

March 25, 2021

Jonathan D. Witten
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James Beyer, Chair
Bourne Zoning Board of Appeals
24 Perry Avenue
Buzzards Bay, MA 02532-3441

RECEIVED
2021 MAR 29 PM 12:12
TOWN CLERK BOURNE

RE: "Cape View Way", Application for a Comprehensive Permit

Dear Chairman Beyer and Members of the Board of Appeals:

This Office has been retained by the North Sagamore Water District ("Water District") in regard to the above noted matter.

We are in receipt of the materials submitted to the Water District by the applicant, Preservation of Affordable Housing, Inc., requesting among other items, certain waivers of the Water District's rules and regulations. The applicant suggests that waivers from the Water District's rules and regulations may be granted by the Board of Appeals.

Please be advised that it is my opinion that the Board of Appeals lacks the statutory authority to grant waivers or any other form of relief from the Water District's duly promulgated rules and regulations. The Water District is an independent "body corporate" established by the General Court pursuant to Chapter 290 of the Acts of 1939. The Water District is not a "local board" pursuant to G.L. c.40B, s.20 or 760 CMR 56.00 et seq. and, accordingly, the Board of Appeals lacks the authority to waive or otherwise negate the powers and authority of the Water District.

While the Water District will, as always, cooperate and seek to assist prospective customers, the prospective customer, in this case the above noted applicant, will need to meet with the Water District to discuss their proposal and seek whatever relief is needed from the Water District. The Board of Appeals is the wrong source for such relief and the Water District respectfully requests that the Board of Appeals decline any invitation to attempt to "waive" the Water District's rules and regulations.



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Please let me know if you have any questions.

Respectfully submitted on behalf of the North Sagamore Water District.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan D. Witten".

Jonathan D. Witten

JDW/lmk

cc: Meena Jacob, Preservation of Affordable Housing, Inc. *(by electronic mail)*
Robert Troy, Esq., Town Counsel *(by electronic mail)*
Matthew Sawicki, Superintendent, North Sagamore Water District *(by electronic mail)*

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