. Andrews stated that Ms. Guarino enforces the Boards regulations and the state regulations. Ms. Guarino stated that although she made the huge packets with all the regulations, some of them are really old. Ms. Mastria asked if a motion can be made to

brainstorm together to get some ideas that may make the regulations more dated and understandable. Mr. Andrews stated that the board is not a workshop on the regulations. Ms. Peterson stated that she would like to put this back on the next agenda. It was on for this agenda but the board was not prepared enough to discuss it. There are a lot of changes that Ms. Guarino would like to see and there are a lot of changes that the board would like to see. So it was moved to the first meeting in July 2016. There are people that want to come in and speak to the board about the regulations such as installers, operators and as Ms. Guarino mentioned, someone from Barnstable County. Right now, a decision needs to be made on this item as to how the board wants to be informed. Does the board want anything within the 150 foot setback? Mr. Andrews stated that the board would like to see all of these but according to Ms. Guarino that is not within the boards grasp because of the red stamp regulation. Ms. Guarino stated that the red stamp regulation is in place so that repairs and upgrades within that setback can be addressed promptly in-house. Ms. Peterson stated that she agrees with Ms. Mastria. There is a wealth of knowledge amongst this board which really needs to be tapped into to help understand every step of the way Ms. Guarino is going. Ms. Guarino stated that the other thing is that the red stamp and the setback to a coastal bank are separate from the deed restriction. These just happen to be all little cottages which were two bedroom systems within the setback. Ms. Peterson stated that the two different documents from the two different properties could have been combined as one document so the filing should have been one for Carver Rd and one for Clark not 4 separate recordings. Ms. Mastria asked if there are instructions that are sent out with the packets. Ms. Guarino stated that usually they are sent via email so there are instructions on how to record at the registry of deeds. Ms. Peterson stated that the only other real problem she has is the 6 month restriction on a property. Mr. Barlow stated that Ms. Guarino already stated that the state is requiring these properties to be restricted to 6 months. Mr. Andrews stated that he would like to review the documentation that the agent gave out so that the board can be better informed for the next meeting. Ms. Mastria stated if the board is going to have a discussion and possible vote on this red stamp, this regulation is to repair a failed system or an emergency repair. Ms. Guarino stated that there are 2 things. Deed restrictions and red stamp which is the local regulation within 150 feet. These properties happen to be a combination of both. The 125 Clark and Carver Road, the owner is proposing new construction. He will only be allowed a 2 bedroom dwelling is an I/A septic system. Mr. Andrews stated that the I/A testing regulation is enforced by the Board of Health. The Board of Health regulation is much more strict then the state regulation. Mr. Barlow stated that the board would like to see anything within 150 feet. Ms. Mastria asked if a system fails and the permit is red stamped for an emergency repair and it comes before the board, the applicant would be requesting a waiver. Mr. Andrews stated they are all case by case situations. Some are waivers but some will be variances. Ms. Peterson stated that for the next meeting why don't we add the red stamp regulation, under Title 5, local and state. Ms. Peterson asked if Ms. Guarino agrees. Ms. Guarino stated that the regulations that were mentioned in an email regarding Title Transfer Regulation for Title 5 inspection should be priority right now.

Ms. Peterson stated to add the Title Transfer Regulation and the Red Stamp Regulation to the next meeting. Mr. Andrews suggested the deed restriction for I/A policy also. Ms. Guarino stated that would be the Alternative Testing Policy. That one Ms. Guarino can probably get Barnstable County to probably attend. Mr. Andrews stated he has a couple of operators who have offered to attend a meeting as well. Ms. Peterson stated that for the next meeting, the Title Transfer Regulation and the Red Stamp Regulation for local and state to the next meeting. Ms. Peterson stated that getting back to item 2, does the board want to continue this discussion? **Mr. Andrews made a motion to continue Item 2 and this discussion to a future meeting once the board members have had a chance to review the documentation that was sent out this evening. Mr. Barlow seconded the motion. It was unanimous.**

3. **CONDENSED MINUTES – Discuss and possible vote to stop the practice of condensed minutes** – Ms. Peterson stated that the board has decided that they can no longer have condensed minutes. There have been a number of issues as to why they can't be condensed. Ms. Peterson would like to see the minutes put back into a full rendition. Mr. Andrews stated that he recalls he was the only member of the board that voted against the approval of condensed minutes and one of the biggest issues he has is when the board approves a system, the board is very specific as to why they are granting or denying a waiver or variance. Although the audio version is on the computer, the condensed version does not give the full story of what is going on. Mr. Barlow stated that he agrees with Mr. Andrews. Mr. Barlow stated that it is often that the board refers to minutes from past meetings. Ms. Peterson stated that it is so important that there are minutes. The office is closed on the weekends so the board members do not have access to hear to audio minutes so the written minutes are very helpful. Ms. Peterson stated that it was extremely difficult to request a copy of the taped minutes so for that reason and that reason only she feels the board needs to make a motion to return to a full copy of our meetings. Mr. Andrews stated that he would like to hear what the office has to say. Ms. Guarino stated that if that is what the board wants then that is what the office will do. Mr. Andrews asked if Ms. Guarino had any thoughts. Ms. Guarino stated that her thoughts are having a transcript of the minutes is extremely time consuming to generate. **Mr. Barlow made a motion that the board return to the practice of not having the minutes condensed but having a full set of minutes to have a history to go back to. Mr. Andrews seconded the motion. It was unanimous.** Mr. Meier stated that when he was on the planning board, the minutes were too short and the decisions were approved and seconded without any documentation they were losing those cases in court. Mr. Meier stated that when Mr. Troy, the town's attorney, came to an executive session meeting, he informed the board that he can't do his job and defend the board without proper and accurate documentation. Minutes are the official record of any meeting. Mr. Meier stated that even though the office is busy, they just need to deal with it and provide accurate minutes. Ms. Peterson stated that the office asked the board to try condensed minutes and the board did for a while but the board is just not comfortable with it.

4. REORGANIZATION AND APPOINTMENTS OF THE BOARD

Kathy Peterson – Discuss and possible vote – Ms. Peterson stated that for the appointments of the board, they have the authority from the selectmen to deal with Mr. Wall which is an ongoing issue with the town. Selectman, Don Pickard, has agreed and he and Ms. Peterson have already discussed that he is going to join the board in that working group that they have and it involves any sessions with Mr. Wall. That way he can keep the Board of Selectmen up to date as to what takes place in the meetings so that nothing comes as a surprise to the Selectmen. Ms. Peterson stated that it is also good because they are elected to protect the health of the citizens of Bourne and the Selectmen are elected to fiscally and a lot of other issues to protect the citizens of Bourne. So anything that will be discussed with Mr. Wall would be something that would be handled by both departments. Ms. Peterson stated that because Ms. Mastria was elected again this year, the board needs to discuss the Chairman, Vice-Chairman and Secretary positions on the board. **Mr. Andrews made a motion to accept the Chairman of the Board of Selectmen to sit when the board has discussions with regards to legal counsel. Ms. Mastria seconded the motion. It was unanimous.** Ms. Peterson stated that the other discussion is the Wastewater Treatment and the Landfill Working Group. Ms. Peterson stated that Ms. Mastria is doing a great job with the Landfill Working Group and the board would really like to keep her there. Ms. Peterson stated that Mr. Andrews would really like to come off of that. Ms. Peterson stated that she will become Ms. Mastria's alternate if Ms. Mastria is unable to go to the meetings. Mr. Andrews stated that this group is potentially going to start the RFI process which makes this a good time for someone to change over in this group. Ms. Guarino stated that Ms. Butler, the Health Inspector, could be an option as well. Mr. Barlow stated that it is kind of a problem having town employees as the Board of Health's designees on committees that the board is supposed to be involved with not meaning the sewer committee. It gets to be a problem because number one, they do not live in town. That's a big problem for some who live in town asking why the Board of Health has people who don't live in town sitting on committees. It doesn't make the board look very good. It ends up being town employees being clerks for these committees and actually doing work for the committees when they really should be working for the town. That doesn't work out really well either. People just don't like it. Mr. Barlow also stated that although he has no problems with Ms. Butler, he feels Ms. Butler would not represent the Board of Health sitting on the ISWM Working Group. Mr. Andrews stated that he has sat on this committee for 6 or 7 years now. He has learned a lot of the process going through with it and feels that the transition that this group is at right now is to make a change. **Ms. Peterson made a motion to have Ms. Mastria be the front person for the ISWM Model Working Group with Mr. Andrews right by her side for 6 months. Mr. Andrews added that he will stay as the alternate for the year. Mr. Uitti seconded. Mr. Barlow stated that he would like to be in favor with the stipulation moving forward that when there is a meeting the Board of Health members are provided an update through email. It was unanimous.** Ms. Peterson stated that Mr. Andrews would like to get back on the sewer committee. **Ms. Peterson made a motion to appoint Mr. Andrews to the sewer representative for the**

Board of Health. Mr. Uitti seconded the motion. It was unanimous. Ms. Guarino asked who the last person was for the sewer committee. Mr. Andrews answered that Ms. Guarino was. It's the Wastewater Advisory Committee. Ms. Peterson stated that as she remembers correctly, Ms. Guarino wants to stay on that committee. Ms. Guarino stated that she does want to stay on this committee. Ms. Peterson stated that Mr. Andrews is going to be the representative for the Board of Health and Ms. Guarino is welcome to stay on that committee with Mr. Andrews but Mr. Andrews will be the one involved. Ms. Guarino stated that she would not be able to be a member at large. Ms. Guarino stated that Mr. Andrews will need to go to the Selectmen's office and submit his paperwork because she has already done so. Mr. Andrews stated that the Chairman of the Sewer Commission will take care of that for him. Ms. Peterson stated that they now are back to Chairman, Vice-Chairman and Secretary for the Board of Health. Mr. Barlow stated that maybe Mr. Andrews needs a break and put Ms. Mastria as Vice-Chairperson. Mr. Barlow stated that Ms. Peterson and Mr. Andrews are both very aggressive people where Ms. Mastria is more passive and more of a teacher and feels the combination works better. Mr. Barlow stated that this is not a personal attack on either Ms. Peterson or Mr. Andrews but feels it will give a better blend to the board. Ms. Mastria thanked Mr. Barlow but feels she is not ready for a Vice-Chairman position at this time. **Mr. Barlow made a motion to continue the appointment of the Vice-Chairmen to allow time for Ms. Mastria to think it over. Mr. Andrews seconded the motion. It was unanimous. Ms. Mastria voted not in favor.** Ms. Peterson stated that she really doesn't want to put Ms. Mastria on the spot but she has definitely stepped up and she is very involved. Ms. Peterson feels that Ms. Mastria will feel more comfortable the next time around. Mr. Andrews stated that this will be discussed again at the next meeting.

5. **APPROVE THE MINUTES from April 13, 2016 and April 27, 2016 which were CONTINUED from the meeting dated June 8, 2016. No action. This item will be moved to the next agenda**
6. **APPROVE THE MINUTES from May 11, 2016 and May 16, 2016 CONTINUED from June 8, 2016 – No action. This item will be moved to the next agenda.**
7. **APPROVE THE MINUTES from June 8, 2016 – Ms. Mastria made a motion to approve the minutes from June 8, 2016.** Mr. Andrews stated that although he was not present at the June 8, 2016 meeting. He finds it strange that the board did not close out an agenda item. Ms. Peterson reads from the minutes submitted for approval. The board voted to approve the minutes from April 13, 2016 and April 27, 2016 which were continued from May 11. Ms. Mastria moves to not approve the minutes until further discussion on how to make them more thorough. Mr. Uitti seconded the motion. Next was item number 5 to approve the minutes for May 11 and May 16. Meeting adjourned before further discussion was made for this item. Ms. Peterson asked if that is what is on the tape. Ms. Collett stated that she typed the minutes word for word for that meeting. Ms. Peterson stated that the board did not close out that agenda item. Mr. Barlow stated

that he believes the board continued it. Mr. Andrews stated that he sees a discrepancy. Ms. Collett stated that the board adjourned before this item was discussed. Ms. Peterson stated that the reason for that was because of the item above that the board did not want to approve any minutes because the board was not comfortable with them. Mr. Andrews stated if there was no action taken, then the minutes are correct. Ms. Peterson stated that the board decided with item #4 that the minutes were not going to be accepted as typed. **Mr. Uitti seconded the motion. It was unanimous.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 8:56 PM.

Taped and typed by Lisa Collett, Secretary.

Kathleen Peterson _____

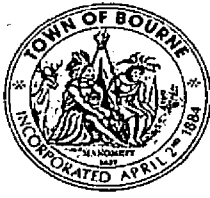
Stanley Andrews _____ 

Galon Barlow _____ 

Don Uitti _____ 

Kelly Mastria - _____

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



RECEIVED
2016 JUL -7 PM 3:41
TOWN CLERK BOURNE

MEETING NOTICE

Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting

Date:

July 13, 2016

Time:

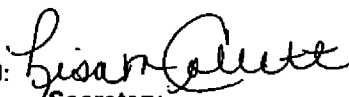
7:00 P.M.

Place:

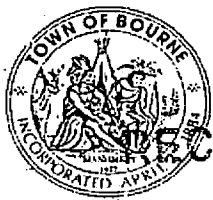
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 124 MEGANSETT RD – Michael Borselli of Falmouth Engineering for Thomas Chisholm – Request variance from Title 5 of the State Environmental Code for new construction. Discussion and possible vote to approve proposed septic system with a 5 foot variance from Megansett Road or 5 foot variance from 150 Foot Setback Regulation to a water resource area.
2. 123 WATERHOUSE RD – Jack Landers-Cauley, P.E. on behalf of Franco Raponi-- Discuss minor modification of the Paesano Office Building. Request continued support and approval of the "Wastewater System Operations, Management, and Compliance Agreement" (OMCA) as required by the Cape Cod Commission.
3. 42 YEARLING RUN RD—Deborah Roberts, Owner—Discussion and possible vote to approve new horse stable license to renovate existing barn and keep horses at property. Existing fence to be used as paddock is 1 foot from property line. Requesting 14 foot variance from Board of Health Stable Regulation Setback of Paddock to Property line.
4. 4 CENTRAL BLVD—David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from potable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study.
5. REORGANIZATION OF THE BOARD MEMBERS – CONTINUED from the meeting dated June 22, 2016 – Discuss and possible vote -
6. TOBACCO REGULATION—Discuss and possible vote to amend Tobacco Regulations to include banning smoking at public beaches and other Town owned/operated recreational areas pursuant to M.G.L. c.111 §131.
7. 68 MONUMENT AVENUE—Michael Steller, owner—Discussion and possible vote to issue fines for noncompliance with conditions of Title 5 variances and Bourne Board of Health I/A Septic Regulations. Failure to maintain valid operation & maintenance contract and failure to conduct two required influent and effluent samples and four maintenance inspections for I/A septic system.
8. NONCONFORMING SEPTIC SYSTEMS—Terri Guarino, Health Agent—Informational discussion on regulatory and inspection issues with nonconforming septic systems including cesspools. Discussion on current Board of Health Septic Regulations and possible amendments to consider at future meetings.
9. APPROVE THE MINUTES –CONTINUED FROM JUNE 22, 2016 - April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016 –
10. APPROVE THE MINUTES – From the meeting dated June 22, 2016

Signed: 
Title: Secretary
Date: July 7, 2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532

Phone (508) 759-0600 x 1513

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2016 SEP 16 PM 4:01
Terri Guarino
Health Agent
CLERK BOURNE

MINUTES July 13, 2016

Members in attendance: Kathy Peterson, Chairperson; Stanley Andrews, Vice-Chairperson; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:00pm

- 1. 124 MEGANSETT RD – Michael Borselli of Falmouth Engineering for Thomas Chisholm – Request variance from Title 5 of the State Environmental Code for new construction. Discussion and possible vote to approve proposed septic system with a 5 foot variance from Megansett Road or 5 foot variance from 150 foot Setback Regulation to a water resource area. – Ms. Peterson stated that there is a letter submitted by the new owners stating that Mr. Boselli is still on board for this project. Ms. Peterson stated that she would rather not hear this because there are new owners to this property. The property just passed into new ownership on June 30, 2016. Ms. Peterson asked if there is anything from the new owners stating they are in support of what Mr. Chisholm wanted. Mr. Borselli stated that this is actually the new owners plan. Ms. Peterson submitted a copy of the deed for the record. Mr. Borselli stated that he is proposing to tear down a small cottage and build a new home away from the resource area. It is proposed to remove the existing cesspool which is 25 feet from the saltmarsh. The new system will be as far away as possible from the saltmarsh. It will be just over 150 feet from the corner of the lot. The variance he is requesting is 5 feet from the property line. This property was determined as a fragmental coastal bank. It barely meets the requirement of a slope of a coastal bank. This project has been through Conservation and they are in agreement that it is not within consideration of the wetlands protection act. This is an existing 4 bedroom home and the proposal is for another 4 bedroom home so the flow will remain the same. Ms. Guarino stated that one word that she slightly modified on the agenda is what is being requested here is a 5 foot variance to the front property line. The other alternative is a 5 foot variance from the local Board of Health regulation. Ms. Guarino stated that she and the engineer have already discussed this. They were not sure that the system could be outside of the 150 foot buffer. It can be but it's within 5 feet of the property line**

where Title 5 requires 10 feet. The reason why they require 10 feet is really for maintenance of the road ways. In this case, the road layout probably is an additional 10 feet from the actual property line. She just wanted this pointed out to the board members. Ms. Guarino stated that the septic system would be 25 feet from the actual edge of Megansett Road. Mr. Andrews asked Ms. Guarino if the 5 foot variance is for the soil absorption system and the reserve area. Ms. Guarino stated correct. Mr. Borselli stated he is proposing a 5 foot variance from the property line. Ms. Peterson asked if the letter that was submitted reflects what Mr. Borselli is looking for. Mr. Borselli stated yes. Ms. Guarino stated that it was her recommendation to do so because it's kind of unusual to have just a 5 foot setback to the property line. Mr. Minuado from 130 Megansett Road. He has looked at the plans. He has spoken with the owner and Mr. Borselli and has absolutely no problem with this project and is 100% in favor of it. **Mr. Andrews made a motion to grant a 5 foot variance to the soil absorption system to the property line and a 5 foot variance from the reserve area to the property line for 124 Megansett Road. Reference plans received by the office on June 15, 2016. Architecturals received June 15, 2016 drawn. Mr. Barlow seconded the motion. It was unanimous.**

2. **123 WATERHOUSE RD – Jack Landers Cauley, P.E. on behalf of Franco Raponi – Discuss minor modification of the Paesano Office Building. Request continued support and approval of the “Wastewater system Operations, Management, and Compliance Agreement” (OMCA) as required by the Cape Cod Commission. –** Mr. Landers Cauley stated they are here for 2 reasons. The first is, it's an I/A component system and the Board of Health has a review process when there is an I/A system. Second is the Cape Cod Commission requested that the applicant obtain an affirmation or an agreement with the Board of Health regarding the wastewater system, maintenance and operation. Mr. Landers Cauley stated that the proposal is utilize the second floor of the existing building and build a 1500 square foot professional office which already underway. As part of that process, it was necessary to go before the Cape Cod Commission. Eliza Cox, Attorney for Franco Raponi was the spearhead for this process. The process was very complex and expensive. The final step is coming to the Board of Health and bring the members up to speed as to what is going on and to get an agreement in writing from the members showing their support. Mr. Landers Cauley stated that this is a state of the art technology. His goal is to have 5 parts per million effluent at the property line. It is a much better system then what exists there now. The system will be an Amphidrome system. Ms. Peterson stated that she has already looked at this and has not questions. Mr. Andrews asked if the document that was just put forward is conforming to the Board's policies on I/A. Ms. Guarino stated this project is slightly different in verbiage but the difference that the I/A regulation that the board has is for septic systems that are required by the Board of Health. This one would not be required locally. It can meet all of the parameters in Title 5. It is just that it's a commercial property which is subject to the regulations of the Cape Cod Commission who put this nitrogen loading limitation so that it had to meet the 5 parts per million.

Ms. Guarino stated that this is very similar to what we use when we require it for the 150 foot setback but it is slightly different. Mr. Andrews asked about the maintenance and testing. Ms. Guarino stated that it would need to be done by a licensed wastewater operator. Mr. Andrews stated that he is questioning it because item number 2 on the document submitted says monitoring by the owner or an operations contractor on the owners behalf. Mr. Landers Cauley stated that was correct. Ms. Cox stated that if you refer to 4.1 of the document it states they must identify the contracting party responsible for the maintenance of the system. Ms. Peterson stated that she has found with the Cape Cod Commission that they go down one road for the first 5 pages and then switch completely and double talk what they already talked about on the first 5 pages. Mr. Landers Cauley stated that through all the gloss they look and say what they really have here in the end is a good nitrogen package. How we get there is a little convoluted. Each time he files with the Cape Cod Commission, he always finds something new that they ask for. For example, they are requiring a generator for the system as a back-up source which he has never heard of until this project. Ms. Peterson asked why the maintenance will only be semi-annually. Ms. Cox answered, if you look at 2.5 of the document, it talks about the frequency for the first 6 months, it will be monthly then switch to quarterly and then after 3 years of quarterly it goes too semi-annually. This is consistent with DEP's approval is for this system. Ms. Peterson stated that she would like something put in that prior to going semi-annually, that the board reviews all the compliance checks and the results. Mr. Landers Cauley stated that he will be able to meet these standards very easily. The one thing with this type of waste stream is that it is very predictable. It's a Monday through Friday. It's not like a seasonal residence were there may be just 2 people in the winter but maybe 18 people in the summer. In that sense it will be a steady straight flow for the treatment perspective which is predictable. Ms. Peterson stated at 3.2 in the document pretty much handles all of that and she is comfortable with it. Ms. Guarino stated that 3.4 also mentions that any information will be provided orally to the Board of Health within 24 hours so it seems as though if there are any non-compliance issues they will be immediately reported and retesting will occur and reported pretty quickly. Mr. Andrews asked if this system will be going through the County system so we will get reports regularly. Mr. Landers Cauley stated that was correct. Ms. Peterson stated that they actually put another step stating that they must copy the plumbing inspector on this. **Mr. Andrews made a motion that the board write a letter of support for the approval of the wastewater system operations management in compliance agreement that was required by the Cape Cod Commission for the project at 123 Waterhouse Road.** Ms. Peterson asked Ms. Cox if that is what she wanted. Ms. Cox stated that she is asking the Board of Health agree to sign on as a signatory to this agreement. Ms. Peterson asked if Mr. Andrews would like to amend his motion. Mr. Andrews stated that he read it specifically as it is written in. **Mr. Barlow seconded he motion and stated that what is written here is what Ms. Cox wanted.** Ms. Peterson re-iterated that the board wants to sign off on the agreement. Mr. Andrews stated correct. It was unanimous.

3. **42 YEARLING RUN RD – Deborah Roberts, Owner – Discussion and possible vote to approve new horse stable license to renovate existing barn and keep horses at property. Existing fence to be used as paddock is 1 foot from property line. Requesting 14 foot variance from Board of Health Stable Regulation Setback of Paddock to Property line. – Mr. Andrews stated that the chairman will step off for a moment and he will step in as Chairman.** Mr. Roberts stated that the plan speaks for itself. The barn is an existing barn which is where the horse will be kept. There is an existing stockade fence all around the entire property. Mr. Roberts stated that he hired Canal Land Surveying to come up with a plan that would meet the Board of Health requirements and give the horse a sufficient area for grazing. The horse is a 21 year old horse. There is also a miniature horse. Neither animal will be seen from any abutting property. The abutters who received notification probably didn't realize a horse was here. Ms. Peterson stated that she has been on this board with things on Yearling Run Road and they notice everything which is a good thing. Mr. Roberts stated they are new to the neighborhood but if the board had any questions, he would be happy to answer them. Ms. Peterson asked if there were anyone in the audience for this item. Mr. Andrews asked what the existing barn is being used for now. Ms. Roberts stated there is a motorcycle, boat and other junk. The second floor right now, as told by the current owner, is being used as an apartment. Ms. Roberts stated she will be using the second floor as a craft room. She makes Christmas decorations and hats. Mr. Andrews stated that he sees on the plan what the stalls will look like but he does not see where they will be in the barn. Ms. Roberts explained to Mr. Andrews in detail where the stalls will be located. Mr. Andrews stated that there is an existing well in the barn in the back section. Mr. and Ms. Roberts stated that they were not aware of that. Mr. Andrews stated that it is an irrigation well in the back corner of the barn. Mr. Roberts stated that he thought the same thing when he found it but since then he has learned that is not the well. The irrigation system is located outside of the barn. Ms. Roberts stated that she thinks there is an irrigation well in between the driveway and the pool. Ms. Peterson asked if there is anyone living in the house right now. Ms. Roberts stated that the current owner is living here. Ms. Roberts stated that she is closing on this property on August 1, 2016. Ms. Peterson stated that a lot of things can happen between now and the closing. Mr. Barlow stated that it is tuff for the board to approve this were the Roberts' don't yet own the property. Ms. Peterson stated that if the board issues this permit today and the closing doesn't happen then this gives permission to whomever is living there to have horses. Ms. Peterson stated that until the Roberts take ownership of this property, they really don't have any rights to get permits for this property. Mr. Roberts stated that the current owner offered to allow then to bring their horse on the property today but she stated she would not because she has not obtained the proper permits yet. Ms. Roberts stated the she was hoping to be able to start so that at the closing Coco would be able to come home to the property that week. Ms. Roberts asked if the board could make the approval effective August 1, 2016. Mr. Barlow stated that not to someone that doesn't own the property. Mr. Roberts asked if it can be done subject to a certified copy from the registry of deeds that the title has been passed to them. Ms. Mastria asked if the current owner could

apply for the permit and then after August 1, 2016 the Roberts apply for the permit. Ms. Peterson stated that they can finish here tonight and answer questions from anyone in the audience but there will not be an actual permit issued until proof of ownership is proven with a copy of the deed. Mr. Barlow stated that the board has not yet seen a manure management plan. Ms. Roberts stated that she does not have one written but her management plan is to put all the manure in the garden. Mr. Andrews stated that part of the policy is a written manure management plan submitted to the office. Ms. Roberts stated that she is planning on purchasing a manure spreader that will hold 13 bushels. One horse will not create a lot of manure. They have already discussed the easement and being able to use it for a garden. She was told they can do whatever they want as long as it can be driven over. Ms. Peterson asked if Ms. Roberts understands the importance of a manure management plan especially if someone complains. Ms. Roberts stated that she does and she can certainly write one out right now and submit it for the file. Mr. Carlow is an abutter to this property. Mr. Carlow stated that when he first bought his property, he sort of inherited the pig farm that also abuts his property. Mr. Carlow stated that his concern with having horses now will be flies, the manure and everything else that comes with a horse. He is already getting hit on the left side with the pig farm and does not want any problems on the other side because of the horses. Ms. Roberts stated that she agrees with Mr. Carlow and she will keep a very clean stable. Ms. Peterson stated that there are some things the applicant will need to do. One is to determine where the well is located and make sure that it is not connected to any portable drinking water or anything. Second is the construction of the stalls to conform to the Board of Health regulations. Third, that a manure management plan is written and brought into the office and follows the Board of Health policies and regulations. The well is identified on the plot plan. **Mr. Andrews made a motion to grant the variance that the fence on the southwest side to be 1 foot off of the property line and that the fences for the paddock be maintained as secure proper fences for the animals.** Ms. Guarino stated that there are no specific setbacks to a well from a horse stable in our well regulation or the stable regulation. Is there a specific criteria if it were to be within a certain, to move the pasture, or is it just for the boards' identification? Mr. Andrews stated that his concern is having animals on top of a well if it is drinking water. Mr. Andrews just wants to make sure it is irrigation only and not drinking water. Ms. **Mastria seconded the motion. Approval is contingent upon the sale going through and nothing is to be signed until the office has the deed, the manure management plan to the board and once that goes through a stable license can be issued. It was unanimous.**

4. **4 CENTRAL BLVD – David MacLean for Jeffrey and Pamela Siefried**
- Request variance from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance for portable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo

study. Ms. Peterson stated that she is stepping off for this item. Mr. MacLean stated that this is a very unique situation. He has been working with his clients, the Siefried's for approximately 2 years. They purchased the property in 2010. Shortly thereafter they discovered that they were having a terrible problem with their Title 5 septic system which when they purchased the house was supposed to be ok. The existing residence is a pre-existing 2 family house with 3 bedrooms. It has basically a living area on both levels. The entire building is in the flood plain and below the flood plain. The first floor elevation is right at the flood plain. The lower level apartment is below the flood plain. His clients would like to design a 3 bedroom house that will sit on the existing foundation but now all the habitable floor spaces are above the flood plain. Getting back to the problem which seems to go back to the previous owners. When the Siefried's purchased the property, they were not aware of the condition of the septic system. When the system began backing up, they did everything they possibly could to resolve the problem. It came to the point where they needed to dig up the system to find out what was going wrong. Once they opened the system, they discovered a huge boulder in the system along with 80 tons of undesirable soil. The entire system was ripped out and a new system was put in 2010. This is a very tight sight. This is a two family house that will be converted to a one family house. This project has gone through Conservation and received a unanimous approval. All of the indications that are discussed in the letter that he just received has to do with what was built by the prior owner. The existing site plan and the proposed site plan is far less than what currently exists. All of the out buildings have been removed. The impervious patios are being removed. Mr. MacLean stated that his argument is that he has this 3 bedroom 2 family house that is pre-existing 2 kitchens. This is completely illegal relative to current zoning and flood plain regulations. He is creating a new 3-bedroom house which will be the same square footage but it is all above the flood plain. The system has a pump chamber. It's been working perfectly since 2010 when it was repaired. Mr. MacLean stated that his professional opinion is that what he has created has far less of an impact then what currently exists. Mr. MacLean is requesting to continue using the upgraded septic system that was replaced in the last 5 years for the proposed renovations to the dwelling. Ms. Guarino stated that it is unfortunate that there was construction done without permits and very large expansions done to that property back in the 1990s but there are a number of Title 5 variances and the nitrogen loading on the property is 11 parts per million which is more than double than 5 which is ideal. Ms. Guarino stated that what the board would require for any other new construction is require that they have an alternative septic system. In this situation they could add a fabricated treatment unit, update the existing 1000 gallon tank with a 1500 gallon tank. Lots of those are retro fitted into the existing tank. They can still have the same pressure distribution field. That would be one way to do it and this is what Ms. Guarino recommends. Mr. Barlow stated that in the past the board has required the upgrade. Mr. Barlow stated that he would not recommend a specific one. As long as replacing the tank falls within the boards guidelines then everything looks good. Almost everyone who lives around Eel's Pond to do nitrogen removal. Mr. MacLean stated that he understands what Mr. Barlow is saying but his clients inherited this

problem so what he is creating is better than what exists. It is no bigger and less of an impact than the existing house. Mr. Barlow stated that the board doesn't get many opportunities to get nitrogen removal and he may never have another shot at this property. The board needs to take every opportunity it can to upgrade these coastal properties. Mr. Andrews stated that the variance that was given in 1998 was 68 feet from the 150 foot setback which makes over 75 feet which the board has traditionally only allowed up to a 75 foot variances. Ms. Guarino stated that the plans in 1998 was not designed by a certified land surveyor so the distance looks approximate. The repair from 2010 was from the identical plan from 1997. Mr. MacLean stated that the project was overseen by Mr. Bunker of BSS Design and he is a certified land surveyor. Ms. Guarino stated that BSS Design used the exact same plan from 1997 in 2010 to repair the system. Mr. MacLean stated that they did a few other things too like installed a pump chamber. Everything they did is on that list. **Mr. Barlow made a motion to continue this item until the next meeting to allow Mr. Bunker the opportunity to revise this plan to include an alternative denitrification system.** Mr. MacLean asked Ms. Guarino if there were any additional paperwork that he needs to give to Mr. Bunker. Ms. Guarino stated that the nitrogen calculation will reflect a reduction by implementing the I/A technology so just an addition sheet of the nitrogen calculation as well. Mr. MacLean stated that Mr. Bunker should be aware of that so if there are any questions he will call Ms. Guarino. **Ms. Mastria seconded the motion. It was unanimous.** Mr. Barlow stated that he did say the next meeting but he is unsure when the next meeting will be. Mr. MacLean asked that he be notified by Ms. Guarino when she knows when the next meeting will be. Ms. Guarino answered yes.

Mr. Andrews suggested to skip over items 5 and 6 until Ms. Peterson returns.

The board returned to item 5 after Items 7, 8, 9 and 10 were discussed and voted on.

- 5. ORGANIZATION OF THE BOARD MEMBERS – CONTINUED**
from the meeting dated June 22, 2016 – Discuss and possible vote. –
Ms. Peterson stated that she will now open nominations. Mr. Barlow stated that he suggested to Ms. Mastria that if she really didn't want to sit in the ISWM Working Group that he would go back on it as long as it was ok with her. Ms. Mastria stated that she is not in a position to sit in Chairman or the Vice-Chairmen's chair so she doesn't mind sitting on the ISWM Working Group. Mr. Andrews nominated Ms. Peterson as Chairman. Ms. Mastria seconded that nomination. Mr. Barlow stated that if Mr. Andrews would like to stay as Vice-Chairman that he would nominate him. Mr. Andrews stated he would like to stay as Vice-Chairman. Ms. Peterson stated that this item will close and the board has voted as such. **It was unanimous.**
- 6. TOBACCO REGULATION – Discuss and possible vote to amend Tobacco Regulations to include banning smoking at public beaches and other Town owned/operated recreational areas pursuant to**

M.G.L. c.111 §131. Ms. Peterson stated that she read what Ms. Guarino wrote and felt she did a good job. The only thing she wants to make sure the board does not do is empower the person sitting on the beach to be able to go over to a person that is smoking and tell them to put the cigarette out. Whatever regulations that the board passes, there should be some sort of caveat that this does not empower the average person to take this upon themselves to try to stamp out smoking. Ms. Peterson stated that this will be a very hard regulation to enforce. Ms. Peterson stated that definitely public building, playgrounds and any public beach with a lifeguard should definitely have a sign stating no smoking. She added, baseball fields, Town Hall and any public building should not have smoking on the grounds or on the property. Ms. Peterson stated that if it is going to be at the beach then it will be every public building or public area throughout the town. If you are going to smoke, you will need to go out into the street. Ms. Mastria stated that she completely agrees. Ms. Mastria stated that her thoughts are about enforcement. What type of signage will there be. Ms. Peterson asked who would be responsible for the signs. Mr. Meier, Board of Selectmen, stated that the DPW will make the signs. Ms. Guarino stated it will certainly going to be challenging to enforce this however she does still would like to think that people would want to do the right thing so if people are aware and if there is public outreach and education and signage on the beach that this is a non-smoking area, they should be somewhat respectful and step off the beach if they want to smoke. Ms. Guarino stated that if it were to be an issue that required a tremendous amount of enforcement, if there is a lack of compliance, she can arrange to have more enforcement. It's a \$300.00 fine. Ms. Mastria stated that the fine amount should be on the sign. Ms. Guarino stated that if the town were to observe a tremendous amount of non-compliance she would be hopeful that the town would support the regulation and support a means of offering more enforcement. Mr. Andrews stated that under the regulations now, enforcement of this regulation is subject to the Bourne Board of Health or its designated agents. Any person who desires to register a complaint pursuant to the regulation may do so by contacting the office. Right now it comes to the office and the office, and the Board of Health are the agents. Mr. Barlow stated that there is going to be a lot of controversy with E-Cigarettes, vapor and medicinal marijuana. He doesn't have a problem with banning smoking but those who do will be coming forward asking the board why they are picking on them. It may have to be specified that cigarettes and cigars are banned. Ms. Guarino stated that was a very good point with the e-cigs and the vapors because right above section O of the regulations, she highlighted that portion that states the use of e-cigs is prohibited per MGL, Chapter 270 § 22 which is the Smoke Free Workplace Law. The law doesn't specify or differentiate between what types of smoke. Ms. Peterson stated all kinds of smoke. Ms. Mastria stated that to her, the regulation means all types of smoking. Ms. Peterson stated that they will also have to include properties, all public property. Mr. Andrews stated all town owned and controlled town property. Mr. Barlow stated that mean all the parks, all the highways, roads any place. Mr. Blanton stated that he would like to point out in terms of type of smoking the board may want to encumber recreational marijuana into the regulation. Ms. Peterson stated that was something she wanted to discuss at the end of the

meeting. Ms. Peterson stated that sometime in the fall she would like to discuss marijuana regulations. This can become legal at any moment and she wants a regulation in place. Ms. Peterson stated that she wants something on record so that if it gets on the ballot and the Supreme Court says they will allow it to be on the ballot, she believes it will pass. Ms. Peterson asked who gets to say what will be on the signs. Mr. Meier stated the Town Administrator. Mr. Andrews stated that not if the Board of Health passes a regulation then it will be the boards' verbiage. Ms. Guarino stated that she agreed. One thing like playgrounds, recreational areas and beaches are just specific outdoor areas. If there's inclusion, as discussed of including other town owned properties, in her opinion that is completely separate. There should be more meetings and discussion before banning on all town owned properties. It should be posted as this regulation could include Town Hall, the Police Station, schools, the Marina's. Mr. Andrews stated that these are access areas that the public uses all the time and the public doesn't need to be exposed to that. It's no different whether you are standing in the parking lot at the community building or sitting on the beach, it's still a public gathering area or at the ballfield in the back. Ms. Guarino stated that there may be more privacy in that area for example when she first started in college there was a setback to any doorway on campus so you had to be 25 feet from any doorway entrance and then that changed to 50 feet. Now it's a smoke free campus. It's kind of like taking baby steps. Ms. Peterson stated that down at the Registry or the Court House buildings you can't be anywhere near front of the building. Smokers used to go around the back but that is no longer allowed. They have to actually have to smoke in a designated smoking area. Ms. Peterson stated that for this meeting they should stick with schools, parks and beaches. Ms. Mastria asked if marinas falls under a recreational area. Mr. Barlow stated that the town rents out the moorings at the marinas. Those people pay for their spot. Ms. Peterson stated that the Board of Health can restrict whether they can smoke. Mr. Barlow stated that you really can't and he is certainly not going to vote for it. Ms. Guarino stated that this should be discussed to the specific marinas. Reach out to them and ask for their thoughts. They are familiar with their specific fuel stations that they have there. Mr. Andrews stated that there are set regulations set by the fire marshal's code of distance of smoking from a gas dispensing device. Ms. Peterson stated to drop some verbiage here this evening for the beaches, the parks, the recreations. Get those signs. Get those approved and then at the next Board of Health meeting they will pick up where they have left off with public buildings that the town owns and the property. Mr. Andrews asked why they can't pick that up know. It's pretty simple. Mr. Barlow stated that the trouble is they are looking for more....A lot of this stuff that the town owns.... It's going to be very difficult to enforce. For a perfect example, the historic center, the old library, people park there to go to the canal and go fishing. Some smoke. They are strangers who don't live here. Ms. Peterson stated that it doesn't take anything to put a sign on. Ms. Mastria stated that they need to start somewhere. Like Ms. Guarino stated, baby steps to get to where they want to be. Ms. Peterson stated to post a sign stating No Smoking, \$300.00 Fine per Order of the Board of Health. Mr. Blanton stated that the Board of Health is taking an excellent first step in creating a regulation and then

putting people on notice by posting a sign so that the people know what the regulation is. Ms. Peterson stated that the smokers, they need to find a space and put an ashtray there. The ones that are smokeless so you can't see the cigarettes and have them away from the doors. Ms. Peterson stated specifically the ashtray right outside the side entrance door. She has never liked that one out there. There are the tall ones that the town should buy. There are people that smoke. You can't get away from it. Mr. Blanton stated that this is something that the town needs to consider. Mr. Andrews stated that if you ban it from a town property, you don't have to expect that stuff. Put up the signs. Mr. Blanton stated that it probably does speak to the idea that ... because there are people who do smoke responsibly and they would want some sort of designated area for smokers. Mr. Andrews stated that one end of the beach will be smoking and the other end no smoking. Ms. Peterson stated that no, not the beaches. They are talking about where workers are. It just doesn't need to be near a doorway where people are coming in and out. That will be up to Tom Guerino to find a spot where smokers in his building can go. It's done everywhere now. Every place has a smoking area. Ms. Guarino stated that she feels like this conversation tonight has gone onto this level of no smoking on public property grounds which she really wasn't prepared to discuss. Ms. Guarino stated that she would be extremely uncomfortable if tomorrow there is a sign posted which states no smoking \$300.00 fine to her colleagues, who she works with every day, who were not aware of this regulation. Ms. Guarino stated that there are quite a few smokers who work at Town Hall and within the town and that encompasses these public buildings. They all do smoke responsibly. Ms. Guarino stated that it would be extremely uncomfortable to walk up to someone tomorrow and say oops, you can't smoke here and I might have to write you a ticket. Ms. Guarino stated that this conversation was supposed to be more like outdoor areas. The enclosed areas like the beaches and playgrounds were people who smoke are littering. Whether or not there is not a specific designated smoking area, these people that have worked here for a while and have their own area that they smoke in. Ms. Guarino stated that she is completely uncomfortable with it. Ms. Peterson stated that she is uncomfortable with people smoking by any doorway. If baby steps is to move it away from doorways then move it away from doorways. Mr. Barlow stated that tonight they should just go with beaches, parks and recognized ballfields. Mr. Andrews stated to added, and recreational facilities. Mr. Barlow stated he wouldn't add recreational facilities right now. Ms. Peterson stated that at the next meeting the board should discuss public buildings because you can't do for one that you can't do for another. Ms. Guarino stated that what she recommends is where the town owns these properties, they need some mitigation. These signs can be designed and request that they are made but to have them in adequate location it will be a process. It's going to involve DPW and Facilities Maintenance Department to get it set up. Mr. Andrews stated that for the signs it will be the DPW Sign Shop. Ms. Guarino stated that the DPW will manufacturer them and probably install them as well. Mr. Andrews stated it will not be Facilities at all it will be DPW. Ms. Guarino stated that it's equally important to have cigarette disposal units to help with rubbish from cigarettes. Ms. Guarino stated that she would like to implement some type of program to get some of those. Mr. Barlow

stated if they are going to issue a \$300.00 fine we will be able to buy them. Mr. Andrews stated that the collection of the \$300.00 fines should be able to be used in remediation instead of going into the General Fund. Ms. Peterson stated that she would like to make it clear that she did say that there should be an area for people to smoke. You can't tell people that are visiting our beaches that they can't smoke but then they visit the Town Hall and walk through a cloud of smoke. You just can't have it both ways. The board can vote on the beaches tonight and the recreational areas and schools but at the next meeting the board does have to discuss how they will move forward and take it away from the buildings. Ms. Mastria stated that the board should send some kind of notification to the residents to help make them aware that on September 1, 2016 there will be no more smoking outside of a doorway and that you need to be 25 feet or 50 feet away from an entrance to a building. Ms. Mastria stated that she agrees with Ms. Guarino that it would be very uncomfortable to have to write a ticket to co-workers. Mr. Meier stated that if an employee of the town went to their own car to smoke it's not doing anyone any harm. They are not polluting the outside. Mr. Barlow stated that the conversation is now going beyond what is allowed on the agenda. The agenda item is worded as The Board of Health to discuss and possible vote to amend Tobacco Regulations to include banning smoking at public beaches and other Town owned/operated recreational areas. That's where we are. We are not at doorways. The next time we can do it. Ms. Peterson stated that this is a problem because there is a tennis court at town hall which is considered a recreational area. Mr. Blanton stated that he agrees with Ms. Mastria. Giving plenty of notice a head of time to properly prevent the kinds of issues that Ms. Guarino was expressing concerns about. Mr. Blanton stated that this enforcement can't happen tomorrow. It's going to take a little time to implement this. Ms. Peterson stated that she will have a discussion with DPW Superintendent, George Sala to possibly get the beach signs faster. She would like to see the beach signs go up very soon and start with that. Mr. Andrews stated to post the ballfields too. Finish up with this and go on to the next. Ms. Peterson stated there are 5 or 6 beaches. Mr. Blanton stated that perhaps the Board of Health would like to communicate through the Town Administrator so this all goes through the proper channels to make sure this happens correctly. Ms. Mastria asked if just the beaches with lifeguards will be posted. Mr. Andrews answered no, all beaches. Ms. Guarino stated that one thing she would like to put in there is beaches licensed so there designated swimming areas that the water quality is tested on because someone's backyard or in between beach easements could be considered. Mr. Andrews stated that it could be public beaches. Mr. Barlow stated the public beaches like Patuisset, Monument Beach, and Barlows Landing etc. Mr. Andrews stated they are not talking about private beaches. Ms. Guarino stated that she wonders if there are public areas that are a beach but the town doesn't designate them as a swimming area. Ms. Peterson stated to designate them right here, right now. Ms. Mastria stated for example, Mashnee Island Dyke Beach. Ms. Guarino stated that is not designated as a bathing beach. Mr. Barlow stated that there is a lot of area that is recreational shell fish access and beach access that we really don't want to do right now. Just the swimming beaches. Ms. Peterson stated that can be down the road to get the others. Ms. Peterson

stated that her proposal would be to start with the bathing beaches with public access and/or parking access. Ms. Guarino stated that will exclude the semi-public beaches. Mr. Barlow stated that it will include some of the ponds that have beaches. Ms. Guarino stated that was correct. Ms. Peterson stated that for this evening what the board needs to do is adopt that the Board of Health is not going to allow smoking on public bathing access parking beaches. Mr. Andrews asked how many beaches are out on Taylors Point. Mr. Meier stated that there are at least 3. Mr. Andrews stated that there are 3 public beaches right there that should be posted. Ms. Guarino stated that those are not bathing beaches. Mr. Andrews stated that they are. Mr. Barlow stated that at least one of them is. Ms. Guarino stated that none of those beaches are water quality tested so they are not public bathing beaches. Mr. Barlow suggested the wording to be the real productive beaches. Ms. Peterson stated that she feels the board is very comfortable with the beaches they are talking about. Mr. Andrews stated that he feels they will be limiting it too small. Ms. Peterson stated that they are going to expand it at the next meeting. Ms. Peterson stated that the board needs to adopt the changes to the smoking regulation. Ms. Mastria stated that section O the word should be changed to all smoking. So the wording will read All Smoking Shall Be Prohibited. That will encompass e-cigarettes also. Mr. Andrews stated that to change to all town owned or operated recreational areas. Mr. Barlow stated to get the signs up at the beaches first to get a feel of how it is going to work. **Mr. Andrews made a motion under item O of our regulations restricting sale and use of tobacco products he wishes to amend the end of O by adding all smoking shall also be prohibited at public bathing beaches licensed pursuant to Chapter 7 of the State Sanitary Code and Town owned or operated playgrounds and recreational areas. Mr. Barlow seconded the motion. It was unanimous.** Ms. Peterson asked to do the verbiage for the signs for the beaches to start. Mr. Andrews stated that this will not go into effect until it is posted in the paper. Ms. Guarino stated yes. Mr. Andrews stated that the board needs to put a posting out on this and typically how long after it is posted does it go into effect. Ms. Guarino stated that it is immediately upon publication. Ms. Peterson asked if it can be posted in the newspaper this week. Ms. Guarino stated yes. Ms. Peterson stated that the verbiage for the signs will say no smoking of any kind allowed per the Board of Health \$300.00 fine. Mr. Barlow stated that no smoking pretty much covers it. Mr. Andrews stated that the signs should say no smoking per Bourne Board of Health Regulations violations subject to \$300.00 fine. Mr. Andrews stated that the \$5,000.00 the Board of Health collected in fines last year should be taken out of the General Fund and used to pay for these new signs. Ms. Peterson agreed. Mr. Barlow stated that money has already been spent even before they got it. Mr. Blanton stated that they are not here to discuss the budget. Ms. Guarino stated that they should check with DPW to see if there is a certain amount of characters that would be allowed on the signs. Mr. Andrews stated that the DPW has the standard size. He has seen them in other communities and they use a certain font size for the non-smoking and then at the bottom in smaller print it would say per Bourne Board of Health subject to a fine of. Mr. Blanton stated he has also seen signs in Falmouth with similar wording. Ms. Guarino stated that in Barnstable it just says

Barnstable beaches are smoke free with a picture of two cigarettes crossed off. Ms. Mastria stated that putting the fine amount is going to be more deterring. Ms. Guarino stated that she agreed. Ms. Peterson stated that putting the fine on the sign is key.

7. **(Became Item #5) 68 MONUMENT AVE – Michael Steller, owner – Discussion and possible vote to issue fines for noncompliance with conditions of Title 5 variances and Bourne Board of health I/A Septic Regulations. Failure to maintain valid operation & maintenance contract and failure to conducted two required influent and effluent samples and four maintenance inspections for I/A septic system.** Ms. Guarino stated that she has touched base with the member of the board a few times on this situation and some other I/A systems. It is one regulation which as mentioned that we currently have that needs updating. Ms. Guarino stated that she has gone back and forth with the owner of this property, the wastewater operator and Barnstable County Department of Health and Environment. Ms. Guarino stated that she has obtained an Operation and Maintenance contract. The owner and the wastewater operator intends to continue testing. Mr. Andrews asked if this was one that was not complying with the board's wastewater technology policy. Ms. Guarino stated that this system was installed June 4, 2015. The owner had his contract but he didn't pay after the startup inspection so the wastewater operator wasn't going to continue to provide services. Ms. Guarino stated that the owner explained to her to relay to the board is that the system was installed in June 2015. It is a seasonal residence. It was only occupied for the month of August 2015 and then not again until July 4, 2016. Mr. Andrews asked if this has gone a whole year without a testing and maintenance contract. Ms. Guarino stated that he had a contract at some point but it was cancelled. The testing never happened. The wastewater operator has to start up the system. The contract must be in place before a permit is issued. They started up the system and the wastewater operator certified that. That was the only inspection conducted because he never received payment and he expressed that to Barnstable County. Mr. Andrews asked what the fine is that they can levy. Ms. Guarino stated it can be \$500.00. The owner did have some interesting points because he did start up that system at that time but it was really only used for a month. Mr. Andrews asked if he conform to what he was required to do in order to build the house and do the work that he did he was given certain requirements that he was very well aware of when he got his approval to conform to our I/A policies. Ms. Guarino stated that was true, the owner did not do that. Mr. Barlow stated that the owner didn't pay because he didn't want to spend the money so he should be fined the \$500.00. **Mr. Barlow made a motion to fine the owner \$500.00. Ms. Mastria seconded the motion with discussion. Ms. Mastria stated that although the owner will be fined \$500.00 for the first offense, when does a second offense take place and that amount should be \$1000.00. Ms. Guarino stated that there were two things that went wrong. He didn't have an operation and maintenance contract is the first violation. The second violation is that he did not do the required maintenance inspection and sampling. He has since obtained the contract in the past 3 weeks that the enforcement order went out. Now the only outstanding violation is that the inspections still have not been done which they intend to do as soon as possible because of the enforcement order. Mr. Barlow asked if the policy mentions the fact**

that the board can order the water to be shut off. Ms. Guarino stated that the board can't curtail water. Mr. Barlow stated that they can if it is a public health issue and the public health issue is that system is not operating properly. Ms. Guarino stated that it is not in the policy but she absolutely agrees that does need to be detailed. The owners and their representatives agree to all these things when they are granted variances. Ms. Guarino stated that she feels it is completely unacceptable but it certainly does need to be explicitly stated in the regulation that once you start up your septic system and a certificate of compliance is issued you are subject to these sampling and maintenance inspections regardless of how often you occupy the dwelling. Mr. Andrews stated that the policy is the same whether you are there a week or 52 weeks. That's the only reason they were allowed to do the project they wanted to do. Mr. Andrews stated that by the next meeting, the system still has not been tested then they will be subject to another fine. Ms. Mastria stated that is what she was trying to ask. It doesn't state in the regulation if after the first fine, is the second fine issued the next day, the next week or what. Mr. Andrews stated that the board as enforce daily fines. Ms. Mastria stated that she doesn't feel daily fines are necessary but definitely by the next meeting. Ms. Guarino stated that it does put a lot of strain on the wastewater operator. Mr. Andrews stated that they are in the business. The owner agreed to do this and did not do it and because he wasn't under contract to do it last year. The only reason he has a contract now is because of the enforcement letter about getting fined. Ms. Mastria asked if the board thought it appropriate to fine the owner \$500.00 and then \$1,000.00 if it's not rectified by the next meeting. Mr. Andrews stated that it should be put on the agenda for the next meeting and address it at that time. Ms. Guarino stated that she doesn't see any reason why they can't arrange to do the required inspection by the next meeting. It was unanimous.

8. **NONCONFORMING SEPTIC SYSTEMS – Terri Guarino, Health Agent – Informational discussion on regulatory and inspection issues with nonconforming septic systems including cesspools. Discussion on current Board of Health Septic Regulations and possible amendments to consider at future meetings.** – Ms. Guarino stated that with the I/A septic systems and also just in general, non-conforming septic systems she would like to submit to the members of the board a couple documents. One is from the DEP which addresses frequently asked questions regarding Title 5. The other is specifically about Title 5 inspection. Ms. Guarino stated that the office gets questions every day regarding the information on these documents. There are some interesting ones referring to the second sheet it mentions a conditional pass. There is one question that is not addressed by the DEP that she feels should be addressed in the future and amended to the current regulation. Such as if a septic tank is underneath an impervious parking area or subject to vehicular traffic and not designed that way. The DEP does not address that. Sometimes it can be a garage slab that is on top of the system that is not H-20. The inspectors need clarity from the local Board of Health of what is expected when they run into this type of situation. Mr. Andrews requested a list of the different types of situations that Ms. Guarino is concerned with so when they have public

comment and discussion so they can form an opinion whether they want to modify the regulations. Ms. Guarino agreed. Ms. Guarino stated that she has started to work on this. Mr. Andrews stated that this should be put on the agenda as a separate dedicated meeting for only this one item for discussion and possible vote. Ms. Guarino stated that with cesspools, many towns in Barnstable County and throughout the Commonwealth, Title 5 does not establish any separate failure criteria for a cesspool. Someone can purchase a property that has a cesspool because it has a passing Title 5 inspection. If they try to do anything to that property that requires a building permit they typically will need to upgrade the current septic system. This is another big concern that she is hoping the board will be in favor of amending on the regulation. The inspectors look to the Board of Health and the Agent for guidance on these subjects because what they are required to do is any cesspool is supposed to be pumped at the time of inspection which isn't required for a conventional septic tank. A cesspool is so that its structural integrity can be assessed. Some cesspools are made of wood. She has seen some that are made of wood and brick. Some are acceptably deep which may be structurally sound however that is an interesting safety risk. Mr. Andrews asked what a good time would be to get this on an agenda. Ms. Guarino stated that anytime over the summer but she is trying to judge what the boards' opinion is on these non-conforming systems like cesspools in particular. Ms. Guarino asked the board is passing a local regulation having a cesspool as an automatic failure would be something the board would particularly want to focus on. Mr. Andrews stated that the board has focused on some of these items that were open holes in Title 5 that the board needs to tighten up on and Ms. Guarino has given the board a couple of things to think about but all the information needs to be gathered, invite the installers and engineers to that meeting, to give the pros and cons of what the board should be doing. **No action was taken at this time.**

9. **APPROVE THE MINUTES – CONTINUED from June 22, 2016 – April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016 – No action taken at this time.**

10. **APPROVE THE MINUTES – from the meeting dated June 22, 2016 – No action taken at this time.**

Mr. Andrews made a motion to adjourn the meeting. Ms. Peterson seconded the motion. It was a unanimous vote and the meeting adjourned at 9:09 PM.

Taped and typed by Lisa Collett, Secretary

Kathleen Peterson _____

Stanley Andrews _____

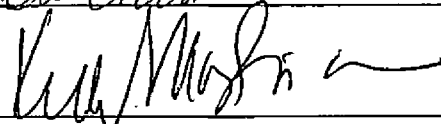
Galon Barlow _____

BOH minutes July 13, 2016

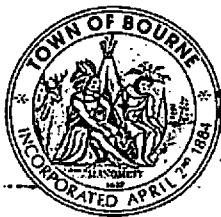
Don Uitti



Kelly Mastria -



cc Board of Selectmen/Town Clerk



RECEIVED TOWN OF BOURNE BOARD OF HEALTH

2016 JUL 25 AM 10:45

24 Perry Avenue

TOWN CLERK BOURNE
Bourne, MA 02532

www.townofbourne.com/health

Phone (508) 759-0600 ext. 1513

Fax (508) 759-0679



Terri A. Guarino
Health Agent

REGULATION RESTRICTING THE SALE AND USAGE OF TOBACCO PRODUCTS

A. Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat¹;

Whereas among the 15.7% of students nationwide who currently smoke cigarettes and were less than 18 years old, 14.1% usually obtained them by buying them in a store (i.e. convenience store, supermarket, or discount store) or gas station²;

Whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin³ and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,⁴ and that it is addiction to nicotine that keeps youth smoking past adolescence.⁵

Whereas a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers "spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive" and that these companies were likely to continue targeting underage smokers⁶;

Whereas more than 80 percent of all adult smokers begin smoking before the age of 18, more than 90 percent do so before leaving their teens, and more than 3.5 million middle and high school students smoke;⁷

¹ Center for Disease Control and Prevention, (CDC) (2012), *Health Effects of Cigarette Smoking Fact Sheet*. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC (2009), *Youth Risk Behavior, Surveillance Summaries* (Morbidity and Mortality Weekly Report (MMWR) 2010: 59, 11 (No. SS-55)) Retrieved from: <http://www.cdc.gov/HealthyYouth/yrbs/index.htm>.

³ CDC (2010), *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

⁴ U.S. Department of Health and Human Services. 2014. *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 122. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁵ Health and Human Services. 2014. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General, 2014 U.S. Surgeon General's Report* Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, Executive Summary p. 13. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>

⁶ United States v. Phillip Morris, Inc., RJ Reynolds Tobacco Co., et al., 449 F.Supp.2d 1 (D.D.C. 2006) at Par. 3301 and Pp. 1605-07.

⁷ SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health and U. S. Department of Health and Human services (HHA). *The Health Consequences of Smoking-50 Years of Progress. A Report of the Surgeon General, 2014*.

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will reduce tobacco initiation, particularly among adolescents 15 – 17, and will improve health across the lifespan and save lives⁸.

Whereas sales of flavored little cigars increased by 23% between 2008 and 2010⁹ and many non-cigarette tobacco products, such as cigars and cigarillos, can be sold in a single “dose,” enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth¹⁰;

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,¹¹ largely because these flavored products were marketed to youth and young adults,¹² and younger smokers were more likely to have tried these products than older smokers¹³, neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic devices and the nicotine solutions used in these devices;

Whereas the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction;¹⁴

Whereas the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco related death and disease is for local governments to ban categories of products from retail sale;¹⁵

Whereas the U.S. Centers for Disease Control and Prevention has reported that current electronic cigarette use among middle and high school students tripled from 2013 to 2014;¹⁶

⁸ IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington DC: The National Academies Press, 2015.

⁹ Delnevo, C., Flavored Little Cigars memo, September 21, 2011, from Neilson market scanner data.

¹⁰ CDC (2009), *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5). Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>.

¹¹ 21 U.S.C. § 387g.

¹² Carpenter CM, Wayne GF, Pauly JL, et al. 2005. “New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies.” *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. “Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands.” *American Journal of Public Health*. 96(2): 244–251; Connolly GN. 2004. “Sweet and Spicy Flavours: New Brands for Minorities and Youth.” *Tobacco Control*. 13(3): 211–212; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹³ U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁴ Food and Drug Administration. 2011. *Fact Sheet: Flavored Tobacco Products*, www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁵ Health and Human Services. 2014. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General, 2014* Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 85.

¹⁶ Centers for Disease Control & Prevention. 2015. “Tobacco Use Among Middle and High School Students — United States, 2011–2014,” *Morbidity and Mortality Weekly Report (MMWR)* 64(14): 381–385.

Whereas nicotine solutions, which are consumed via electronic or battery-operated delivery smoking devices such as electronic cigarettes, are sold in dozens of flavors that appeal to youth, such as cotton candy and bubble gum;¹⁷

Whereas the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an "acutely hazardous waste" (310 CMR 30.136);

Whereas in a lab analysis conducted by the FDA, electronic cigarette cartridges that were labeled as containing no nicotine actually had low levels of nicotine present in all cartridges tested, except for one¹⁸;

Whereas according to the CDC's youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days is 10.8% in 2013;¹⁹

Whereas data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;²⁰

Whereas in Massachusetts, youth use of cigars and smokeless tobacco (12.3%) is higher than the rate of current cigarette use (10.7%) for 2013 and has remained elevated since 2009²¹;

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%²²;

Whereas the sale of tobacco products is incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermine efforts to educate patients on the safe and effective use of medication, including cessation medication;

Whereas educational institutions sell tobacco products to a younger population, who is particularly at risk for becoming smokers and such sale of tobacco products is incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms;

Whereas the Massachusetts Supreme Judicial Court has held that "... [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means"²³.

¹⁷ Cameron JM, Howell DN, White JR, et al. 2013. "Variable and Potentially Fatal Amounts of Nicotine in E-cigarette Nicotine Solutions." *Tobacco Control*. [Electronic publication ahead of print], <http://tobaccocontrol.bmj.com/content/early/2013/02/12/tobaccocontrol-2012-050604.full>; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 549, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁸ Food and Drug Administration, *Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA*, available at: <http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm>.

¹⁹ CDC (2013) *Youth Risk Behavior, Surveillance Summaries* (MMWR 2014; 63 (No SS-04)). Retrieved from: www.cdc.gov.

²⁰ King BA, Tynan MA, Dube SR, et al. 2013. "Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students." *Journal of Adolescent Health*. [Article in press], www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract.

²¹ Commonwealth of Massachusetts, Data Brief, Youth Tobacco Use in Massachusetts: Survey Results from 1993 to 2013.

²² Ringel, J., Wasserman, J., & Andreyeva, T. (2005) *Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey*. *American Journal of Public Health*, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in *Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?*, J. Prim. P. 2011, Aug; 32(3-4):161-70. Retrieved from: www.ncbi.nlm.nih.gov/pubmed/21809109.

²³ *Druzik et al v. Board of Health of Haverhill*, 324 Mass.129 (1949).

Now, therefore it is the intention of the Bourne Board of Health to regulate the sale of tobacco products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Bourne Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states "Boards of health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

E-Cigarette: Any electronic device, not approved by the United States Food and Drug Administration, composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, e-hookah or under any other product name.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored tobacco product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

Liquid Nicotine Container: A bottle or other vessel which contains nicotine in liquid or gel form, whether or not combined with another substance or substances, for use in a tobacco product, as defined herein. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco product, as defined herein, if the cartridge is prefilled and sealed by the manufacturer and not intended to be open by the consumer or retailer.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a tobacco product in the municipality.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Permit Holder: Any person engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or his or her business agent.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retail Tobacco Store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Bourne Board of Health.

Self-Service Display: Any display from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Smoking Bar: An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

D. Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited:

1. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the individual's parent or legal guardian, give tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Bourne is eighteen (18).

2. Required Signage

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Bourne Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall

directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.

- b. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Bourne Board of Health that discloses current referral information about smoking cessation.
- c. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post a sign stating that "The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 18 years is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the Town of Bourne without first obtaining a Tobacco Product Sales Permit issued annually by the Bourne Board of Health. Only owners of establishments with a permanent, non-mobile location in Bourne are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Bourne.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Bourne regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued.

4. The fee for a Tobacco Product Sales Permit shall be determined by the Bourne Board of Health annually.

5. A separate permit is required for each retail establishment selling tobacco products, as defined herein.

6. Each Tobacco Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.

7. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco products, as defined herein, must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

8. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

10. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the MLSA (§D.1) three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with §P.4.

11. **Maximum Number of Tobacco Product Sales Permits.**

- a) At any given time, there shall be no more than thirty-five (35) Tobacco Product Sales Permits issued in Bourne. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-served" basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.
- b) A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
- c) Applicants who purchase an existing business that holds a current Tobacco Product Sales Permit at the time of the sale of said business must apply within sixty (60) days of such sale for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein.

F. Sale of Flavored Tobacco Products Prohibited:

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and retail tobacco stores.

G. Sale of Blunt Wrap Products Prohibited:

No person or entity shall sell or distribute or cause to be sold or distributed any blunt wrap products in the Town of Bourne.

H. Free Distribution and Coupon Redemption:

No person shall distribute or cause to be distributed, any free samples of tobacco products, as defined herein.

I. Out-of-Package Sales:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco

product, as defined herein, for retail sale. No person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

2. A retailer of Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, and must provide the Bourne Board of Health with a written plan for disposal of said product, including disposal plans for any breakage, spillage or expiration of the product.
3. All retailers must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S. C. §§1471 through 1476 and 16 CFR §1700 et. Seq."

J. Self-Service Displays:

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

K. Vending Machines:

All vending machines containing tobacco products, as defined herein, are prohibited.

L. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

M. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Bourne shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

N. Incorporation of Attorney General Regulation 940 CMR 21.00:

The sale or distribution to tobacco products, as defined herein, must comply with those provisions found at 940 CMR 21.00 ("Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts").

O. Smoking and E-Cigarette Usage:

Smoking is hereby prohibited in Bourne in accordance with M.G.L. Ch. 270, §22 (commonly known as the "Smoke-Free Workplace Law"). The use of e-cigarettes is prohibited per M.G.L. Ch. 270, §22. All smoking shall also be prohibited at public bathing beaches licensed pursuant to Chapter VII of the State Sanitary Code and Town owned or operated playgrounds and recreational areas.

P. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent and/or his or her employee to ensure compliance with all sections of this regulation. The violator shall receive:

- a. In the case of a first violation, a fine of three hundred dollars (\$300.00).

- b. In the case of a second violation within eighteen (18) months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit may/shall be suspended for up to fourteen (14) consecutive business days.
- c. In the case of three or more violations within an eighteen (18) month period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit may/shall be suspended for up to sixty (60) consecutive business days.
- d. In the case of four violations or repeated, egregious violations of this regulation within an eighteen (18) month period, the Board of Health shall hold a hearing in accordance with §P.4 and may permanently revoke a Tobacco Product Sales Permit.
- e. In the case of repeated, egregious violations of this regulation within an eighteen (18) month period, the Board of Health shall hold a hearing in accordance with §P.4 and may require the installation of an age identification system

2. Refusal to cooperate with inspections pursuant to this regulation may/shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended may be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

4. The Bourne Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Bourne Board of Health may suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.

5. An individual who violates this regulation by smoking or using an e-cigarette in an area prohibited by this regulation shall be subject to a civil penalty of one hundred dollars (\$100.00) for each violation.

Q. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

R. Separate Violations:

Each day any violation exists shall be deemed to be a separate offense.

S. Enforcement:

Enforcement of this regulation shall be by the Bourne Board of Health or its designated agent(s). Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Bourne Board of Health or its designated agent(s) and the Board shall investigate.

T. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

U. Effective Date:

This revised regulation shall take effect when published in a newspaper of general circulation as adopted at the public meeting on July 13, 2016.

-The Bourne Board of Health

Kathleen Peterson

Kathleen Peterson
Chairman

Stanley Andrews

Stanley Andrews
Vice-Chairman

Donald Uitti

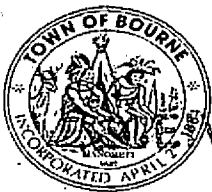
Donald Uitti
Secretary

Galon Barlow Jr.

Galon Barlow Jr.
Member

Kelly Mastria

Kelly Mastria
Member



VED

2016 JUL 22 AM 10:49

Terri A. Guarino

Health Agent

TOWN CLERK BOURNE

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

July 27, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

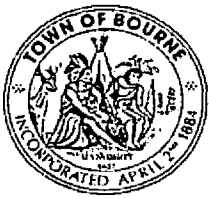
AGENDA ITEMS:

1. 51 ACADEMY DR – Jaimie Butler –Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation – Failure to comply with an official BOH order dated July 14, 2016 – The Board of Health will discuss and possibly vote on a finding that the dwelling or a portion thereof is unfit for human habitation.
2. 4 CENTRAL BLVD—CONTINUED from July 13, 2016 - David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from potable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study.
3. APPROVE THE MINUTES – From July 13, 2016
4. APPROVE THE MINUTES –CONTINUED FROM JUNE 22, 2016 - April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016 –
5. APPROVE THE MINUTES – From the meeting dated June 22, 2016

Signed:
Title:
Date

Lisa A. Gallett
Secretary
July 21, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



MINUTES
July 27, 2016

Members in attendance: Stanley Andrews, Chairperson; Donald Uitti, Secretary and Galon Barlow

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

RECEIVED
2016 OCT 27 PM 2:46
TOWN CLERK BOURNE

MEETING WAS CALLED TO ORDER AT 7:01pm

1. **51 ACADEMY DR – Jamie Butler – Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human habitation – Failure to comply with an official BOH order dated July 14, 2016 – The Board of Health will discuss and possible vote on a finding that the dwelling or a portion thereof is unfit for human habitation.** Ms. Guarino stated that she received a complaint on July 13, 2016. Due to the nature of the conditions it was pretty much immediate follow-up and went out that day. She and Ms. Butler conducted an inspection of the dwelling. There are 2 units in the dwelling. One is occupied. The one this is occupied at that time had several violations which are in the order dated July 14, 2016. Ms. Guarino stated that Ms. Butler conducted another inspection on July 21, 2016 and found that a lot of the violations were still existing. Most recently, this afternoon she and Ms. Butler did another inspection and some items deemed to be repaired have been corrected. Ms. Guarino stated she can go over what is outstanding, she understands there is a lot. Mr. Andrews stated so chronologically the call came in July 13, 2016. There is a correction order submitted. A letter went out on the 14th of July and then another inspection was conducted on July 20 along with another letter that went out on July 21, 2016. Ms. Guarino stated that was correct. Mr. Andrews asked that Ms. Butler go over the violations found on July 13, 2016. Ms. Butler stated that the first violations were the plumbing connections. The Kitchen sink was inoperable at the time of inspection. This violation has been fixed now. The toilet was inoperable at the time of inspection. As of right now the toilet was replaced however if you go into the basement of the dwelling there is hole in which you can see the toilet through the basement. The toilet does flush now and is secure to the floor. The bathroom sink is still not working. The second section of the two means of egress, the occupants have mentioned that they are willing to fix the missing dead bolt. Right

now it is incapable of being locked and secured. The back egress does not have a railing. The stairs are unsafe which still need to be fixed. The frame to the back door is rotted on the bottom. It needs to be maintained so that it is weather tight. Information of the property owner needs to be posted in the dwelling. The light fixtures need to be in good working order. The kitchen is missing a light bulb and the bathroom has a light bulb that is dangling from the ceiling with exposed wires. This needs to be corrected. Structural elements such as the floors and ceilings of the bathroom have chronic dampness and need to be repaired. The walls and ceiling in the kitchen area near the refrigerator need to be repaired. The roof needs repairing. Ms. Butler stated the second unoccupied unit, which she took pictures of and sent, has unsafe stairs and holes in the door. Mr. Andrews stated that was the inspection on the 13th and then Ms. Butler went back out on the 20th. Mr. Andrews asked what was repaired on the list particularly the 3 items that are on the report that had to be repaired within 24 hours, were they repaired on the 20th. Ms. Butler stated no. The bathroom sink is still not repaired and toilet has been replaced but there is still a hole through the floor. Ms. Guarino stated that additionally to the hole, the toilet is still leaking. Mr. Andrews asked what had been completed as of the 20th. Ms. Butler stated that the kitchen sink was fixed and the toilet is now secured to the floor. Mr. Barlow asked if they could tell if the water was leaking where the water goes in or where it flushes out. Ms. Guarino stated that it was a very slow leak. It was hard to tell. There was more than one. Some of it looked like condensation on the pipes so it could have been both. It was definitely leaking on the way out, around the seal. The flooring is pretty damaged. It looks like the leak has been going on for a while. Mr. Andrews asked, as of today, how many of the immediate items have been addressed and how many of the other items have been completed to complete satisfaction. Ms. Butler stated it hasn't changed since the 20th. Mr. Benway was present for this meeting. Mr. Benway stated that he would like to give the board a little history and some context to maybe help. Mr. Benway stated that he has owned this cottage which is a very old cottage at about 67 years old. He has owned it for a long time. The house is very old and he agrees with the Health Agents findings that it needs a lot of work. Mr. Benway stated that he is aware of it. Mr. Benway stated that he works about 200 miles north and only comes here once or twice a week to visit his family. Mr. Benway stated that he knows the house needs a ton of work, the plumbing is junk and the electric is junk. There is no debate what so ever. Mr. Benway stated that he put an ad out for a tradesman to live in the house and help out with these issues. He also offered to pay that person and pay for parts. Mr. Benway stated that he gave a young family, Mr. Webb and his girlfriend this opportunity. Mr. Benway stated that Mr. Webb advertised he was in the trades and very capable along with his girlfriend's father was a tradesman on the Cape for years. The father was the one who made a few of the repairs. Mr. Benway stated that he had an electrician go into the house at one point when Mr. Webb tried to change a light bulb and shorted the whole fixture and tripped the circuit. Mr. Benway stated that it has been difficult where he is 200 miles away. Mr. Benway stated that he subsequently had two tradesmen try to work at the house but could not gain access. The workers could see people in the house but no one would answer the door. Part of it is

communication being 200 miles away and part of it is Mr. Webb's girlfriend phone is very inoperable so you can't have a conversation. The bigger picture is the house is a mess and it needs a lot of work. Unfortunately this relationship with Mr. Webb did not work out. Mr. Benway stated that he has talked with Mr. Webb about this already. He also talked with the girlfriend's Dad who came and did a walk through then stated he does not have the time or the ability to do what the house needs. Mr. Benway told him that he understood but that Mr. Webb advertised and told him they would all be working on this house. The father told Mr. Benway that they did in fact talk about it but in looking at the house, he felt he could not tackle it, it's just too much. The father told Mr. Benway that he would get his daughter out of the house and find her another place to live. Mr. Webb also agreed to move out and find another place to live. Mr. Benway stated that this is where they are at right now. In order to do the repair, and he agrees with the agents findings, in order to do the plumbing system, to put new floors in, to put ceiling in, to put a new roof in, to fix electrical circuits, the house needs to be repaired, what he calls ripped and rehabbed. Mr. Benway stated that he pulled a permit many months ago with the building department to fix the back apartment and get that at least in good shape which that has not had anyone living there within the last 6 to 8 months. The apartment has been gutted and it needs work. The rest of the house is not a whole lot different. Mr. Benway stated that his plan is to renovate the house with his permit from the building department and the architectural plans that are on file with the Building department. Unfortunately the mistake he made was giving Mr. Webb an opportunity and thinking he could handle it and he couldn't handle it. Its put Mr. Webb in a bad spot and himself in a bad spot and a waste of the Board's lovely evening in the middle of the summer tonight as well. Mr. Benway apologized. Mr. Benway stated that he also agrees with the agent's recommendation of condemnation. Mr. Benway stated that he is embarrassed at the condition of the house and does want to do something about it. At the moment he works a long way away and will try to get capable tradesmen in there as soon as he can. However, with someone living there, there is no way he can rip out plumbing. The whole house needs to be replaced. Walls, sheet rock, insulation, all the electrical, all the plumbing since the house is 67 years old. Ms. Guarino stated that she would like to clarify a statement. Ms. Guarino stated that she is not recommending that the house be condemned. It was just discussed and possible vote on that. In fact, today's inspection revealed that the dwelling is habitable with immediate repairs. The things that were pull as a risk, conditions deemed to impair have been corrected. But there are other repairs that need to be done as soon as possible. So it is technically fit for human habitation and she is not making a recommendation that it be condemned. Ms. Guarino stated that she is actually kind of doing just the opposite. It is habitable but it needs some work immediately and some work in a few day etc. She just wanted to clarify that. Mr. Andrews stated that if these items had been addressed in a timely manner as they were asked to be done we would not have all the same issues that we have right now. Ms. Guarino stated that was correct. Mr. Uitti asked if anyone is living there right now. Mr. Benway stated that in the front half of the house there is someone living there, Mr. Webb and his girlfriend. Mr. Uitti

stated that Mr. Benway should get rid of them so he can work on the house. Mr. Benway stated that is what he is trying to do. They promised him that they were going to leave. The initial relationship was they were a tradesman and he was going to help him rebuild. When that became evident that it wasn't capable of happening, he asked that they leave. Now it has been brought here before the Board of Health. Mr. Barlow stated that he drove by and it appears that there is a family living there. Mr. Benway stated that was correct. Mr. Barlow stated that it looks as though there are children living there. Mr. Benway stated that is one child. Mr. Barlow stated that the board doesn't really care if there is a whole house or not. There are a few issues here that need to be addressed so that this family can live there. In the middle of the summer the board will not put anyone out in the street. In the middle of the winter either. What the board really wants is these repairs done because that is what the Health Agent has ordered to be done. Mr. Andrews stated that since the first inspection a few things have been addressed but now it's been another week and nothing else was done. Mr. Andrews stated that Mr. Benway has been given an order to correct within 24 hours. Mr. Benway stated that in that week he has had contractors there twice who have been unable to access the building so he has made an attempt. He actually has made 3 attempts. Mr. Andrews asked if he notified the office of that. Mr. Benway stated he told Ms. Butler on the phone. Mr. Barlow stated that this board has been through this situation many times and what Mr. Benway has to do is make an arrangement with the tenant for a time certain so the tradesmen can get into the house. Then notify the agent of the time certain so that the office knows when the house is being worked on and maybe they might swing by or even maybe a board member. The board understands it's really hard to coordinate to get things done but these repairs really need to be done. Mr. Benway stated that replacing a floor or a ceiling or a wiring system or a drain system, how that can be done while it's habited. Mr. Andrews stated that a bathroom, to replace the floor, is one day they come in, remove what is there and rebuild the floor and set the toilet down. It is not a week long project. Mr. Barlow stated that the board is not going to make the repairs. Mr. Benway needs to get someone in there to look at it, access the situation and give a time frame to get the work done. Mr. Barlow stated that if it starts to look like they are getting blown off, they start fining and it can get pretty nasty. Mr. Andrews stated that if he does not see progress in this he would be inclined to go back to the 14th which is when Mr. Benway was supposed to have the repairs done. Mr. Webb, the tenant was present for this hearing. Mr. Andrews asked Mr. Webb why the contractors were not allowed access. Mr. Webb stated that every time that arrangements were made he would make sure his girlfriend Amanda was there. Mr. Webb stated that Mr. Benway has yet to call him. If Mr. Benway would pick up the phone and call him he could have made sure someone was there. Mr. Webb stated that he stayed home a couple of days. Mr. Webb stated that his girlfriend Amanda has been home every time the town has shown up. Mr. Webb stated that Mr. Benway did discuss with him about moving out. Mr. Webb stated that Mr. Benway told him he knew of someone that may have a place for him to move right into. If that is the case, then Mr. Webb is willing to move out. Mr. Andrews stated that the owner has the right to do repairs at the property. Mr. Andrews stated he would like phone

numbers for Mr. Webb, his girlfriend and the owner for the record. These numbers are to be given to the staff in the office. Mr. Andrews stated that if access is not given after 24 hours' notice the board can fine the tenant as well. Ms. Guarino stated that the rate of the fine is \$300.00 per day. Mr. Andrews asked Ms. Guarino what would be a time frame for the owner to complete repairs. Ms. Guarino stated that she would like the time frame discussed right now or something in writing submitted to the office tomorrow. Mr. Benway stated that he can have people at the property tomorrow to start repairs. He has had people in the past but they have been denied access into the dwelling. Mr. Webb stated that the tradesman should go to the back door. Mr. Andrews stated that if possible have the tradesman try to contact the office if they are denied access tomorrow. Mr. Andrews stated he does not want to see it issue before the board again in 2 weeks for the next meeting. Mr. Barlow stated that this should be continued to the next meeting for review but may not need to be on the agenda. **Mr. Barlow made a motion to CONTINUE this item until the next meeting for further discussion if repairs have not been completed. Mr. Uitti seconded the motion. It was unanimous.**

2. **4 CENTRAL BLVD – CONTINUED from July 13, 2016 – David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the state environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from portable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study. Ms. Guarino stated that nothing new has been submitted for this address. The engineer called and stated he was not prepared for this meeting. Mr. Barlow made a motion to CONTINUE this to the next meeting. Mr. Uitti seconded the motion. It was unanimous.**
3. **APPROVE THE MINUTES – From July 13, 2016 – These minutes have not been completed. This will be CONTINUED to the next meeting.**
4. **APPROVE THE MINUTES – CONTINUED from June 22, 2016, April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016. – These minutes have not been completed. This will CONTINUE to the next meeting.**
5. **APPROVE THE MINUTES – From the meeting dated June 22, 2016 – Mr. Uitti made a motion to approve the minutes dated June 22, 2016. Mr. Barlow seconded the motion. It was unanimous.**

Mr. Uitti made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 7:29 PM.

Taped and typed by Lisa Collett, Secretary

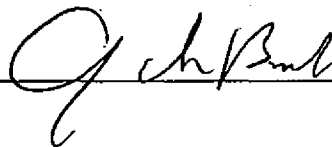
BOH minutes July 27, 2016

Kathleen Peterson



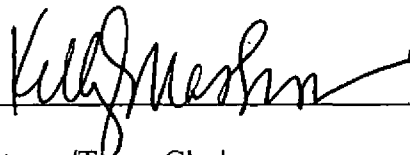
Stanley Andrews

Galon Barlow

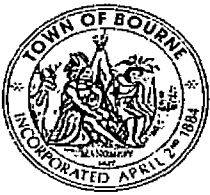


Don Uitti

Kelly Mastria -



cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

August 17, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

TOWN CLERK BOURNE

2016 AUG 12 AM 11:26

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AGENDA ITEMS:

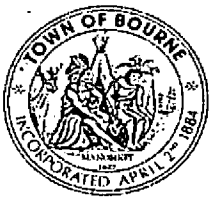
1. **LANDFILL UPDATE**-- Dan Barrett, General Manager, Department of Integrated Solid Waste Management (ISWM)—Discussion of recent events at C&D Transfer Station.
2. **51 ACADEMY DR – CONTINUED** from July 27, 2016 - Jaimie Butler –Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation – Failure to comply with an official BOH order dated July 14, 2016 – The Board of Health will discuss and possibly vote on a finding that the dwelling or a portion thereof is unfit for human habitation.
3. **PROPOSED PLASTIC BAG BAN**--- Heather DiPaolo, Recycling Committee—Informational discussion on proposed plastic bag ban by-law.
4. **49 MONUMENT NECK RD** – Barbara Frappier of Warwick and Associates for Victor and Michelle Pozza – Request a 41.5 foot variance from the 150 foot setback to a wetland resource area for new construction of a single-family dwelling.
5. **12 BRYANT ROAD**- Zachary Basinski of Bracken Engineering for William and Anne Burchill – Request variance from Town of Bourne Board of Health Regulations for proposed construction of a new sewage disposal system with an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to the adjacent salt marsh from 150' to 87' (a 63' variance).
6. **83 ELGIN ROAD**- Zachary Basinski of Bracken Engineering for Andrew and Kelly Laurence – Request for waiver from the Town of Bourne Board of Health Regulations to continue to use existing sewage disposal system for proposed addition and renovations. Existing system is 81 feet from Coastal Bank and 137 feet from Red Brook Harbor mean high water.
7. **150 RED BROOK HARBOR ROAD LOT 2**– Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 111' (a 39' variance), and a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 122' (a 28' variance).
8. **150 RED BROOK HARBOR ROAD LOT 1**– Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 0' (a 150' variance), a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 7' (a 143' variance), a reduction in setback distance for the proposed soil absorption system reserve area to a salt marsh from 150' to 100' (a 50' variance, and a reduction in setback distance for the proposed primary soil absorption system area to a salt marsh from 150' to 118' (a 32' variance).
9. **4 CENTRAL BLVD—CONTINUED** from July 27, 2016 - David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from potable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study.
10. **68 MONUMENT AVENUE**—Michael Steller, Owner—Discussion and possible vote to rescind fines for I/A septic system noncompliance—CONTINUED from July 27, 2016

11. TOBACCO REGULATION—Discuss and possibly vote to amend existing Board of Health Tobacco Regulations pursuant to MGL c.111 s. 131. Clarify definition of Retail Tobacco Store on page 6, correct penalty on page 10 (5), and possibly eliminate page 8 section F which prohibits the sale of flavored tobacco products.
12. 41 CEDAR POINT DRIVE—Abandoned property in violation of the State Sanitary Code and MGL c.111 s.122. Discuss and possible vote on noncompliance and failure to correct violations and failure to pay fines.
13. Discuss and set date for I/A Septic System Training for Board of Health Members
14. APPROVE THE MINUTES – From July 13, 2016 – CONTINUED from July 27, 2016
15. APPROVE THE MINUTES — April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016 – CONTINUED from July 27, 2016
16. APPROVE THE MINUTES – From the meeting dated July 27, 2016

Signed:
Title:
Date

T. Guarino
Health Agent
August 12, 2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MINUTES August 17, 2016

Members in attendance: Kathleen Peterson, Chairman; Donald Uitti, Secretary
Kelly Mastria, and Galon Barlow

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

PUBLIC MEETING WAS CALLED TO ORDER AT 6:59 pm

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2016 OCT 27 PM 2:46
TOWN CLERK BOURNE

- 1. LANDFILL UPDATE-- Dan Barrett, General Manager, Department of Integrated Solid Waste Management (ISWM)—Discussion of recent events at C&D Transfer Station.** Dan Barrett was present for this meeting. Ms. Peterson stated that there have been some recent events at the landfill. Ms. Peterson thanked Fire Chief Sylvester for his guidance the week prior. Mr. Barrett stated that there was a fire at the ISWM construction and demolition building last Wednesday night. The fire was larger than the previous fire in 2014. Excessive smoke made it difficult for firefighters to identify the exact location of the fire. The outside sheeting had to be removed to allow enough air through the building so that the Bourne Fire Department could finish extinguishing the blaze. ISWM was able to get equipment into the building at roughly 3am Thursday. Under Fire Chief Sylvester's direction material was removed allowing more room to surround and douse the fire. The material was removed to the landfill where it was further wetted and eventually bottom ash to separate the material in order to eliminate the potential for the material to reignite. Mr. Barrett personally thanked Chief Sylvester and the Bourne Firefighters as well as the Firefighters from Sandwich, Onset, Middleboro, Falmouth, Mashpee, Wareham, Joint Base Cape Cod, and the American Red Cross for all of their support in controlling this fire. Mr. Barrett continued stating that moving forward, Mr. Guarino has requested a meeting be set up that includes himself, Fire Chief Sylvester, and the ISWM staff to discuss what has been learned from the aspect of prevention and adding standard daily procedures and operational adjustments that will reduce the likelihood of another event. Mr. Barrett stated that there has also been outreach to other facilities operators which have had similar issues to see what they have learned. Mr. Barrett stated that they will also be looking at better ways to reconstruct the building to make it easier to work a fire. The ISWM is currently working with an insurance adjuster to move the re-opening process ahead in the safest and most effective route. Contractors are developing estimates to get the building back online. Chief Sylvester stated that it took 17 hours to control the fire, from start to finish and

that it was with the help of ISWM pulling the material out. Chief Sylvester stated that it takes a long time to manage a situation like this one especially with the humidity and the heat burning through resources. Chief Sylvester stated that resources and personnel was the biggest issue that faced the Bourne Fire Department that night. Chief Sylvester stated that this fire was handled more differently than the last time. Differences were: burned through a lot of resistor, didn't call in additional breakers to have tanker task force, and rotated staff by having crews in and out. Chief Sylvester stated that the hover craft was called to come in from Middleboro because the smoke was not moving that night. Chief Sylvester stated that his ultimate goal is to look at the operation and re-evaluate to come up with a better system that hopefully prevents a fire from starting and also in the case that a fire occurs, to handle it better. Mr. Barlow stated that he is glad no one got hurt. **No action was taken at this time.**

2. **51 ACADEMY DR – CONTINUED from July 27, 2016 - Jamie Butler –Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation – Failure to comply with an official BOH order dated July 14, 2016 – The Board of Health will discuss and possibly vote on a finding that the dwelling or a portion thereof is unfit for human habitation.** Amanda Rancourt and Nicholas Webber were present for this meeting. Mr. Benway was not in attendance. Ms. Butler stated that bathroom sink was recently fixed. Ms. Butler continued stating that at the time of inspection there was water all over the bathroom floor. Ms. Butler also added that the plumbing inspector went to the property. Ms. Butler provided the Board with a letter from the plumbing inspector summarizing his findings. The findings are that the toilet, bathroom floor, and possibly the flange need to be replaced. Ms. Guarino stated that this is the third toilet and that the toilet was supposed to be replaced within thirty days of the first order to correct. The toilet and the bathroom are in worse condition due to the water damage. **Ms. Peterson made a motion to fine the owner of 51 Academy Drive, Mr. George A. Benway III, a fine of \$300.00 daily for violations of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation with fines initializing on July 15, 2016 to the current date. Mr. Uitti seconded this motion. The vote was unanimous.**
3. **PROPOSED PLASTIC BAG BAN--- Heather DiPaolo, Recycling Committee—**Informational discussion on proposed plastic bag ban by-law. Heather DiPaolo, Rosanne Bottaro, Betty Steudel, Katherine Kiritsis, and Amy Sharp were present for this meeting. Ms. DiPaolo stated the recycling committee has been working with ISWM on the plastic bag ban bylaw. The recycling committee feels that it is an environmental concern for a town that it is surrounded by water. Ms. DiPaolo stated that up to 5 times a day plastic bags are what stop the machines on the trucks and at the landfill. Many plastic bags are stuck in trees. Ms. DiPaolo stated that the towns that have passed the plastic bag ban so far are: Nantucket (since 1990), Provincetown, Falmouth, Harwich, Wellfleet, Barnstable, Truro, and 6 towns on Martha's Vineyard. Also the towns of Plymouth, Mashpee, Sandwich, and Yarmouth are considering implementing the plastic bag ban bylaw. Ms. Peterson stated that someone needs to regulate this, and that the Board of Health does not have the staff to regulate it. Ms. DiPaolo stated that this will be regulated on a complaint basis, and that a letter will have to be generated. Ms. DiPaolo stated that the first offense is a warning, second

offense is a \$50.00 fine. Ms. DiPaolo stated that stores are on board with this and are not resisting. Ms. Peterson stated that a plastic bag is a plastic bag and that all plastic bags such as dry cleaner bags should also be included. Mr. Barlow stated the BOH cannot discriminate. Ms. Mastria stated that if you are going to ban one type of plastic bag you might as well ban them all. Ms. Peterson stated that the fines need to be consistent with the Mass General Laws. Ms. Guarino noted that the City of Cambridge ordinance has exemptions listed in their plastic bag ban ordinance. Ms. Guarino read the exemption verbatim, *the commissioner may exempt a retail establishment from the requirements of this chapter for a period of two years upon finding by the commissioner that the requirements of this chapter would cause undue hardship to a retail establishment. Any exemption granted by the commissioner pursuant to this section shall expire after two years.* A retail establishment may reapply when the exemption expires. Ms. Guarino feels as if implementing these exemptions would be a good idea for the small business. Mr. Barlow stated that many business use many different types of plastic bags. Mr. Barlow stated that targeting that one type of plastic bag as a nuisance would be beneficial. Paula Cody was present for this meeting. She stated that she works in a liquor store in town and that they utilize plastic bags. Paula Cody stated that sometimes there is a bag tax on bags except for low income people. Ms. Cody read that it is a myth that plastic bags jam stream line recycling machines, and that they are actually 100% recyclable. New Yorkers are encouraged to return all of their plastic bags to a recycling program. Ms. Peterson stated that this is a great start so far, but she feels that if you are going to ban one type of plastic bag, then you should ban them all. Mr. Barrett stated that the plastic bags do jam the machines. **Ms. Peterson thanked the recycling committee for attending the meeting. No action was taken at this time.**

4. **49 MONUMENT NECK RD – Barbara Frappier of Warwick and Associates for Victor and Michelle Pozza – Request a 41.5 foot variance from the 150 foot setback to a wetland resource area for new construction of a single-family dwelling.** Ms. Frappier and Jack Landers Cauley were present for this meeting. Ms. Frappier stated that this project came before the BOH many years ago and was approved by the BOH and conservation, however, it never went forward. Ms. Frappier stated that the wetland resource area is an isolated wetland across the street. Ms. Frappier stated that the variance is for the distance from the leach field to the isolated wetland resource area across the street. Ms. Frappier also stated that on the Nitrogen Loading Calculation Sheet it reads “8.4ppm” and that a question was posed to her as to why this property did not require a de-nitrification system. Ms. Frappier stated that she made an error on the nitrogen loading calculation sheet and the true number should be “10.2ppm”. There will be a deed restriction filed with the Registry of Deeds for a two bedroom dwelling. At the time, a hydrogeological study was completed and demonstrated that there was no water flow from this property towards the pond. The hydrogeological study was completed in 1989. Ms. Guarino has not reviewed the hydrogeological study. Ms. Peterson asked Ms. Frappier if the 10.2 nitrogen loading calculation could be improved. Ms. Frappier stated that it cannot be improved unless vegetation is removed. Ms. Peterson asked Ms. Guarino if she would still like to see an alternative technology installed here. Ms. Guarino feels as if a nitrogen loading calculation sheet should have been submitted demonstrating the loading calculation with the use of an I/A system. Ms. Guarino stated that if the

nitrogen loading calculation was improved with the use of an I/A system than an I/A system would be favorable. Ms. Peterson asked Ms. Frappier why an I/A system was not proposed. Ms. Frappier responded that it was not proposed due to financial reasons as it is only a two-bedroom dwelling. Ms. Guarino does like that a hydrogeological study was conducted. Mr. Barlow stated that houses in that area are subject to flooding. Jack Landers-Cauley stated that the fact there was a hydrogeological study completed is a significant difference. **Mr. Barlow made a motion to approve the request for a 41.5 foot variance from the 150 foot setback to a wetland resource area for new construction of a single-family dwelling located at 49 Monument Neck Road. This variance approval is contingent upon a two bedroom deed restriction. Mr. Uitti seconded the motion. The vote was unanimous.**

5. **12 BRYANT ROAD- Zachary Basinski of Bracken Engineering for William and Anne Burchill – Request variance from Town of Bourne Board of Health Regulations for proposed construction of a new sewage disposal system with an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to the adjacent salt marsh from 150' to 87' (a 63' variance).** Mr. Basinski of Bracken Engineering for William and Anne Burchill was present for this meeting. There is a memo from conservation stating that the salt marsh has been accurately delineated as shown on the plan. This system will include a MicroFAST de-nitrification unit and a BioDiffuser soil absorption field with pressure distribution. Mr. Basinski is requesting a 63' variance for the distance from the soil absorption system to the salt marsh. Ms. Peterson stated that the owner is responsible for having an O&M contract for the life of the system and complying with the local regulations. **Ms. Peterson made a motion to approve the request for variance from the Town of Bourne Board of Health Regulations for proposed construction of a new sewage disposal system at 12 Bryant Road with an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to the adjacent salt marsh from 150' to 87' (a 63' variance).** Mr. Uitti seconded the motion. The vote was unanimous.
6. **83 ELGIN ROAD- Zachary Basinski of Bracken Engineering for Andrew and Kelly Laurence – Request for waiver from the Town of Bourne Board of Health Regulations to continue to use existing sewage disposal system for proposed addition and renovations. Existing system is 81 feet from Coastal Bank and 137 feet from Red Brook Harbor mean high water.** Mr. Basinski of Bracken Engineering for Andrew and Kelly Laurence was present for this meeting. Walter Sullivan, the contractor, was also present for this meeting. Mr. Basinski stated that the existing 4 bedroom house was built in 1980. Mr. Basinski stated the leaching pit at this property was last inspected in 2012 and passed the inspection. Proposed floor plans have been submitted. The renovations to this property include: adding a small addition onto the front of the house, doing internal room renovations, adding dormers onto the roof and reconfiguring the second floor layout. The existing bedroom above the garage is being converted into a game room and the existing sitting room into a bedroom. The dwelling will remain a four bedroom house. The Nitrogen Loading

will remain the same at 9.1 ppm. Mr. Basinski is requesting a 69' waiver from the existing soil absorption system to a non-water dependent coastal bank and a 13' waiver from the existing soil absorption system to the high water mark of Red Brook Harbor. This has been reviewed by the Conservation Commission. Ms. Peterson read Ms. Guarino's notes stating that a site inspection was conducted and that the proposed renovation does not change habitable space. **Ms. Mastria made a motion to approve the request for a waiver from the Town of Bourne Board of Health Regulations to continue to use existing sewage disposal system for proposed addition and renovations. Existing system is 81 feet from Coastal Bank and 137 feet from Red Brook Harbor mean high water. This approval is based on the architecturals received on August 10, 2016 and the plan dated July 19, 2016. Mr. Uitti seconded the motion. The vote was unanimous.**

- 7. 150 RED BROOK HARBOR ROAD LOT 2– Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 111' (a 39' variance), and a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 122' (a 28' variance). Mr. Basinski of Bracken Engineering for Deborah Juckett was present for this meeting. Mr. Basinski stated that Ms. Juckett is the potential buyer of this property. Ms. Peterson stated that a variance cannot be granted to someone who does not own the property. Ms. Peterson would like to see proof in the form of a notarized letter that the owner on record has given Mr. Basinski permission to represent the trust. Ms. Guarino stated that this septic system is designed for a five bedroom system and that under the Board of Health bedroom definition, the dwelling has seven bedrooms. The bonus room and the unfinished storage area would need a cased openings. **Ms. Peterson made a motion to continue this waiver request to the next Board of Health meeting. Mr. Uitti seconded this motion. The vote was unanimous.****
- 8. 150 RED BROOK HARBOR ROAD LOT 1– Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 0' (a 150' variance), a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 7' (a 143' variance), a reduction in setback distance for the proposed soil absorption system reserve area to a salt marsh from 150' to 100' (a 50' variance, and a reduction in setback distance for the proposed primary soil absorption system area to a salt marsh from 150' to 118' (a 32' variance). Ms. Peterson made a motion to continue this waiver request to the next Board of Health meeting. Mr. Uitti seconded this motion. The vote was unanimous.**

9. **4 CENTRAL BLVD—CONTINUED from July 27, 2016 - David MacLean for Jeffrey and Pamela Siefried – Request variances from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from potable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study.** Ms. Peterson recused herself for this discussion. David MacLean Architect for Jeffrey and Pamela Siefried was present for this meeting. Mr. MacLean stated this was continued from the last meeting where he was asked to make modifications. BSS Design made the modifications to the septic plan. Ms. Guarnio stated that installing the I/A technology at this property is consistent with the rest of the neighborhood and meets the requirements for new construction. Ms. Guarino stated that in the revised plans includes a MicroFast system as discussed at the last meeting of the Board. Ms. Mastria made a motion to approve the request for variances from Title 5 of the State Environmental Code for proposed new construction: 10 foot variance from street, 5 feet from abutting property line, 6 foot variance from abutting property line, 2 foot variance from SAS to foundation, 10 foot variance from potable water line (sleeved for 30'), 3 foot variance from pump chamber to foundation; a 68 foot variance from the 150 Foot Setback Regulation; and waivers to use the existing system and not conduct a hydrogeo study. This approval was based on the revised plan received August 9, 2016. Mr. Uitti seconded the motion. The vote was unanimous.

10. **68 MONUMENT AVENUE—Michael Steller, Owner—Discussion and possible vote to rescind fines for I/A septic system noncompliance—CONTINUED from July 27, 2016.** Michael Stellar was present for this meeting. Ms. Peterson stated she read the letter that Mr. Stellar submitted to the Board of Health. Ms. Peterson continued that she felt perturbed by this letter and his accusations that he was not informed. Ms. Peterson stated that he was informed and that this was not the Board of Health's fault. Ms. Guarino stated that Barnstable County Department of Health and Environment does the initial notification. Barnstable County notified Mr. Steller in June, which was followed by Ms. Guarino's letter and meeting with the Board of Health in July. Ms. Guarino feels that this fine could have been avoided if Mr. Steller was available for the Board of Health meeting. Ms. Guarino further states that the important part is that this system is now in compliance. Mr. Steller stated that he is a surgeon and works in Boston and was unavailable for the last Board of Health meeting. Mr. Steller stated that this is a new septic system and he apologized to the Board of Health for the tone of the letter. Ms. Peterson stated that due to emergency nature of Mr. Steller's business she would be okay with waiving the \$500.00 fine. Ms. Peterson made a motion to waive the \$500.00 issued to Mr. Steller of 68 Monument Avenue. Mr. Uitti seconded the motion. The vote was unanimous.

11. **TOBACCO REGULATION—Discuss and possibly vote to amend existing Board of Health Tobacco Regulations pursuant to MGL c.111 s. 131. Clarify definition of Retail Tobacco Store on page 6, correct penalty on page 10 (5), and**

possibly eliminate page 8 section F which prohibits the sale of flavored tobacco products. Ms. Peterson stated that she recently visited a store and was asked to clarify the tobacco regulation. Ms. Guarino stated that on page 6 the definition of a retail tobacco store should be a retail establishment that maintains a valid permit for the retail sale of tobacco products as required to be issued by the Board of Health annually. There was a typo on page 10, where there was a fine listed as \$100 that should have been \$300. On page 8, the prohibition of the sale of flavored tobacco products, Ms. Guarino proposes allowing the sale of flavored tobacco products since blunt wraps were prohibited. Ms. Cody of Seaside Wine and Spirits, brought products in to show the Board of Health. Ms. Cody feels as if menthol cigarettes are a flavored tobacco product and this is confusing. Also that flavored E-Ciggs are commonly purchased by people wanting to quit smoking. **Pursuant to MGL c.111 s. 131, Mr. Barlow made a motion to amend the existing Board of Health Tobacco regulation to clarify the definition of Retail Tobacco Store on page 6, correct penalty on page 10 (5), and possibly eliminate page 8 section F which prohibits the sale of flavored tobacco products. Mr. Uitti seconded the motion. The vote was unanimous.**

- 12. 41 CEDAR POINT DRIVE—Abandoned property in violation of the State Sanitary Code and MGL c.111 s.122. Discuss and possible vote on noncompliance and failure to correct violations and failure to pay fines.** No one was present for this hearing. Ms. Butler stated that that property has been in non-compliance with the Board of Health for about one year. Ms. Butler continued stating that the non-compliance initiated on June 30, 2015. A leak occurred within this dwelling that caused the owners to move all of their belongings from the inside of their house to the outside. There are major appliances, couches, mattresses, and many scattered debris locate on the exterior of this dwelling. Additionally, the septic system is caved in and there is a wooden pallet on top of this caved in septic that reads "hole". This caved in septic is a safety hazard. Ms. Butler stated that the brush in the exterior of the property is extremely overgrown. Ms. Butler stated that these conditions are prime conditions that will attract animals to the property. Ms. Guarino stated that a large portion of this property was cleaned in 2015. Ms. Peterson stated that the owner of this property died, and that there is a reverse mortgage on this property. It appears this property may go to foreclosure. Ms. Peterson asked what the town can do to clean up this property in the meantime. Mr. Barlow stated that he would like to conduct a site visit. Ms. Guarino stated that this property may be a good candidate for the Board of Survey to review. Ms. Peterson states that the Board of Survey is a good idea. Ms. Guarino stated that the Board of Survey will evaluate the structure. Ms. Guarino stated that tickets have been issued to the owner of this property. Ms. Guarino asked if this property needs a legal remedy. Ms. Peterson stated that she would look up the mortgage information. **Ms. Peterson made a motion to continue 41 Cedar Point Drive to the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.**

- 13. Discuss and set date for I/A Septic System Training for Board of Health Members.** Ms. Guarino mentioned that in order to vote on this matter, it needs to be advertised in the newspaper prior to the meeting date. Ms. Peterson stated that having the discussion prior to the voting date will be beneficial. Mr. Barlow stated

that after Labor Day is best for his schedule. Ms. Guarino feels this meeting should take 1.5 hours. There was general discussion on this matter and the date was set for September 14, 2016 at 5:00pm.

14. APPROVE THE MINUTES – From July 13, 2016 – CONTINUED from July 27, 2016. No action was taken at this time.

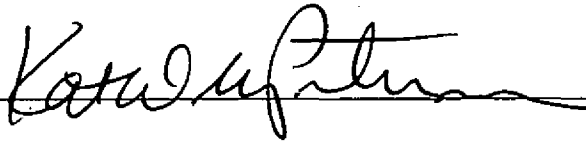
15. APPROVE THE MINUTES – April 13, 2016, April 27, 2016, May 11, 2016 and May 16, 2016 – CONTINUED from July 27, 2016. Ms. Peterson stated that on the minutes from April 13, 2016 there was a typo. This typo was corrected to read, “Wants to make it very clear”. Mr. Uitti made a motion to approve the minutes from April 13, 2016. Ms. Mastria seconded the motion. The vote was unanimous. Ms. Peterson made a motion to the minutes from April 27, 2016. Mr. Uitti seconded the motion. The vote was unanimous. Mr. Uitti made a motion to approve the minutes from May 11, 2016. Mr. Barlow seconded the motion. Ms. Mastria voted in favor, and Ms. Peterson abstained. No action was taken on the minutes from May 16, 2016.

16. APPROVE THE MINUTES – From the meeting dated July 27, 2016. No action was taken at this time.

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 9:08 PM.

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

Kathleen Peterson

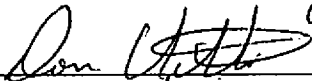


Stanley Andrews

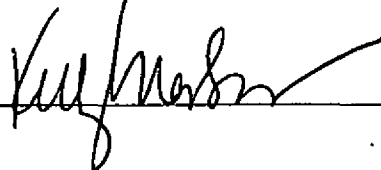
Galon Barlow



Don Uitti



Kelly Mastria –



cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

SPECIAL MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

August 31, 2016

Time:

5:00 P.M.

Place:

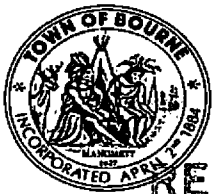
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 51 ACADEMY DR – CONTINUED from August 17, 2016 - Jaimie Butler – Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation – Failure to comply with the correction order dated July 14, 2016. The Board of Health will discuss and possibly vote on a finding that the dwelling or a portion thereof is unfit for human habitation, and also to discuss the outstanding fines issued pursuant to the Board of Health Fine Regulation.
2. Adjourn Meeting.

Signed: *T. Guarino*
Title: Health Agent
Date: August 29, 2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



RECEIVED

2016 AUG 31 PM 4:27
Terri A. Guarino
Health Agent

TOWN CLERK BOURNE

SPECIAL MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

August 31, 2016

Time:

5:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

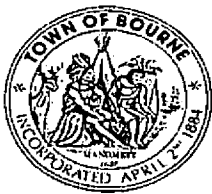
**THIS MEETING HAS BEEN CANCELLED
PER ORDER OF THE CHAIRPERSON,
KATHY PETERSON**

1. 51 ACADEMY DR – CONTINUED from August 17, 2016 - Jaimie Butler –Non-compliance of the State Sanitary Code, Chapter II-105 CMR 410.00: Minimum Standards of Fitness for Human Habitation – Failure to comply with the correction order dated July 14, 2016. The Board of Health will discuss and possibly vote on a finding that the dwelling or a portion thereof is unfit for human habitation, and also to discuss the outstanding fines issued pursuant to the Board of Health Fine Regulation.
2. Adjourn Meeting.

Signed:

Title: Health Agent
Date August 29, 2016

cc: Board of Selectmen/ Town Clerk



**TOWN OF BOURNE
BOARD OF HEALTH**
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

RECEIVED
2016 SEP -9 PM 12:12
TOWN CLERK BOURNE

Date:

September 14, 2016

Time:

5:00 P.M.

Place:

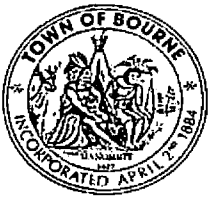
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 5:00pm I/A SEPTIC SYSTEM TRAINING FOR BOARD OF HEALTH MEMBERS – Terri Guarino – A workshop for members of the board, septic installers, general public – Approximately 2 hour workshop to inform of I/A septic system regulations and other pertinent informative material for innovative technology systems for discussion and future regulation changes –
2. TITLE TRANSFER REGULATION DISCUSSION FOR BOARD OF HEALTH MEMBERS—Terri Guarino—A workshop for members of the board, septic installers, general public—Discuss current local Title Transfer Regulation and existing requirement for proving a four foot vertical separation to groundwater. Discuss possible future changes to include a conditional pass for systems when structures are constructed above septic components or when subject to heavy loading. Clarify frequently asked questions including requirements for nonconforming and greywater systems.
3. 7:00pm- 51 ACADEMY DR – Attorney George J. MacKoul requests to have the fines issued against Mr. George Benway for violations of the State Sanitary Code 105 CMR 410.000 reduced and/or abated.
4. 150 RED BROOK HARBOR ROAD LOT 2– CONTINUED from August 17, 2016 - Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 111' (a 39' variance), and a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 122' (a 28' variance).
5. 150 RED BROOK HARBOR ROAD LOT 1– CONTINUED from August 17, 2016 - Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 0' (a 150' variance), a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 7' (a 143' variance), a reduction in setback distance for the proposed soil absorption system reserve area to a salt marsh from 150' to 100' (a 50' variance), and a reduction in setback distance for the proposed primary soil absorption system area to a salt marsh from 150' to 118' (a 32' variance).
6. 125 CLARK RD – Mark Flaherty of Flaherty & Stefani, Inc. for John and Patricia Duggan-- Request approval of a Facilities Aggregation Plan consistent with 310 CMR 15.216 for the construction of a two bedroom dwelling within an IWPA at 125 Clark Road. Discuss and vote to approve Nitrogen Credit Land off Phillips Road at map 4.4 parcel 132 owned by the Werthens and the Phillips Road Realty Trust.
7. APPROVE THE MINUTES – From July 13, 2016 – CONTINUED from August 17, 2016
8. APPROVE THE MINUTES – From the meeting dated July 27, 2016 – CONTINUED from August 17, 2016
9. APPROVE THE MINUTES – From the meeting dated August 17, 2016

Signed:
Title: Health Inspector
Date: September 8, 2016

cc: Board of Selectmen/ Town Clerk



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



MINUTES
September 14, 2016

Members in attendance: Stanley Andrews, Vice Chairman; Donald Uitti, Secretary,
Kelly Mastria, and Galon Barlow

Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health
Inspector

RECEIVED
2016 OCT 27 PM 3:46
TOWN CLERK BOURNE

PUBLIC MEETING WAS CALLED TO ORDER AT 5:07pm

- 1. 5:00pm I/A SEPTIC SYSTEM TRAINING FOR BOARD OF HEALTH MEMBERS – Terri Guarino –** A workshop for members of the board, septic installers, general public – Approximately 2 hour workshop to inform of I/A septic system regulations and other pertinent informative material for innovative technology systems for discussion and future regulation changes – Terri Guarino started the discussion referencing the Department of Environmental Protection document entitled “Inspection and Sampling in Title 5 I/A Single Family Home Remedial and General Use Treatment Systems with Design Flows Less than 2000 Gallons Per Day.” Ms. Guarino read verbatim that on page 3 the program has determined that quarterly inspection does not improve operation or reduce system failures. Ms. Guarino stated that as of 2006, on page 4 of this document, there is a table that outlines the requirements for inspection and sampling for single family homes remedial and general use systems. For general use systems the inspection schedule is once per year which is a field test. It is a visual field test that includes turbidity, pH, and dissolved oxygen. The laboratory test is only required if the system doesn’t pass the field test. The remedial systems are inspected twice per year. Mr. Uitti asked Ms. Guarino what turbidity is. Ms. Guarino responded that turbidity is wastewater clarity. Mr. Andrews asked if there is a chart that gives the wastewater operators a scale to base it on. Mr. Zach Basinski of Bracken Engineering stated that turbidity is measured on a chart which is a color scale. Mr. Andrews stated that that there are several features and functions such as a UV light or a bubbler. Mr. Andrews is concerned with failures of these systems. Mr. Andrews stated an alarm will go off if the system is in failure and the silence button will shut of the horn but it will not shut off the light. Because this light is flashing away in the neighborhood, they will call to have the system serviced. Mr. Barlow feels that everyone is system specific, and that he may want to reduce inspections on some but maybe not all of them. Mr. Barlow stated that he would like to go with the Health Agents recommendation. Ms.

Guarino stated that the alarm is supposed to be on the outside of the building and that it is supposed to be on a separate circuit from the house. Additionally, the pump and the alarm are also supposed to be on separate circuits. Ms. Guarino stated that she and the electrical inspector coordinate on this. Mr. Andrews stated that he has seen many systems that are not hooked up correctly. Ms. Guarino stated that if they are not set up correctly then they have to be fixed. Ms. Guarino stated the electrical inspector inspects the circuits involved with the system and that she will not issue a COC until the electrical inspector states that it is okay. Ms. Mastria stated that there are a lot of fail safes to installing these I/A systems and that the burden to get the system inspected so many times should not be placed on the homeowner. Mr. Barlow would like to see an avenue left open for system specific projects where there are concerns so that more inspections can be required. Ms. Guarino referenced an additional document published by the Department of Environmental Protection which was revised on March 20, 2015 entitled "Standard Conditions for Secondary Treatment Units Certified for General Use." Ms. Guarino stated that most of the systems that are approved have utilized a secondary treatment unit. Ms. Guarino stated that on page 7 of this document there is a list of the parameters that are tested during the field test such as: pH, turbidity, settleable solids, color, dissolved oxygen (D.O.), depth of ponding within SAS, thickness of floating grease/scum layer, and depth of sludge and distance to effluent tee/filter/outlet which are effluent limits. Ms. Guarino stated that the people performing these tests are wastewater operators and that depending on the type of system used there are more stringent requirements for the level of wastewater operator whom can perform the test. For instance if it's a MicroFAST for nitrogen removal in a nitrogen sensitive area you have to be licensed as a municipal level 4 wastewater operator whereas for a general use system you only have to be licensed as a level two wastewater operator. Ms. Mastria stated that on page 8 of this document under number 7 it states that systems installed under this approval shall be subject to the following performance requirements which are listed in a-c. Ms. Mastria asked Ms. Guarino why on page 7 under the thickness of floating grease/scum layer and also under the depth of sludge and distance to effluent tee/filter/outlet parameters it states that it should be monitored once every three years. Ms. Guarino stated that those parameters are specific to the septic tank which are not the components specific to the I/A system and that components specific to the I/A system are the aerobic components. DEP suggests septic tanks should be pumped every three years so that solids don't carry over to the treatment unit. Mr. Basinski stated that this is based on a 3 bedroom 4 person dwelling. Ms. Guarino stated that these are the minimum requirements. Mr. Basinski stated that under the approval there is only one system in the commonwealth that uses this and that is the MicroFAST system. Mr. Andrews stated that we have done some pilot systems in the Town of Bourne. Mr. Andrews asked Mr. Basinski if he goes out and conducts the inspection and monitoring of I/A systems. Mr. Basinski stated the only system he monitors is the Lobster Trap and that generally after he designs the systems it is up to the wastewater operators to monitor them. Mr. Basinski stated that he does not receive any test results from the wastewater operators. Mr. Andrews stated that he would like to get some test results from George over at Barnstable County and that he would like to hear some feedback from some of the wastewater operators in the area to see if there is a difference in

the Town of Bourne due to the salt in the air compared to the western part of the state. Mr. Andrews stated that you have difference failure mechanisms just because of the environment. If power is turned off the unit still flows. The nitrogen removal might be turned off but it still flows. Generators keep the blower on. Ms. Guarino stated that it makes a difference if the system is being installed for a seasonal dwelling or a year round dwelling. Mr. Andrews stated that when he first got on the board there was an issue with homeowners shutting off the blowers. You also never know when homeowners may decide to switch from seasonal usage to year round. Mr. Basinski stated that systems are designed to be year round systems. Homeowners should not be shutting these systems down. Ms. Guarino recommends that seasonal systems have a field test and effluent testing 45 days after the system start up and then 60 days thereafter. Mr. Basinski stated that it is a daunting task on the people who do the testing. Ms. Guarino stated that not everyone moves into their house at the same time. Ms. Guarino stated that the current policy that the BOH has states that for the first two years both seasonal and year round systems must have quarterly inspections and semi-annual influent and effluent samples. Ms. Guarino recommends that the current policy be modified and clarified. Ms. Guarino suggest to do semi-annual inspections and samples for the first two years of the seasonal and year round systems. After the first two years, it is once per year. Additionally, these sampling and inspection requirements excludes service visits that may be necessary for the startup and shut down of systems, alarm responses, or other maintenance visits specified by the service contractor and/or technology supplier. This inspection and maintenance policy for I/A systems is only applicable to systems that are installed in a non-nitrogen sensitive area. There are more stringent requirements for systems in a nitrogen sensitive area. Nitrogen sensitive areas are for example the well areas, or a Zone I or II. Ms. Mastria agrees with Ms. Guarino that the current Board of Health Policy on I/A septic systems needs to be clarified. Ms. Guarino stated different technologies most of the time have technology specific approvals. For technologies that have components that are at a greater risk the manufacturer has their own additional requirements. Ms. Mastria stated that there is a channel of approval that must be met. Mr. Andrews stated that DEP might require 2 inspection per year, however, the manufacturer may require more. The manufacturer may be stricter. Mr. Barlow stated that the board relies heavily on the Health Agent to know and understand all of the different technologies. The Board may not know the specifics of the system but the Health Agent and the Engineer do. What Ms. Guarino is recommending is the minimum requirements because the designer and the manufacturer will often require more but it is more stringent than what DEP requires. Ms. Guarino feels that revising the current Board of Health I/A septic policy will provide more clarity. Mr. Basinski mentioned that maybe it could be a requirement to put the I/A specification on the plan. Ms. Guarino stated that it is discretionary what constitutes a pass or fail because the test is visual. Ms. Guarino does not feel that wastewater operators will pass systems that are failing. Mr. Andrews disagreed and mentioned that they just want to continue their contracts. Ms. Guarino stated that if the system fails it will require more testing and sampling. Ms. Guarino stated that the license that the wastewater operators have in order to perform this test is very strict. Mr. Andrews mentioned the possibility of having the homeowners sample the system

themselves. Ms. Guarino stated the current policy does not require sampling after the first two years. If the Board of Health were to require sampling after the first two years, that would be more stringent than the current policy that is in place. Mr. Andrews stated that independent sampling would be the best way to ensure that the system is operating correctly. Mr. Barlow does not want to add burden to the office by requiring more sampling. Ms. Guarino does not agree with requiring sampling after two years. Ms. Mastria stated that she supports that. Mr. Barlow asked Mr. Basinski if he is comfortable with testing 2 times per year. Mr. Basinski stated yes for the system with the general use because it has already gone to the state and been approved. However, Mr. Basinski does not feel as if this should be the case for remedial/pilot systems. **No action was taken at this time. The Board of Health discussed placing on the agenda for the next Board of Health meeting for a discussion and possible vote.**

2. **TITLE TRANSFER REGULATION DISCUSSION FOR BOARD OF HEALTH MEMBERS—Terri Guarino—A workshop for members of the board, septic installers, general public—Discuss current local Title Transfer Regulation and existing requirement for proving a four foot vertical separation to groundwater. Discuss possible future changes to include a conditional pass for systems when structures are constructed above septic components or when subject to heavy loading. Clarify frequently asked questions including requirements for nonconforming and greywater systems.** Ms. Guarino stated that the BOH Local Title Transfer regulation requires a 4 foot separation to groundwater and that there is confusing language within the regulation. The regulation was adopted by the BOH in 1995 and is still current. The original regulation in 1995 states that any cesspool and/or leaching facility deemed to not have this four foot separation will be considered a failed system and an upgrade will be required. In 2004 the BOH revisited the Title Transfer Inspection Regulation which adds a policy in section 7 for grandfathering systems that were installed during or after 1978 as to the required 4 foot separation to groundwater. Mr. Andrews stated that both of these regulations are still in effect and they contradict one another. Ms. Guarino stated that she feels as if these regulations need to be clarified and that systems that were installed after 1995 that were witnessed by the BOH should be grandfathered. Prior to 1995, criteria for groundwater determination and approval of soil evaluators did not exist within Title 5 so those systems should not be grandfathered if encroaching on the water table. There is also an issue when a title five inspector conducts an inspection and discovers that an impervious structure was installed on top of septic components such as a garage slab or a driveway. If the leaching component is not vented and has an impervious structure on top of it, it is not going to function properly. Inspectors are often not comfortable passing these inspections and may submit a title five inspection report with the option of selecting the “needs further evaluation by the approving authority” box. Ms. Guarino mentioned that requiring these properties to install a vent might be an option and that other towns consider them as a conditional pass. Mr. Andrews stated that this would have to be a case by case basis due to different levels in severity. Ms. Guarino stated that the homeowner/builder should have done their due diligence and made sure that they did not construct impervious structures over septic components. Mr. Barlow asked

what action other towns take in response to this issue arising. Ms. Guarino stated that if it's an H-10 tank underneath a driveway the Town of Barnstable will require that this tank be replaced with an H-20 tank. Every situation is different. Ms. Guarino stated that the worst time this occurs is when a slab is placed over the components. Mr. Don Bracken of Bracken Engineering referenced a situation he ran into once where the system passed the inspection however; there was a pool that wasn't the required distance away from the SAS. In this special case the approving authority stated that the systems passed inspection but that it is non-compliant. In order to bring the system into compliance they had to file for a variance. Ms. Mastria stated that she supports the grandfathering of systems that are installed during or after 1995 and she also stated that some systems will be considered on a case by case basis in regards to impervious structures being constructed on top of them. Mr. Andrews asked that the office draft a regulation and present it to the Board of Health for a possible vote at the next meeting. **No action was taken at this time. The Board of Health discussed that this matter be placed on the agenda for the next Board of Health meeting for a vote.**

Ms. Mastria made a motion to adjourn for an intermission. Mr. Uitti seconded the motion. The vote was unanimous. The meeting reconvened at 6:38 PM in open session.

Mr. Barlow made a motion to hear agenda item #4 prior to item #3 which is scheduled for 7:00pm. Mr. Uitti seconded this motion. The vote was unanimous.

- 3. 150 RED BROOK HARBOR ROAD LOT 2- CONTINUED from August 17, 2016 - Zachary Basinski of Bracken Engineering for Edward C. Robinson and Revocable Trust – Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed soil absorption system reserve area to a non-water dependent coastal bank from 150' to 111' (a 39' variance), and a reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 122' (a 28' variance). Zachary Basinski of Bracken Engineering representing Deborah Juckett was present for this hearing. Mr. Basinski stated that this property has successfully transferred ownership to Ms. Juckett. This project is new construction on lot 2 of 150 Red Brook Harbor Road. The septic system does not meet the Board of Health 150 foot setback to a water resource area. Mr. Basinski is requesting a variance to both a coastal bank and also to a salt marsh. The dwelling is proposed to be 5 bedrooms. Mr. Basinski is proposing to use a MicroFAST system with a conventional gravity leaching facility. Mr. Barlow stated that this project is in a sensitive area and there are groundwater plumes about 9 feet below the surface. Mr. Basinski stated that he is doing his best to protect the environment and that this property was perc tested and higher elevation so groundwater is not an issue. Mr. Andrews asked about the existing boat shed on the property. Mr. Basinski stated that it will remain a boat shed for storage only. **Ms. Mastria made a motion to approve the variance request for 150 Red Brook Harbor Road Lot 2 based on the plan and****

architecturals last revised September 6, 2016. Mr. Uitti seconded this motion. The vote was unanimous.

4. **150 RED BROOK HARBOR ROAD LOT 1– CONTINUED** from August 17, 2016 - Zachary Basinski of Bracken Engineering for Deborah Juckett– Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 21' (a 129' variance), a reduction in setback distance for the proposed primary soil absorption system area to a salt marsh from 150' to 122' (a 28' variance). Mr. Basinski of Bracken Engineering for Deborah Juckett was present for this hearing. Mr. Basinski is proposing to raze and rebuild a new dwelling on this property. This system will be an I/A system with pressure distribution. The actual nitrate nitrogen load will be reduced from 5.5 parts per million to 3.1 parts per million. Currently the existing house is served by a cesspit which is very close to a water resource area. Ms. Guarino stated that it is designed for four bedrooms which is consistent with the architecturals. There is a bonus room on the second floor that does not have a doorway so it is not being computed as one of those bedrooms. Because there is space that could potentially become bedroom space in the future, Ms. Guarino recommends a deed restriction be placed on the property for four bedrooms. **Mr. Barlow made a motion to approve the variance request for 150 Red Brook Harbor Road Lot 2 for proposed new construction and an alternative sewage disposal system: reduction in setback distance for the proposed primary soil absorption system area to a non-water dependent coastal bank from 150' to 21' (a 129' variance), a reduction in setback distance for the proposed primary soil absorption system area to a salt marsh from 150' to 122' (a 28' variance).** Mr. Barlow stated that this system will offer a substantial degree of environmental protection. This approval is based off of plans and architecturals dated September 6, 2016 by Bracken Engineering, Inc. A four bedroom deed restriction must be filed prior to the permit being granted. Mr. Uitti seconded this motion. The vote was unanimous.

Mr. Andrews made a motion to hear item #7, #8, and #9 out of order prior to item #3. Mr. Uitti seconded this motion. The vote was unanimous.

5. **125 CLARK RD – Mark Flaherty of Flaherty & Stefani, Inc. for John and Patricia Duggan--** Request approval of a Facilities Aggregation Plan consistent with 310 CMR 15.216 for the construction of a two bedroom dwelling within an IWPA at 125 Clark Road. Discuss and vote to approve Nitrogen Credit Land off Phillips Road at map 4.4 parcel 132 owned by the Werthens and the Phillips Road Realty Trust. Mark Flaherty of Flaherty & Stefani, Inc. and owner John Duggan were present for this meeting. Ms. Elise Drew is the client of John Duggan whom also attended the meeting. This is a vacant lot that is near the water tower. The lot is 8,632 sqft. The proposed is a two-bedroom septic system with denitrification. Mr. Flaherty stated that he needed another 5,000 sqft to add to this property. Mr. Flaherty is proposing adding a nitrogen credit land to the

property that is 5,000 sqft. The nitrogen credit land is map 4.4 parcel 132. The 5,000 sqft would allow the buyer Ms. Drew to construct a two bedroom house. Mr. Flaherty stated that he has a two bedroom deed restriction on file at the registry of deeds for this property. There also is an alternative denitrification deed disclosure also on file at the registry of deeds. Mr. Andrews asked Ms. Guarino if the two bedroom deed restriction that was filed has the Town of Bourne's or the Title V's format. Ms. Guarino stated that the deed restriction uses both formats. Ms. Guarino stated that the deed restriction was filed prior to the realization that the 5,000 sqft was needed to allow for the 2 bedroom design. Mr. Andrews asked about the I/A service and operation and maintenance agreement. Ms. Guarino stated that it is in the file as well. Mr. Barlow stated that he would like the deed to be filed stating that both pieces of land can never be separated. Mr. Riley the attorney for Mr. Duggan was present for this meeting. Mr. Riley stated that he could prepare a deed that would go out from Mr. Duggan to the buyer that would reference the easement and that easements run with the land in perpetuity. Mr. Andrews stated that the two pieces must be tied together in perpetuity. **Mr. Barlow made a motion to approve a Facilities Aggregation Plan consistent with 310 CMR 15.216 for the construction of a two bedroom dwelling within an IWPA at 125 Clark Road. Mr. Barlow continued his motion to include the approval of a Nitrogen Credit Land off Phillips Road at map 4.4 parcel 132 owned by the Werthens and the Phillips Road Realty Trust. These pieces of land must be tied together in perpetuity so that neither pieces of land can be sold as individual pieces of land and from this point forward shall be considered one piece of land. Mr. Barlow made a reference to the I/A maintenance policy and the 2 bedroom deed restriction which has already been filed with the registry of deeds. Mr. Uitti seconded this motion. The vote was unanimous.**

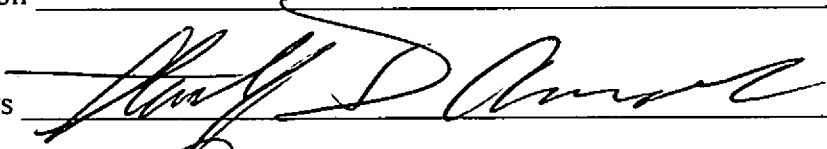
6. **APPROVE THE MINUTES – From July 13, 2016 – CONTINUED from August 17, 2016- Mr. Barlow made a motion to approve the minutes of July 13, 2016. Mr. Uitti seconded the motion. The vote was unanimous.**
7. **APPROVE THE MINUTES – From the meeting dated July 27, 2016 – CONTINUED from August 17, 2016- Mr. Barlow made a motion to continue this until the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.**
8. **APPROVE THE MINUTES – From the meeting dated August 17, 2016- No action was taken at this time. Mr. Barlow made a motion to continue this until the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.**
9. **7:00pm- 51 ACADEMY DR – Attorney George J. MacKoul requests to have the fines issued against Mr. George Benway for violations of the State Sanitary Code 105 CMR 410.000 reduced and/or abated. Ms. Guarino stated that Mr. MacKoul made contact with her on Monday and stated that he had to leave the state due to a family emergency. Mr. MacKoul has requested that this matter be continued to the next Board of Health meeting on September 28, 2016. Mr. Barlow made a motion to continue this matter to the next Board of**

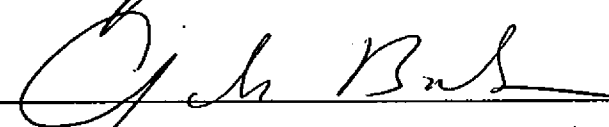
Health meeting on September 28, 2016. Mr. Uitti seconded the motion. The vote was unanimous.

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:17 PM.

Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson _____

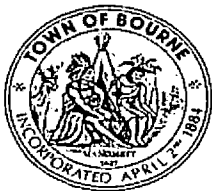
Stanley Andrews _____ 

Galon Barlow _____ 

Don Uitti _____ 

Kelly Mastria - _____ 

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

September 28, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

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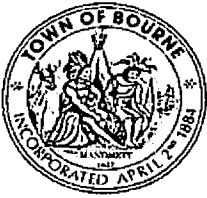
AGENDA ITEMS:

1. 51 ACADEMY DR – Continued from September 14, 2016 - Attorney George J. MacKoul requests to have the fines issued against Mr. George Benway for violations of the State Sanitary Code 105 CMR 410.000 reduced and/or abated.
2. 40 SQUETEAGUE HARBOR ROAD – David R. MacLean & Associates for Roy & Clare Heffernan- request waiver to use existing septic system for proposed addition and renovation. The proposed addition will increase the bedroom square footage by 14% and increase the non-bedroom space by 31% by adding a second floor to an existing one story, three bedroom dwelling.
3. 71 WAMSUTTA AVENUE—Michael Borselli, P.E. of Falmouth Engineering for Tom Lyons – request waiver to use existing conventional septic system to raze and rebuild one-bedroom dwelling that is within the 150 foot setback to a water resource.
4. APPROVE THE MINUTES – From the meeting dated July 27, 2016 – CONTINUED from August 17, 2016 and September 14, 2016
5. APPROVE THE MINUTES – From the meeting dated August 17, 2016 – Continued from September 16, 2016
6. APPROVE THE MINUTES – From the meeting dated September 14, 2016

Signed:
Title:
Date

Jan M
Health Inspector
September 22, 2016

cc: Board of Selectmen/ Town Clerk



Terri Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x 1513
Fax (508) 759-0679



MINUTES
September 28, 2016

Members in attendance: Kathy Peterson, Chairperson; Don Uitti, Secretary; Gal Barlow and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health Inspector

MEETING WAS CALLED TO ORDER AT 7:00pm

1. **51 ACADEMY DR – Continued from September 14, 2016 - Attorney George J. MacKoul requests to have the fines issued against Mr. George Benway for violations of the State Sanitary Code 105 CMR 410.000 reduced and/or abated.** Attorney George J. MacKoul representing Mr. George A. Benway was present for this meeting. He stated that he is requesting an abatement of the fines issued against his client. Attorney MacKoul stated that Mr. Benway had a number of violations at his property including maintenance issue and also things that had been done by the tenants. Atty. MacKoul stated that those items have all been repaired. Atty. MacKoul read a list of those items that have been repaired starting with the sink in the bathroom that was repaired because it was not draining. Atty. MacKoul stated that they originally denied access by the tenants. Atty. MacKoul continued stating that there were Legos in the sink and that they were removed and that the same sink clogged again and it was due to half a scissor being in the sink. The door to the back was sealed. There was an issue with the toilet not flushing, and it was repaired incorrectly. A licensed plumber was sent to the dwelling and was denied access on two different occasions. There was a brief interruption where the chairman requested that the room be silent so that Atty. MacKoul could continue. Atty. MacKoul stated that Mr. Benway did not attend the prior Board of Health hearings on this matter due to a communication issue. At that point Atty. MacKoul was brought on to the case and immediately contacted Attorney Alva and discussed a way to remove the tenants to get access to do the repairs. Atty. MacKoul stated that he worked diligently to get the plumbers and the contractors to the dwelling. There was another brief interruption in the meeting while the chairman of the Board of Health

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addressed a distraction in the meeting room. After the brief pause, Atty. MacKoul continued stating that a door that was broken and repaired was a result of the tenant, Mr. Webb kicking the door. There was a basement window frame that had to be repaired. Attorney MacKoul was then notified that there were rodents in the property. Attorney MacKoul was asked to provide a pest control contract by Friday. Attorney MacKoul stated that the pest control company visited the property on Friday and provided the contract on Monday. Atty. MacKoul stated that his client has been compliant and has fixed everything that needed to be fixed. He continued stating that the argument for fines is that fines are usually put in place to punish. Attorney MacKoul feels as if his client, Mr. Benway, has not been ignoring the Town and has not been shirking his abilities. He feels as if fines are not necessary as he is in compliance with the Board of Health. Atty. MacKoul stating that they are currently undergoing a process to remove the occupants. They are trying to provide re-location assistance. Mr. Benway would like to vacate the property so that he can renovate the dwelling. Ms. Peterson stated that in this case the office issued fines, because they were not getting a response for anyone. Ms. Peterson stated that office starts with fines, because they get noticed. Ms. Peterson stated that Atty. MacKoul is a lawyer whom does return phone calls. Ms. Peterson stated that the amount of time that the Town put into this needs to be recognized. Ms. Peterson stated that the fine should be reduced drastically due to the compliance. Atty. MacKoul stated that a cause of the rodent problem could be due to all the bird feeders that were placed outside of the house that were not put there by Mr. Benway. Attorney MacKoul stated that there were circumstances that drew the nuisance to the property that Mr. Benway was not aware of. Attorney MacKoul explained that the time the Health Department spent on this case was not all due to Mr. Benway, but a substantial amount of this time was spent on trying to get the occupants to cooperate. Attorney MacKoul stated that Mr. Benway has been a landlord for this piece of property for 20 years and has never had a health code violation on this particular piece of property. Mr. Barlow read outloud that: *on July 14, 2016 Mr. Benway was issued an official order to correct violations of the State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation 105 CMR 410.000 existing at his property, 51 Academy Drive. You were in attendance for the Board of Health hearing on July 28, 2016 were the Board of Health ordered you to correct outstanding violations at your property or fines would be issued against you for non-compliance. At this hearing the Board of Health continued the matter until the next Board of Health meeting on August 17, 2016 in which you did not attend this meeting. You are still out of compliance with the Board of Health order dated July 14, 2016.* Mr. Barlow stated that the reason why Mr. Benway is being fined is due to the non-compliance with the time frame specified in the orders. Ms. Guarino stated that a re-inspection was conducted which verified that all of the repairs had been made. Ms. Butler stated the re-inspection date was on September 2, 2016. Atty. MacKoul stated there were multiple times when

he was not allowed access to the dwelling. Ms. Peterson stated that the fines to date are \$14,100.00. **Mr. Uitti made a motion to reduce the fines issued against Mr. Benway of 51 Academy Drive from \$14,100.00 to \$500.00. Mr. Barlow seconded the motions. The vote was unanimous.** Ms. Peterson stated that the reason the fine is being issued is due to the time the office had to put into this case. Mr. MacKoul stated that he accepts that. Ms. Peterson stated that the fine has to be paid within 72 hours. Mr. Benway stated that he would come to the office to pay the fine tomorrow. Attorney Alva representing Mr. Nicholas Webb was present for this meeting. Attorney Alva stated that his clients allowed access for repairs at all times. Attorney Alva continued stating that the one time his clients denied access was because the plumber was not a licensed plumber and that it was his clients understanding that at the Board of Health meeting they were told that only licensed individuals were to go to the premises. Attorney Alva stated that when this denial of access occurred it was already two months from the initial date of the complaint. Attorney Alva stated that his clients are trying to move and if they could've moved that they would of. Attorney Alva stated that he sent a letter to Board of Health office late in the afternoon. Attorney Alva stated that his clients deny that they caused any of the problems at the dwelling, and that a walk through by any of the Board of Health members would have revealed that it is a very old dwelling that needs a lot of repairs.

2. **40 SQUETEAGUE HARBOR ROAD—David R. MacLean & Associates for Roy & Clare Heffernan- request waiver to use existing septic system for proposed addition and renovation. The proposed addition will increase the bedroom square footage by 14% and increase the non-bedroom space by 31% by adding a second floor to an existing one story, three bedroom dwelling.** David R. MacLean representing Roy & Clare Heffernan was present for this meeting. Mr. MacLean stated that the Heffernan's purchased this property 4-5 years ago and that prior to their occupancy it was a seasonal guest home to the home next door owned by Howard Crow. Mr. MacLean stated that the three bedrooms are very small, and that it is more of a cottage than a year round residence. Since both of the owners do volunteer work, they each need their own study space. The proposal is to open up the two bedrooms on the downstairs and to move two bedrooms to the upstairs. There is no increase in the number of bedrooms. Mr. MacLean stated that the bedroom space is being increased by 14% and the non-bedroom space by 31% which is well below the maximum criteria set forth. Mr. MacLean is requesting a waiver to continue to use the existing system. Mr. Barlow asked if the boat house has any facilities inside of it. Mr. MacLean responded that the boat house has no facilities inside of it. Ms. Peterson asked Ms. Guarino if she has any thoughts on this project. Ms. Guarino then stated that this project triggered Board of Health review because of variances that were issued to this property in 2004 and were extended to 2005. This variance granted was a 3' variance from the 150' setback to a water resource area. Ms. Guarino

stated that at the time that the variance was granted, a 3 bedroom deed restriction was put into place. Ms. Guarino stated that the additional bedroom space would be a concern for future owners, however, there already is a deed restriction in place. Mr. MacLean stated that system was inspected today and that it passed inspection. Ms. Guarino confirmed this. Ms. Guarino also stated that the reserve area in front should not be disturbed during construction. **Mr. Barlow made a motion to approve the waiver request to use the existing septic system for proposed addition and renovation. The proposed addition will increase the bedroom square footage by 14% and increase the non-bedroom space by 31% by adding a second floor to an existing one story, three bedroom dwelling. A three bedroom deed restriction is already in place. Mr. Uitti seconded the motion. The vote was unanimous.**

3. **71 WAMSUTTA AVENUE—Michael Borselli, P.E. of Falmouth Engineering for Tom Lyons – request waiver to use existing conventional septic system to raze and rebuild one-bedroom dwelling that is within the 150 foot setback to a water resource.** Michael Borselli, P.E. of Falmouth Engineering representing Tom Lyons was present for this meeting. Mr. Barlow stated that he filed a form with the ethics to be able to hear this project. Mr. Borselli stated that Mr. Lyons owns a one bedroom cottage on Wamsutta Avenue that is adjacent to a family compound. The cottage is in desperate need of repair/renovation. Mr. Lyons was advised by builders that it wasn't cost effective to renovate it. The floor plan is very small. There is one bedroom, a kitchen, and a very small living area and bathroom. Mr. Borselli stated that the concept is to tear down the building and to re-build the same exact footprint but to add a second story so that there is more living space and still have only one bedroom. In 2012, Mr. Lyons received variances from the Board of Health to allow him to install a title five septic system. What was installed was a 2 compartment septic tank, the first compartment being a 1500 gal tank and the second compartment being a pump chamber. There are significant elevation changes between where the leaching field is under the driveway and where the plumbing and septic tank are. There is difference of about 5 or 6 feet, so a pump was necessary for the design. The system has capacity for 2 bedrooms even though there is only 1 bedroom. A deed restriction for 1 bedroom was placed on the property. The conservation commission has reviewed and approved this project. Also the Zoning Board of Appeals had to issue a finding on this because it was too close to a property line. Mr. Borselli is requesting a waiver from the Board of Health to continue to use the existing septic system at this property. Mr. Barlow asked Ms. Guarino how she feels about this project. Ms. Guarino stated that the system that is existing was installed October 4, 2012. It is a fairly new system, and it is a seasonal property. In 2012 a local upgrade approval was granted to repair/replace a failed cesspool which was on the edge of the property closest to the water resource. In 2012 the plumbing was relocated to the other end of the property. Groundwater separation is not an issue with this

property. Ms. Guarino stated that a reserve area is needed to meet the requirements of new construction. Mr. Borselli stated that he can add a reserve area under the driveway adjacent to the existing leaching. Ms. Guarino asked if this was just a gravel driveway, and Mr. Borselli responded that it is. This driveway will remain a gravel driveway. Mr. Borselli drew in the reserve area on the office copy of plan and initialed it. Mr. Barlow made a motion to approve the waiver request to continue to use the existing conventional septic system to raze and rebuild a one-bedroom dwelling that is within the 150 foot setback to a water resource. Mr. Uitti seconded this motion. The vote was unanimous.

4. APPROVE THE MINUTES – From the meeting dated July 27, 2016 – CONTINUED from August 17, 2016 and September 14, 2016. Mr. Barlow made a motion to continue this to the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.
5. APPROVE THE MINUTES – From the meeting dated August 17, 2016 – Continued from September 16, 2016. Mr. Barlow made a motion to continue this to the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.
6. APPROVE THE MINUTES – From the meeting dated September 14, 2016. Mr. Barlow made a motion to continue this to the next Board of Health meeting. Mr. Uitti seconded the motion. The vote was unanimous.

Ms. Mastria made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:36 PM.

Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson

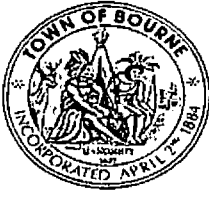
Stanley Andrews

Galon Barlow

Don Uitti

Kelly Mastria –

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



Terri A. Guarino
Health Agent

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

October 12, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

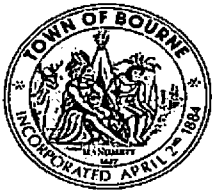
**THIS BOARD OF HEALTH MEETING HAS BEEN
CANCELLED DUE TO LACK OF QUORUM**

RECEIVED
2016 OCT -7 PM 12:50
TOWN CLERK BOURNE

cc: Board of Selectmen/Town Clerk

Signed:
Title:
Date

T. Guarino
Health Agent
October 7, 2016



Terri A. Guarino
Health Agent

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679

RECEIVED

2016 OCT 21 PM 1:14



TOWN CLERK BOURNE

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

October 26, 2016

Time:

7:00 P.M.

Place:

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

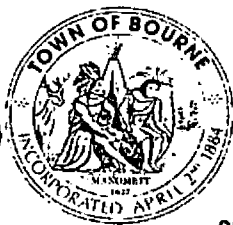
AGENDA ITEMS:

1. **17 HERSEY LANE**—Kevin Tosca, owner-- Discussion on failure to correct violations cited in the order dated October 13, 2016. Noncompliance with the Bourne Board of Health Camper and Trailer Regulations, State Sanitary Code, and State Environmental Code by the hook-up and occupancy of a camper on a residential property. Possible vote to issue fines and/ or take further enforcement action where each day's failure to correct violations constitutes a separate offense.
2. **AMEND INNOVATIVE/ ALTERNATIVE (I/A) SEPTIC SYSTEM REGULATIONS**—Discussion and vote to amend I/A Septic System Testing Regulation pursuant to M.G.L. c. 111 §31. Amendments may include modifying the existing requirements for operation & maintenance and sampling of I/A septic systems.
3. **AMEND TITLE TRANSFER INSPECTION REGULATIONS**—Discussion and vote to amend Title Transfer Inspection Regulation pursuant to M.G.L. c. 111 § 31. Amendments may include clarification of the existing requirement of a four-foot vertical separation from the bottom of the soil absorption system to high groundwater elevation and 'grandfathering' of systems.
4. **270 CIRCUIT AVENUE**—Robert and Paula Lynch, owners— Discussion and possible vote to issue fines for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code--Failure to maintain a valid O&M contract, conduct required maintenance inspections and sampling, and not maintaining the MicroFAST Wastewater Treatment System as designed and required as a condition of the variance approval.
5. **99 PHILLIPS ROAD**—Alex and Julie Szeto, owners—Discussion and possible vote to issue fines and/or take enforcement action for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code-- Failure to operate and maintain an innovative/ alternative wastewater treatment system as designed and required as a condition of the variance approvals.
6. **APPROVE THE MINUTES** – From the meetings dated July 27, 2016, August 17, 2016, and September 14, 2016—CONTINUED from September 28, 2016
7. **APPROVE THE MINUTES** – From the meeting dated September 28, 2016

Signed:
Title:
Date

Lisa A. O'Leary
Secretary
October 21, 2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

RECEIVED 24 Perry Avenue

Buzzards Bay, MA 02532

2016 DEC 15 AM 10:25 www.townofbourne.com/health

Terri A. Guarino
Health Agent

Phone: (508) 759-0600 ext. 1513
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MINUTES October 26, 2016

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Donald Uitti, Secretary; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:00pm

1. Ms. Peterson made a motion to move this item to item #6. Mr. Andrews seconded the motion. It was unanimous.
2. **17 HERSEY LANE – Kevin Tosca, owner – Discussion on failure to correct violations cited in the order dated October 13, 2016. Noncompliance with the Bourne Board of Health Camper and Trailer Regulations, State Sanitary Code, and State Environmental Code by the hook-up and occupancy of a camper on a residential property. Possible vote to issue fines and/or take further enforcement action where each day's failure to correct violations constitutes a separate offense – No one was present for this item.** Ms. Guarino stated that a public health complaint was received by the office on October 12, 2016. An inspection was conducted on October 13, 2016. At the time of inspection a trailer located on the property was illegally hooked up to utilities. Behind the trailer was a large hole that appeared to be dug for septic purposes. On October 13, 2016, Ms. Guarino stated that she was able to contact the owner, Mr. Kevin Tosca, and make him aware that this is a violation of the Town of Bourne Campers and Trailers Regulation and must be corrected within 24 hours. A re-inspection was conducted on October 21, 2016 which revealed that Mr. Tosca had not corrected any of the violations. **Mr. Andrews made a motion to fine the owner of 17 Hersey Lane \$300.00 per day according to the Board of Health Fine Policy Regulation with fines initiating on October 21, 2016. Ms. Mastria seconded the motion. The vote was unanimous.**
3. **AMEND INNOVATIVE/ALTERNATIVE (I/A) SEPTIC SYSTEM REGULATIONS – Discussion and vote to amend I/A Septic System Testing Regulation pursuant to M.G.L. c. 111 § 31. Amendments may include modifying the existing requirements for operation & maintenance and sampling of I/A septic systems – Ms. Peterson stated that she hoped the board members were able to read through it. The one thing she wanted to change is she would like it to say “the design engineer and/or wastewater operator and the Board of Health” need to sign off. The reason Ms. Peterson would like this to be put in there is because it has come to light on something else. She would like the Health Agent, Ms. Guarino, and her designee and the engineer to be there to sign off at the final inspection.**

That way she feels comfortable talking about it in the future. It is her word that the board is taking and she does not expect her to say it's ok if she has not approved the system. The office will just have to find a certain time during the week that it can be done and the engineers will need to abide by the office schedule and coordinate. Mr. Andrews stated that on the first page it states a discloser notice and bedroom restriction may also be required to be recorded in the deed of the property prior to the start of construction. Should be left as may or changed to may or shall. Ms. Peterson stated it can be left as may. The new wording will read, "a disclosure notice and bedroom restriction, if issued, must be recorded in the deed of property prior to start of construction." Mr. Andrews stated that on the second page, when it talks about the seasonal systems, shall be required to have a field test effluent sample shall be conducted 45 of system start-up and again 30 to 60 days thereafter. Ms. Peterson stated to add unless otherwise instructed by the Board of Health or the Health Agent. Ms. Mastria stated that under testing and sampling requirements, it says year round residential systems shall be tested and sampled once every 6 months between January and March and then, there is a semicolon as if something is missing. The second time frame is missing. Ms. Guarino stated that she took the language from one of the Mass DEP approval letters for technology which only specifies once between January and March for whatever reason but the board can certainly add another window for the second sampling. The second sampling would be between July and October. Ms. Mastria stated that on the bottom of page 2, any I/A system located in a designated nitrogen sensitive area *shall* be subject to more stringent testing and sampling requirements established by Mass DEP specific to the approved technology should remain *shall*. Elizabeth Martone is a resident of Bourne and stated that she has an alternative technology septic system. Ms. Martone stated that she has had the system since 2009 and has already spent over \$15,000.00 in testing. She is only at the house a few months and is wondering why the system needs to be checked in the beginning when the system has not been used. Ms. Peterson stated that up until this evening, this is what the board required. As alternative technologies have gotten better, and the reporting requirements have gotten better, the board is trying to make it a little easier, especially on people who have these systems by reducing it to twice per year and hopefully that will help with cost. Up until today, the board felt it was really necessary for it to be 3 times per year and that was the standard that they went by. Ms. Peterson stated that when Ms. Martone came before the board to get the addition or whatever the project was, this is what was required. Hopefully the board will be changing this tonight. Ms. Martone stated that the regulation stated that all I/A systems can be tested once per year. Ms. Martone stated she doesn't understand why that isn't enough especially for seasonal users. **Mr. Andrews made a motion to approve the proposed and discussed amendments to the Town of Bourne Board of Health Innovative/Alternative Technology Septic Systems regulation. Mr. Uitti seconded the motion. The vote was unanimous.**

4. **AMEND TITLE TRANSFER INSPECTION REGULATIONS – Discussion and vote to amend Title Transfer Inspection pursuant to M.G.L. c. 111 § 31. Amendments may include clarification of the existing requirement of a four-foot vertical separation from the bottom of the soil absorption system to high groundwater elevation and “grandfathering” of systems –** Mr. Andrews stated that under number 2, it should read, “The Bourne Board of Health will require that all title 5 inspectors notify the Board of Health *seventy-two business hours* prior to conducting any title transfer inspections in the Town of Bourne”. Mr. Andrews also stated that under number 4 in the last sentence it should read that, “Scheduling of these inspections will be done *within seventy-two business hours* by the Board of Health.” Mr. Andrews also stated under number 8, the first sentence should say that, “If one or more system components need to be repaired or replaced as described in the Conditional Pass section, the Bourne Health Agent must be notified by the Inspector *within twenty-four hours*.” The members of the Board of Health had a general discussion and stated

that under number 10 rather than using the word *immediately*, it should say *within twenty-four hours*, and also that instead of saying that properties which received variances and /or local upgrade approvals by the Bourne Board of Health *will* be grandfathered, to use, *may* be grandfathered instead. Mr. Andrews also stated under number 9 it should read that the Health Agent must be notified by the Inspector *within 24 hours*, instead of *immediately*. Mr. Andrews made a motion to approve the proposed and discussed changes to the Title Transfer Inspection Regulation pursuant to M.G.L. c. 111 § 31. The amendments include clarification of the existing requirement of a four-foot vertical separation from the bottom of the soil absorption system to high groundwater elevation and “grandfathering” of systems. Mr. Uitti seconded the motion. The vote was unanimous.

5. **270 CIRCUIT AVENUE – Robert and Paula Lynch, owners – Discussion and possible vote to issue fines for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code – Failure to maintain a valid O&M contract, conduct required maintenance inspections and sampling, and not maintaining the MicroFAST Wastewater Treatment System as designed and required as a condition of the variance approved –** Ms. Guarino stated that this item is all set. There is now a contract in place, and the system is in compliance with the regulation. Mr. Barlow made a motion to take no action at this time. Mr. Andrews seconded the motion. The vote was unanimous.
6. **99 PHILLIPS RD – Alex and Julie Szeto, owners – Discussion and possible vote to issue fines and/or take enforcement action for noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code - Failure to operate and maintain an innovative/alternative wastewater treatment system as designed and required as a condition of the variance approvals. –** Mr. Andrews stepped off for this meeting. Mr. Steve Nelson of Clearwater Recovery was present for this meeting. Ms. Guarino stated that on October 13, 2016 Clearwater Recovery conducted the required routine maintenance and sampling inspection for the MicroFAST alternative septic system at 99 Philips Road. The inspection revealed that said technology was not present at the time of inspection. The Bourne Board of Health issued a septic permit #142-08 which required the installation of MicroFAST 0.5 unit. There was no as-built received for the system and the office records are missing key pieces of information. The system was installed by Bousfield who is no longer doing business as septic installers. Ms. Guarino stated that she checked with one of the installers who used to work for Bousfield, and he did not recall installing a MicroFAST unit, but that the septic tank is equipped for the unit. Mr. Nelson stated that he is authorized by Mr. Szeto’s daughter to do what is necessary to bring the system into compliance. Mr. Szeto is in China and there is a communication barrier. There was general discussion and it was determined that this system will need to be excavated to determine if the MicroFAST 0.5 unit is there and where the other system components are located. Mr. Barlow made a motion that an inspection will need to be conducted on this system and to continue this discussion to next Board of Health meeting date on November 16, 2016. Mr. Uitti seconded the motion. Ms. Peterson and Ms. Mastria voted in favor of continuing this item.
7. **APPROVE THE MINUTES – From the meeting dated July 27, 2016, August 17, 2016 and September 14, 2016 Continued from September 28, 2016-** Ms. Mastria made a motion to approve the minutes from the meeting dated July 27, 2016. Mr. Uitti seconded the motion. Mr. Andrews abstained. Mr. Barlow and Ms. Peterson voted to approve the July 27, 2016 minutes. Ms. Mastria made a motion to approve the minutes from the meeting dated August 17, 2016. Mr. Barlow seconded the motion. Mr. Andrews abstained. Mr. Uitti and Ms.

Peterson voted to approve the August 17, 2016 minutes. Ms. Mastria made a motion to approve the minutes from the meeting dated September 14, 2016. Mr. Uitti seconded the motion. Ms. Peterson abstained. Mr. Barlow and Mr. Andrews voted to approve the September 14, 2016 minutes.

8. **APPROVE THE MINUTES** – From the meeting dated September 28, 2016. Ms. Mastria made a motion to approve the minutes from the meeting dated September 28, 2016. Mr. Uitti seconded the motion. Mr. Andrews abstained. Ms. Peterson and Mr. Barlow voted to approve the September 28, minutes.

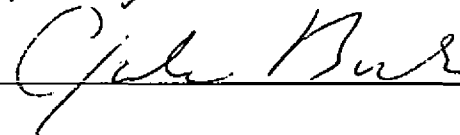
Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. It was a unanimous vote and the meeting adjourned at 7:55 PM.

Taped by Lisa Collett, Secretary

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

Kathleen Peterson 

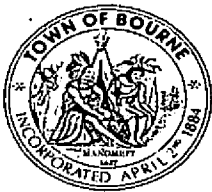
Stanley Andrews 

Galon Barlow 

Don Uitti _____

Kelly Mastria 

cc Board of Selectmen/Town Clerk



Terri A. Guarino
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**

24 Perry Avenue

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Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



2016 NOV 10 PM 2:24

TOWN CLERK BOURNE

MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

November 16, 2016

Time:

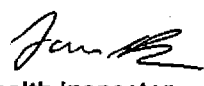
7:00 P.M.

Place:

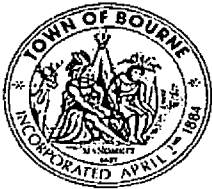
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 99 PHILLIPS ROAD—Terri Guarino, Health Agent—Continued from October 26, 2016 -- Discussion and update on noncompliance with I/A Septic System Regulations and Title 5 of the State Environmental Code-- Failure to install and maintain an innovative/ alternative wastewater treatment system as designed and required as a condition of the variance approvals.
2. 63 BELLAVISTA DRIVE- Zachary Basinki of Bracken Engineering representing Mark A. Leary -- Request variance from Town of Bourne Board of Health Regulations for proposed construction of a new sewage disposal system with a MicroFAST de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to the adjacent non-water dependent coastal bank from 150' to 50' (a 100' variance).
3. POCASSET MOBILE HOME PARK—Attorney Charles Sabatt—Discussion and possible vote on conditions of annual mobile home park license. Discuss recent event where water service was interrupted on November 3, 2016, design for new water service lines, and update on wastewater treatment plant construction progress and receivership status.
4. 124 MEGANSETT ROAD- Matthew Farrell of J.M. O'Reilly & Associates, Inc. -- -- Modify variance request for the construction of a four bedroom dwelling: a reduction in setback distance for the proposed soil absorption system to the front property line from 10' to 5' (a 5' variance), and a reduction in setback distance for the reserve area to the front property line from 10' to 5' (a 5' variance). Variances were approved by the Board of Health on July 13, 2016. This request is to allow for the new architectural plan dated 10/12/2016 and the new proposed septic plan dated 10/19/2016.
5. 51 ACADEMY DRIVE— George Benway, Owner-- Discussion on outstanding Housing Code violations. Possible vote to issue finding that the dwelling is unfit for human habitation pursuant to 105 CMR 410.831. If finding is issued the Board of Health may order the occupants to vacate the dwelling and order the owner to secure the dwelling pursuant o 105 CMR 410.831.
6. APPROVE THE MINUTES -- From the meeting dated October 26, 2016

Signed: 
Title: Health Inspector
Date 11/10/2016

cc: Board of Selectmen/ Town Clerk



Terri A. Guarino
Health Agent

**TOWN OF BOURNE
BOARD OF HEALTH**

24 Perry Avenue

Buzzards Bay, MA 02532

Phone (508) 759-0600 x1513

Fax (508) 759-0679

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2016 NOV 16 PM 2:36

TOWN CLERK BOURNE



MEETING NOTICE

**Board, Committee, or Commission: BOARD OF HEALTH
Schedule of Meeting**

Date:

November 16, 2016

Time:

7:00 P.M.

Place:

Bourne Veterans Memorial Community Building
Jim Mulvey Room 2
239 Main Street
Buzzards Bay, MA 02532

AMENDED AGENDA ITEMS:

Agenda amended on 11/16/2016- Meeting location changed

1. 124 MEGANSETT ROAD- Matthew Farrell of J.M. O'Reilly & Associates, Inc. — Modify variance request for the construction of a four bedroom dwelling: a reduction in setback distance for the proposed soil absorption system to the front property line from 10' to 5' (a 5' variance), and a reduction in setback distance for the reserve area to the front property line from 10' to 5' (a 5' variance). Variances were approved by the Board of Health on July 13, 2016. This request is to allow for the new architectural plan dated 10/12/2016 and the new proposed septic plan dated 10/19/2016.
2. APPROVE THE MINUTES – From the meeting dated October 26, 2016

Signed:

Title: Health Inspector

Date 11/16/2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532

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Terri A. Guarino
Health Agent

2017 APR 10 AM 11:32

CLERK BOURNE

MINUTES

November 16, 2016

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Donald Uitti, Secretary; Galon Barlow and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent

MEETING WAS CALLED TO ORDER AT 7:00pm

1. **124 MEGANSETT ROAD**—Matthew Farrell of J.M. O'Reilly & Associates, Inc.--
Discussion to modify Title 5 variances for the construction of a four bedroom dwelling originally approved by the Board of Health on July 13, 2016. Review new architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which requires a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. Ms. Peterson clarified that the Board of Health had previously approved a project at this address but since both the architectural plan and septic plans have been modified the previous approval is rescinded. Ms. Guarino stated that the abutters have been properly notified for this hearing. Ms. Peterson asked Mr. Farrell if the revised plans have been approved by the Conservation Commission, and if so, when. Mr. Farrell stated that he did not know when the Conservation Commission approved the revised plans but they did and there is already a foundation in the ground. Mr. Farrell stated that the Builder went back to Conservation and received an Administrative Approval. Ms. Peterson asked Ms. Guarino if this was accurate. Ms. Guarino stated she was not one hundred percent certain but that's typically what would be issued for this type of plan revision. Ms. Peterson asked that Mr. Farrell get clarification on this. Ms. Guarino stated that the proposed project is very similar to what was previously approved by the Board of Health and displayed the old and new plans side by side. The soil absorption system is in the same location but the major difference is that the house is now proposed in a different location and at a lower elevation which requires pumping to the soil absorption system. Ms. Guarino stated that the septic tank and pump chamber are within the adjusted groundwater level at elevation 1.9 but the distribution box is 47 feet away and the soil absorption system meets the five foot separation to groundwater. Ms. Guarino asked if the foundation that was already installed was the one that was permitted in July or if it is the foundation proposed in the October 2016 revised plans. The approved garage was elevation 15 and now it is at elevation 4. Ms. Guarino was not confident that this would be consistent with the Building Code if it is dramatically below the flood zone elevation. Mr. Farrell stated that the foundation that was installed was from the new plans at the lower elevation. Ms. Guarino stated that she was concerned about the significant differences in elevations from the two plans and that she had a brief discussion with the Building Inspector and he may need to review it further. The Building Inspector had not seen these new plans that were submitted for the Board of Health hearing. Mr.

Farrell explained that all of the utilities will be on the first floor at elevation 17 except for the waste line and that the basement will be equipped with flood vents. Ms. Peterson asked why the plans were changed without notifying departments and why Mr. Farrell thinks that this is okay. Mr. Farrell stated that the new house will be smaller and it is similar to what was previously approved. He said that this house was more affordable to the owner's and that it was out of his control that the foundation was already installed by the Builder. He said that there was a retaining wall and lots of fill on the proposed plans, but now it is a slightly smaller dwelling with less site work. Mr. Farrell showed the Board a foundation plan with flood vents. Ms. Guarino asked who the architect is and Mr. Farrell stated that it is Reef Builders. Ms. Peterson read over the new architectural and Mr. Andrews noted that the sunroom has a four foot cased opening and that the new dwelling is smaller than what was previously approved, but still four bedrooms. Ms. Mastria stated that she feels more comfortable to continue this matter since they have forty-five days to review this and there is a lot of uncertainty. Mr. Farrell said he would appreciate a conditional approval that evening so the project doesn't get held up. Ms. Peterson stated that there should be a cease and desist order here because the project was modified and the prior approvals are null and void. Ms. Guarino stated that she received the revised plans on October 21, 2016 and notified the Building Inspector and Applicants that they are not permitted to do this work. They do not have a valid septic permit until these plans are reviewed by the Board of Health. In the Board of Health approval letter it clearly stated that any modifications to the approved plans will require another hearing before the Board of Health. There should be no further construction until the Board of Health approves the plans and variances. Mr. Andrews and Mr. Barlow stated that they typically do not approve anything contingent on other Boards and need to have approvals in advance. **Mr. Barlow made a motion continue this item until the next meeting. Mr. Andrews seconded the motion. It was a unanimous vote.**

2. **APPROVE THE MINUTES – From the meeting dated October 26, 2016. Minutes not available. Continued to next meeting.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 7:28 PM.

Taped and typed by Terry Guarino, Health Agent

Kathleen Peterson

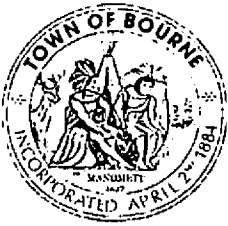
Stanley Andrews

Galon Barlow

Don Uitti

Kelly Mastria –

cc Board of Selectmen/Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532



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www.townofbourne.com/health

Phone (508) 759-0600 ext. 1513

Fax (508) 759-0679

Terri A. Guarino
Health Agent

2016 DEC 15

TOWN CLERK BOURNE

MINUTES
November 16, 2016

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Donald Uitti, Secretary; Galon Barlow and Kelly Mastria

Support Staff in attendance: Terri Guarino, Health Agent

MEETING WAS CALLED TO ORDER AT 7:00pm

- 1. 124 MEGANSETT ROAD—Matthew Farrell of J.M. O'Reilly & Associates, Inc.--**
Discussion to modify Title 5 variances for the construction of a four bedroom dwelling originally approved by the Board of Health on July 13, 2016. Review new architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which requires a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. Ms. Peterson clarified that the Board of Health had previously approved a project at this address but since both the architectural plan and septic plans have been modified the previous approval is rescinded. Ms. Guarino stated that the abutters have been properly notified for this hearing. Ms. Peterson asked Mr. Farrell if the revised plans have been approved by the Conservation Commission, and if so, when. Mr. Farrell stated that he did not know when the Conservation Commission approved the revised plans but they did and there is already a foundation in the ground. Mr. Farrell stated that the Builder went back to Conservation and received an Administrative Approval. Ms. Peterson asked Ms. Guarino if this was accurate. Ms. Guarino stated she was not one hundred percent certain but that's typically what would be issued for this type of plan revision. Ms. Peterson asked that Mr. Farrell get clarification on this. Ms. Guarino stated that the proposed project is very similar to what was previously approved by the Board of Health and displayed the old and new plans side by side. The soil absorption system is in the same location but the major difference is that the house is now proposed in a different location and at a lower elevation which requires pumping to the soil absorption system. Ms. Guarino stated that the septic tank and pump chamber are within the adjusted groundwater level at elevation 1.9 but the distribution box is 47 feet away and the soil absorption system meets the five foot separation to groundwater. Ms. Guarino asked if the foundation that was already installed was the one that was permitted in July or if it is the foundation proposed in the October 2016 revised plans. The approved garage was elevation 15 and now it is at elevation 4. Ms. Guarino was not confident that this would be consistent with the Building Code if it is dramatically below the flood zone elevation. Mr. Farrell stated that the foundation that was installed was from the new plans at the lower elevation. Ms. Guarino stated that she was concerned about the significant differences in elevations from the two plans and that she had a brief discussion with the Building Inspector and he may need to review it further. The Building Inspector had not seen these new plans that were submitted for the Board of Health hearing. Mr.

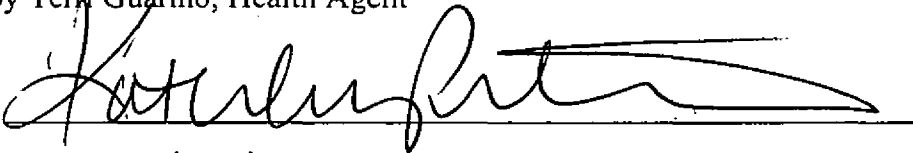
Farrell explained that all of the utilities will be on the first floor at elevation 17 except for the waste line and that the basement will be equipped with flood vents. Ms. Peterson asked why the plans were changed without notifying departments and why Mr. Farrell thinks that this is okay. Mr. Farrell stated that the new house will be smaller and it is similar to what was previously approved. He said that this house was more affordable to the owner's and that it was out of his control that the foundation was already installed by the Builder. He said that there was a retaining wall and lots of fill on the proposed plans, but now it is a slightly smaller dwelling with less site work. Mr. Farrell showed the Board a foundation plan with flood vents. Ms. Guarino asked who the architect is and Mr. Farrell stated that it is Reef Builders. Ms. Peterson read over the new architectural and Mr. Andrews noted that the sunroom has a four foot cased opening and that the new dwelling is smaller than what was previously approved, but still four bedrooms. Ms. Mastria stated that she feels more comfortable to continue this matter since they have forty-five days to review this and there is a lot of uncertainty. Mr. Farrell said he would appreciate a conditional approval that evening so the project doesn't get held up. Ms. Peterson stated that there should be a cease and desist order here because the project was modified and the prior approvals are null and void. Ms. Guarino stated that she received the revised plans on October 21, 2016 and notified the Building Inspector and Applicants that they are not permitted to do this work. They do not have a valid septic permit until these plans are reviewed by the Board of Health. In the Board of Health approval letter it clearly stated that any modifications to the approved plans will require another hearing before the Board of Health. There should be no further construction until the Board of Health approves the plans and variances. Mr. Andrews and Mr. Barlow stated that they typically do not approve anything contingent on other Boards and need to have approvals in advance. **Mr. Barlow made a motion continue this item until the next meeting. Mr. Andrews seconded the motion. It was a unanimous vote.**

2. **APPROVE THE MINUTES – From the meeting dated October 26, 2016. Minutes not available. Continued to next meeting.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 7:28 PM.

Taped and typed by Terri Guarino, Health Agent

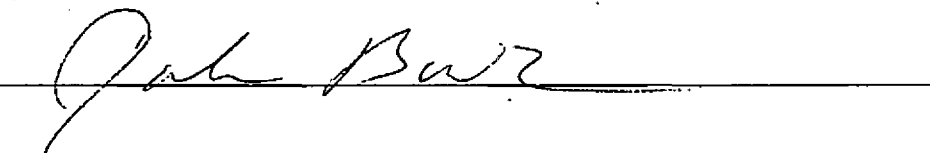
Kathleen Peterson



Stanley Andrews



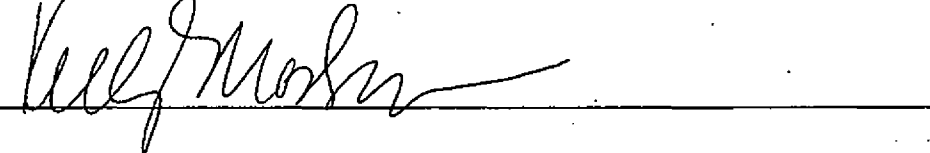
Galon Barlow



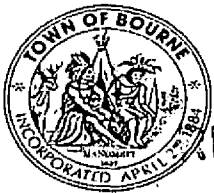
Don Uitti



Kelly Mastria –



cc Board of Selectmen/Town Clerk



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Terri A. Guarino
Health Agent

TOWN CLERK BOURNE

TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 x1513
Fax (508) 759-0679



MEETING NOTICE

Board, Committee, or Commission: **BOARD OF HEALTH**
Schedule of Meeting

Date:

December 14, 2016

Time:

7:00 P.M.

Place:

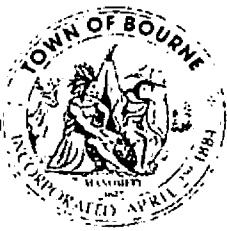
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay, MA 02532

AGENDA ITEMS:

1. 124 MEGANSETT ROAD- Matthew Farrell of J.M. O'Reilly & Associates, Inc. – CONTINUED from November 16, 2016-- Modify variance request for the construction of a four bedroom dwelling: a reduction in setback distance for the proposed soil absorption system to the front property line from 10' to 5' (a 5' variance), and a reduction in setback distance for the reserve area to the front property line from 10' to 5' (a 5' variance). Variances were approved by the Board of Health on July 13, 2016. This request is to allow for the new architectural plan dated 10/12/2016 and the new proposed septic plan dated 10/19/2016.
2. 63 BELLAVISTA DRIVE- Zachary Basinki of Bracken Engineering representing Mark A. Leary — Request variance from Town of Bourne Board of Health Regulations for proposed construction of a new sewage disposal system with a MicroFAST de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to the adjacent non-water dependent coastal bank from 150' to 50' (a 100' variance).
3. POCASSET MOBILE HOME PARK—Attorney Charles Sabatt—Discussion and possible vote on renewal of annual manufactured housing community license pursuant to MGL c. 140 §32B for the Pocasset Mobile Home Park. Update on wastewater treatment facility, receivership status, potable water service lines, and other matters of interest.
4. BOURNE BOARD OF HEALTH FEE SCHEDULE—Terri Guarino, Health Agent-- Discuss and possibly vote to make changes to current schedule of fees which was effective as of December 1, 2015. Discuss amending description of Filing Fee, Late Fee, Septic System Permit Fee for non-gravity systems, and Mobile Food licensing to provide clarity and add detail in definitions. Discuss amending fee for Temporary Food Permits so that they do not exceed the charge of an annual retail food permit. Update Tobacco Violation Fees to \$300.00 for each offense and add reference to current Tobacco Regulation. Possibly add new \$25.00 fee for Irrigation Well Installation Permit which was free of charge. Review all items and address any inquiries.
5. 188 CAPTAINS ROW—Terri Guarino, Health Agent—Property owned by the Folan Family-- Discuss and possibly vote on enforcement action for failure to upgrade failed septic system. Owners have been previously notified of upgrade requirement and violations of Title 5 of the State Environmental Code and the Bourne Board of Health Title 5 Inspection Regulations.
6. APPROVE THE MINUTES – From the meeting dated October 26, 2016 and November 16, 2016

Signed: Lisa Collett
Title: Secretary
Date: December 8, 2016

cc: Board of Selectmen/ Town Clerk



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

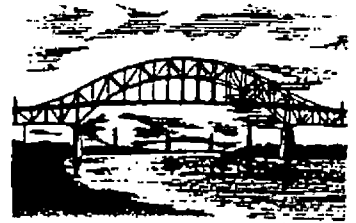
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Health Agent

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2017 JAN 26 AM 9:20

TOWN CLERK BOURNE

MINUTES

December 14, 2016

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow and Kelly Mastria

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

MEETING WAS CALLED TO ORDER AT 7:03pm

- 1. 124 MEGANSETT ROAD—Matthew Farrell of J.M. O'Reilly & Associates, Inc.--**
Discussion to modify Title 5 variances for the construction of a four bedroom dwelling originally approved by the Board of Health on July 13, 2016. Review new architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which requires a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. **CONTINUED** from November 16, 2016. Matt Farrell of J.M. O'Reilly & Associates and a representative from Reef Builders were present for this hearing. At the last meeting the Board of Health had questions as to whether or not Conservation and the Building Departments had a chance to approve the new plans. Ms. Guarino stated that there has been an administrative approval from the Conservation Agent, and that the Building Inspector did review the new architectural plans with the changes in the flood zone elevations. The Board of Health members did not have any further questions on the project. Mr. Farrell confirmed that the plans on record are up to date. **Mr. Barlow made a motion to approve the new variance request for 124 Megansett Road. The variances are for the construction of a four bedroom dwelling and are approved based on the architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which require a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. Mr. Andrews seconded the motion. It was a unanimous vote.**
- 2. 63 BELLAVISTA DRIVE – Zachary Basinski of Bracken Engineering representing Mark A. Leary – Request variance from Town of Bourne, Board of Health Regulations for proposed construction of a new sewage disposal system with Microfast de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling; a reduction in setback distance for the proposed soil absorption system to adjacent non-water dependent coastal bank from 150' to 50' (100' variance).** Mr. Basinski of Bracken Engineering representing Mark A. Leary was present for this hearing. Mr. Basinski stated that the existing house was built in 1949. Mr. Leary would like to raze the house and build a new dwelling on the property. Mr. Basinski stated that the existing septic system will be moved the furthest away from the water resource area as allowed by the lot. The water resource

area is a coastal bank by definition. A nitrogen reduction system is being proposed to reduce the nitrogen loading from 10.9ppm to 6.8ppm. Mr. Basinski is requesting a 100' variance from both the primary soil absorption and also the reserve area. Mr. Basinski is also requesting relief from requiring pressure distribution. Conservation Commission has reviewed and approved this. There is an open, unfinished basement in the dwelling. The dwelling has four bedrooms by definition, but the system is designed as a five bedroom system. Ms. Guarino despite the fifth bedroom, because of the advanced treatment the nitrogen is reduced. Ms. Guarino also stated that because the elevation is so high the separation to groundwater is good. Ms. Peterson stated that a 5 bedroom deed restriction will need to be filed for this property. **Mr. Andrews made a motion to approve the variance request for 63 Bellavista Drive for proposed construction of a new sewage disposal system with Microfast de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling; a reduction in setback distance for the proposed soil absorption system to adjacent non-water dependent coastal bank from 150' to 50' (100' variance). This approval is based on the septic system design received by the office on November 1, 2016 drawn by Bracken Engineering and the architectural received by the office on November 1, 2016. Prior to the permit being issued a 5 bedroom deed restriction must be filed. Mr. Barlow seconded the motion. The vote was unanimous.**

3. **POCASSET MOBILE HOME PARK – Attorney Charles Sabatt – Discussion and possible vote on renewal of annual manufactured housing community license pursuant to MGL c. 140 §32B for the Pocasset Mobile Home Park. Update on wastewater treatment facility, receivership status, portable water service lines, and other matters of interest.** Attorney Charles Sabatt receiver for the PMHP and contractor Peter Valeri were present for this hearing. Atty. Sabatt updated the Board of Health on the current status of the PMHP. The wastewater treatment plant is fully operational at this time. A wastewater test was conducted earlier this month by DEP, and successfully passed. The leaching fields are complete and are in the process of being backfilled. The current sewer connection system is now connected to the plant. Effective as of last week, waste from the PMHP is being processed through the wastewater treatment plant. The new sewer collection system is in the process of being constructed. Fifth Avenue, Fourth Avenue, Third Avenue, and Second Avenue are complete. A manhole is currently being installed for First Street. First Street is estimated to be complete next week. First Avenue, the smaller streets, and Sixth Avenue is estimated to be completed by mid-February. The units will be connected in the future. Underneath the units will be connected by a plumber. The lines will then travel underground into the stub connection that is located at the end of each unit. The connection process is estimated to begin in March. Once the units are connected, they will be online immediately. Atty. Sabatt expects that the receivership will terminate in the month of April. The final piece that will need to be accomplished will be the resurfacing of the roadways. They will be resurfaced sometime in the spring. Once the sewer system is up and operational, Atty. Sabatt will begin to transfer receivership to the Austin Family. Atty. Sabatt stated that in the feasibility study he conducted in 2012, he recommended that the water system needed to be replaced. This recommendation was not based on emerging emergencies or due to public health concerns, but rather it was based on the need to update the system. Atty. Sabatt stated that he was not granted the authority from the court to update the water system. There is no money awarded to update the water system. The DEP has not mandated any update at this juncture. Atty. Sabatt is not anticipating that he will undertake the project of updating the water system given the rulings of the court. Atty. Sabatt stated that he reviewed the recent status of repairs for the water system and reported that in 2014 there were 3 breaks in the water system and 8 sewer problems. Those water system issues included a break in the water line which constituted a \$300 repair. Atty. Sabatt stated that Mr. Valeri has informed him that this occurs because the heat tape on those pipes break down. This is a line outside the unit, it is not the line operated by the PMHP but rather it is considered the owner of the unit's responsibility. The

second water system issue in 2014 was another break in the water line that required new parts and constituted a \$440 repair. Atty. Sabatt believes that this repair was due to an issue at the unit. The third repair to the water system in 2014 was conducted at the manager's unit where the main underneath the unit failed and constituted a \$500 repair. A significant water repair was made in 2014 for Sixth Avenue that required the excavation of the water main and the replacement of valves. In 2015, there was only one water main break in the entire year, which constituted a \$1500 repair. In 2016 there was one issue which essentially began at the lines leading into the units. The manager recommended a repair person that resides within the park. Atty. Sabatt believes that the individual managed to break the valve to the main that leads into the unit. The individual was excavating to try to locate the problem and that led to a necessity to repair the line that was coming into the unit. Atty. Sabatt stated that over the past three years all the water system issues were immediately addressed and that the septic problems far outweigh the water problems. Mr. Andrews asked why there was a 6 month delay in the estimated water treatment plant completion date which was expected to be completed in July of 2016. Atty. Sabatt stated that there were delays in the winter time with the contractor. There also was a delay in the electric service. The PMHP is required to have a three phase electric service. The deposit was paid in October of 2015. By June of 2016 the three phase electric was still not installed. There was an effort by the owner, Mr. Austin, to secure permission for an underground service that resulted in some motions at the Superior Court in Boston which led to some delay. The three phase service was not installed into that plant until late September of 2016. Everything was idle while waiting for that service. Mr. Andrews stated that at last year's Board of Health meeting Atty. Sabatt stated that a water delivery system was in the process of being designed. Atty. Sabatt stated that it was designed and that initially he and the owners had come to an agreement to install a new water system. Then, there was a parting of the ways on that issue. The owners elected to obtain an alternative plan. Atty. Sabatt stated that updating the water system was not going to be a workable scenario if working in tandem with the owners. Atty. Sabatt stated that he is intending to pave the roadways 20' in width and to add bluestone on either side, or some other similar material, which will enable the owners to come in after the fact and install a new water system if that's what they intend to do. Mr. Andrews stated that that is a very narrow roadway. Mr. Andrews asked if the plans for the wastewater treatment plan have been delivered to the Board of Health office. Atty. Sabatt stated that he will provide the office with a copy. Ms. Peterson also would like an O&M contract and a schedule on file with the office. Atty. Sabatt stated that the Austin Family has put up 2.7 million dollars, a significant amount of money. That money is all but expended on the wastewater treatment plant. Mr. Andrews stated that the owners have a responsibility to provide a safe environment for the occupants, and it took a court order in order to get the septic issues taken care of. Mr. Andrews stated that as part of the licensure, the Board of Health has always asked for the water system to be updated. Mr. Andrews stated that some of the materials used to construct the existing water system are more commonly seen on an irrigation system. Atty. Sabatt stated that the owner died and his children, the new owners, are a new generation that were not involved in the earlier events. Mr. Andrews stated that clean water is necessary for the park. Ms. Peterson stated that licenses are non-transferable and the Board of Health may not issue a license to a new owner without the water system being updated. Ms. Peterson stated that the Bourne Water District had to be called in to the park within the past month for issues with the water at the PHMP. Ms. Peterson asked if Mr. Austin has plans for the park, why he hasn't addressed the Board of Health himself. Atty. Sabatt questioned Ms. Peterson on the transfer of the license, and stated that the owner will remain the same so it will not be a "transferred license". Ms. Guarino asked if the \$863,650.00 cost mentioned in the 2012 feasibility study for the water distribution system was accurate. Atty. Sabatt stated that the system that was more recently designed was not priced out, but that the cost in the feasibility study should be accurate. Ms. Guarino also asked about the \$434,300.00 estimated roadway construction cost listed in the 2012 feasibility study. Atty. Sabatt stated that the roadway estimate probably was for 40' in width roadways. Ms. Guarino stated that the 2012

feasibility study had some great ideas to generate funds to support projects, such as the updating the water system. Ms. Guarino stated that the feasibility study lists alternative options to generate income such as selling off parcel 14. A portion of the wastewater treatment plant is on the parcel 14. Atty. Sabatt stated that the reason why he suggested selling off parcel 14 was because there were no funds back in 2012. Ms. Guarino asked about the possibility of subdividing the parcel and selling the remaining to generate funds. Atty. Sabatt states that expanding residences into that area will increase occupancy, effluent, and also increase income. Mr. Andrews asked about the number of units. Atty. Sabatt stated there are 89 units currently, and that with the wastewater treatment plant the park has the potential for 110 units. Mr. Andrews asked how many years after the park is operational that the DEP will re-evaluate flows. Ms. Guarino stated that there are flow meters installed. Ms. Guarino said it is tracked regularly as part of the monitoring. Ms. Guarino stated that she spoke to DEP about the water distribution system and that they were concerned. Ms. Guarino stated that under the regulations, basic utilities are supposed to be in good repair. Ms. Guarino mentioned that water is curtailed to the park when repairs are made. Ms. Guarino stated that it is in the regulations that an operator shall not willfully interrupt any utility service. Mr. Barlow asked if there are fire hydrants in the park. Ms. Guarino stated no. Mr. Barlow stated the without fire prevention installed in the park, it is a major safety issue. Mr. Valeri states that he does septic repairs, water repairs, and insulation for the past 25 years for the park. Mr. Valeri stated the breakages in the water lines 90% of the time occur in the tenant owned connection line that runs from the unit to the ground. Mr. Valeri stated that the majority of these breakages occur in the winter time. This is largely part due to the tenants not turning on the heat tapes, because of the expense. When the heat tapes are not turned on, the water lines freeze and break. Mr. Valeri stated that the main valve to the entire park is only shut off in extreme conditions. Each road can be shut off separately. Mr. Valeri stated that in the past, there are a few tenants that call the Board of Health the second the water is shut off. Mr. Valeri stated that the tenants let their water run excessively to prevent the lines from freezing rather than turning the heat tapes on. Ms. Peterson sees water mains as the only option. Fire hydrants cannot be installed without a water system. Mr. Valeri stated that it is the tenants issue if they do not turn on their heat tape. Atty. Sabatt would like the Board of Health to grant a temporary license to the PMHP until June 1, 2017. Atty. Sabatt would like to reappear at a meeting of the Board of Health to discuss the water system after he has a chance to consult Mr. Austin. Mr. Andrews asked which part of the license would be modified. Atty. Sabatt stated that conditions #6 and #7 would be deleted. Ms. Peterson stated that the water distribution system must be installed. **Mr. Andrews made a motion to issue a temporary 6 month license to the Pocasset Mobile Home Park with a required review after 90 days has elapsed. The existing conditions of the license will be used with the deletion of #6 & #7 from the list of conditions issued to the PMHP. Mr. Barlow seconded this motion. The vote was unanimous.**

4. **BOURNE BOARD OF HEALTH FEE SCHEDULE – Terri Guarino, Health Agent – Discuss and possibly vote to make changes to current schedule of fees which was effective as of December 1, 2015. Discuss amending description of Filing fee, Late Fee, Septic System Permit Fee for non-gravity systems, and Mobile Food licensing to provide clarity and add detail in definitions. Discuss amending fee for Temporary Food Permits so that they do not exceed the charge of an annual retail food permit. Update Tobacco Violation Fees to \$300.00 for each offense and add reference to current Tobacco Regulation. Possibly add new \$25.00 fee for Irrigation Well Installation Permit which was free of charge. Review all items and address any inquiries.**

Mr. Barlow made a motion to separate the vote for food items from the other items. Mr. Andrews seconded the vote. It was unanimous. Ms. Guarino stated that this list is posted on the Town of Bourne website. Ms. Guarino stated that on the first page it was recommended by Atty. Sabatt to re-word the writing for filing fee to *Application Fee for All Other Forms of Relief*.

On the second page, the wording for the Mobile Home Park License is changed to *Manufactured Housing Community/ Mobile Home Park Annual License Fee*. Ms. Guarino stated that trailers pay a monthly tax as well that is recorded in the Board of Health office but is submitted to the tax collector's office. Ms. Guarino stated that there were some questions submitted to the office in the past year on the difference between the two fees. Ms. Guarino stated that wording the Annual License Fee in this way will provide clarity. The Late fee wording is being changed to *Late Fee for Non-Renewal of Annual License/ Permit* to provide clarity. Mr. Andrews stated that with a plumbing permit, most towns charge double if the permit is late. Ms. Guarino stated that this fee is for operating without a license. Mr. Andrews stated that there is a grace period listed for the Late Fee. Mr. Andrews does not want a grace period for annual permits because the annual license holders should be aware that their license is due. Ms. Guarino stated that the grace period is a good idea especially since the cutoff date falls on a weekend this year. Mr. Barlow supports the grace period. Ms. Guarino stated that doubling the fees would be a consistent practice. Mr. Barlow stated the rubbish haulers license is \$500.00 and the septic permit fee is \$150.00. If the fees were doubled then the rubbish hauler would have to pay a late fee of \$500.00 and the septic permit applicant would only have to pay a late fee of \$150.00. Mr. Barlow stated that one flat fee might be more efficient and fair to the license holders. Mr. Andrews stated that he sees doubled fees all the time. Ms. Guarino stated that arguments are brought to the office that they were not operating. Ms. Butler feels that doubling the fee will cause more confusion in the office. Ms. Butler does not think it is fair that the late fees would be different amounts for different establishments, and feels that this will generate more arguments. Mr. Barlow feels that charging people a re-occurring fee will get license holders to submit their applications on time. Mr. Barlow stated that there is a difference between seasonal establishments and year round establishments. Ms. Butler agrees and stated that the seasonal establishments argue that they were not operating so they cannot be fined. Ms. Guarino stated a flat fee of \$50.00 should be charged for every week that the application is late. The Board agrees with this. Ms. Peterson stated that under the Medical Marijuana Treatment Center License a new category entitled *Retail Sale of Marijuana Infused Products* \$250.00 is being proposed. Ms. Peterson wants and/or added to this so that the new category will read *Retail Sale of Marijuana and/ or Infused Products* \$250.00. Mr. Andrews stated that those three categories are treated different in the regulations so they may require different fees. Ms. Peterson stated that this will be discussed in the January meeting. Ms. Guarino stated that under the category Septic System Permits \$200.00, that *Innovative/Alternative Technology, Pumped Systems, Pressure Dosed, and New Construction/Upgrades* was added underneath for clarity on which types of systems will be charged the \$200.00 fee. Under the Tobacco Violation Fee *See Regulation* was added for clarity, and the fees were adjusted to reflect the current Tobacco Regulation. Ms. Guarino stated that a *Well Installation Permit for Irrigation Well* \$25.00 was added because the Board of Health has a well regulation that requires permits for both irrigation wells and drinking water wells. Ms. Guarino stated that in the past irrigation wells were no charge, but that it is not unreasonable to have a charge for these wells because they do require office review. Ms. Guarino stated that there is more review required for a drinking water well and that is why the fee for the irrigation well should be \$25.00 because it is a lower fee than the \$50.00 fee for a drinking water well. **Mr. Andrews made a motion to accept all of the non-food proposed and discussed changes to the schedule of fees. Ms. Mastria seconded the motion. The vote was unanimous.**

Mr. Barlow stepped off for this item. Ms. Guarino stated that the current State Food Regulation is in the process of being amended. Ms. Guarino stated that in the past Mobile Food was separated into two categories. However, she feels that making Mobile Food into one category and charging a \$100.00 fee is more consistent. Changing the fee for a Temporary Food Establishment from \$50.00 to \$40.00 is also being proposed. Ms. Guarino stated that this will also be changing in the new Food Regulation. Farmers Markets and Temporary Events are becoming more popular. Ms. Guarino stated that in the proposed changes to the new Food

Regulation it states that the total fee for temporary food establishments cannot exceed the fee for the lowest annual food license. Ms. Guarino stated the lowest annual food license fee is \$40.00, and that is why it is being proposed to lower the Temporary Food License to \$40.00. Mr. Andrews asked if they are inspected. Ms. Guarino stated that Ms. Butler inspects these events which are typically on the weekends. Ms. Butler stated that with Farmers Markets, they are re-occurring events and that you can either charge the event one fee or you can charge the individual vendors. Ms. Butler stated that the total sum of the charges cannot exceed the cost for an annual food permit. Ms. Butler also stated that because these events will typically have the same vendors, the event does not have to be inspected every weekend. **Mr. Andrews made a motion to accept the proposed changes to Mobile Food and Temporary Food Establishments in the schedule of fees. Ms. Mastria seconded the motion. The vote was unanimous.**

5. **188 CAPTAINS ROW – Terri Guarino, Health Agent – Property owned by the Folan Family – Discuss and possibly vote on enforcement action for failure to upgrade failed septic system. Owners have been previously notified of upgrade requirement and violations of Title 5 of the State Environmental Code and the Bourne Board Title 5 inspection Regulations. – No one was present for the meeting. Ms. Guarino stated that she spoke to Peter Valeri, the installer, whom stated that the plan was recently designed and should be submitted to the office soon. No action was taken.**
6. **APPROVE THE MINUTES – From the meeting dated October 26, 2016 and November 16, 2016. Mr. Andrews made a motion to approve the minutes dated October 26, 2016. Ms. Mastria seconded the vote. It was a unanimous vote. Ms. Mastria made a motion to approve the minutes dated November 16, 2016. Mr. Andrews seconded the vote. It was a unanimous vote.**

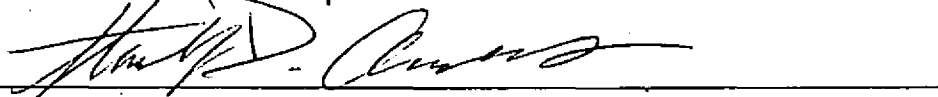
Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 8:46 PM.

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

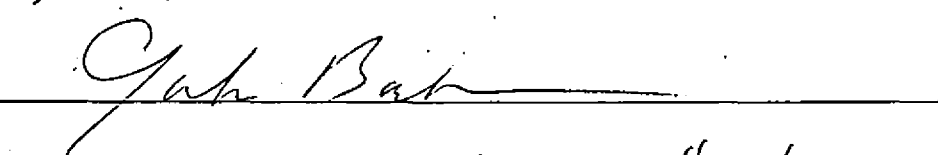
Kathleen Peterson



Stanley Andrews



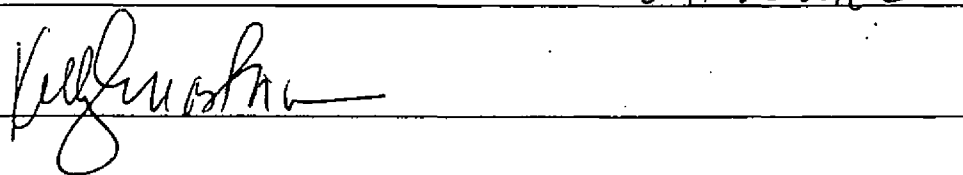
Galon Barlow



Don Uitti

not in attendance

Kelly Mastria –



cc Board of Selectmen/Town Clerk