



# TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



## Meeting MINUTES February 14, 2024

RECEIVED  
2024 FEB 28 AM 9:14  
TOWN CLERK BOURNE

### Meeting was called to order at 05:30 P.M.

*This meeting was televised and recorded by Bourne Community TV for replay  
This meeting was also recorded by Kate McCarey.*

#### 1. Attendance.

Members in Attendance: William "Bill" Doherty, Chair; Bob Collett, Clerk; Don Uitti; & William "Dusty" Meier.  
Staff in Attendance: Kaitlyn Shea, Acting Health Agent; Stacey Burgess, Administrative Assistant.

#### 2. Chair's report of his February 13, 2024 meeting with Acting Health Agent, Town Counsel, and Town Administrator to discuss questions regarding 176 Scraggy Neck Rd.

Mr. Doherty explains that a meeting was held but no conclusion was made because there were questions that needed to be researched and answered. Mr. Collett questions what was discussed. Mr. Doherty explained that it was in regard to the property at 176 Scraggy Rd and that they were still looking for information. Mr. Doherty states that he does not want to go into speculative detail since they are still looking into the questions and information.

An audience member questioned if it was open for public comment. Mr. Doherty states that they can ask later, and informs the applicant that the Board cannot respond during public comment.

#### 3. 415 Circuit Ave – Zachary Basinski, P.E., C.F.M of Bracken Engineering, Inc. on behalf of owners/applicants Gretchen Dietrich, Scott Dietrich & Guy Reed – Requesting variances from 310 CMR 15.405 and Bourne Board of Health 150' Setback Regulations for the installation of an I/A septic system upgrade.

Mr. Zachary Basinski of Bracken Engineering presented the project. Mr. Basinski explained the environmental background and logistics regarding the project. The Board Members proceeded to ask questions. Kaitlyn Shea remarks on the project.

**Mr. Uitti makes a motion to approve the project at 415 Circuit Ave as presented. Mr. Collett seconds the motion. No discussion. All were in favor and the motion passes unanimously.**

#### 4. Health Department Updates – Updates on office protocols while Health Agent, Terri Guarino, is on leave.

Ms. Kaitlyn Shea shares that she has been serving as the Acting Health Agent while Terri Guarino is on leave and shares how the department has been operating since there have been less hands on deck.

Mr. Doherty questioned the status of grease traps. Ms. Shea shared the status and maintenance recording and requirements.

Ms. Shea invited the Board members to submit questions for MassDEP regarding the new Model Well Regulations and Watershed Permitting information so that they can be answered at a future meeting.

#### 5. Acting Health Agent's Report.

Ms. Shea discusses how the Bourne Substance Free Coalition had a discussion regarding Narcan and community-based availability. She questioned if the Board would like to hear them at a meeting to look into their new venture. Mr. Doherty stated that they would be interested.

**6. Public Comment on non-agenda items.**

Maryfrances Galligan of 170 Scraggy Neck Rd read a statement regarding the ongoing project at 176 Scraggy Neck Rd (*Exhibit A*).

Tyler Franklin, a representative from Rubin & Rudman Law Group, spoke in response to the statement made by Maryfrances Galligan.

Jane Hurter of 3 Gull Ln, an abutter to 176 Scraggy Neck Rd and civic association shared comments regarding 176 Scraggy Neck Rd.

**7. Comments from the Board in regard to future agenda items.**

No member comments.

**8. Approve Minutes – Approve the minutes from the previous meeting dated December 13, 2023.**

**Mr. Meier makes a motion to approve the minutes for December 13, 2023. Mr. Collett seconds the motion. No discussion. All were in favor and the motion to approve passes unanimously.**

**9. Adjourn.**

**Mr. Collett makes a motion to adjourn the meeting. Mr. Meier seconds the motion. No discussion. All were in favor and the motion to adjourn passes unanimously.**

The meeting adjourned at 5:59pm.

Taped by: Kaitlyn Shea, Acting Health Agent  
Typed by: Viveca Stucke, Recording Secretary  
Edited by: Stacey Burgess, Administrative Assistant

## ***Exhibit A***

Good evening -

Tonight, I am in my fourth year of standing before you asking you to mandate that the applicant obey the law, asking you to mandate that the applicant abide by the rules, asking you NOT to grant 8 variances from the health regulations that require a 150 foot setback for septic leaching facilities. (when, in fact they should have asked for more variances related to Coastal Bank #3 - which is the closest Coastal Bank to the proposed septic system). The applicant has repeatedly ignored the third coastal bank which is identified on the conservation commission approved site plan.

This is a RAZE (1 bedroom seasonal cottage) and REBUILD 4 bedroom , garage, extensive exterior decks, indoor pool, indoor hot tub and indoor sauna. Clearly there is NO hardship.

I am asking you to make the RIGHT decision and give the abutters, neighbors, community and yourselves the right to a public hearing on this matter. **Constructive approval of this project is arbitrary and capricious.**

I am here tonight as an abutter to 176 SNR to speak up on behalf of those with no voice. Who are those with "no voice" you ask?

I speak for the 4 salt ponds that surround this site and are all hydrogeologically connected.

I speak for the marsh grass that abuts this property that sways in the wind and cleanses the bay waters for all the fish and wildlife. The marsh grass in Winsor Cove and Red Brook Harbor is disappearing and will certainly be overwhelmed by the septic runoff of this massive home.

I speak for the sea turtles, fiddler and horse shoe crabs, fish, mussels, clams and minnows that will be harmed by the groundwater runoff from the septic system. I speak for the swans, the blue herons, red tail hawks and the osprey that will also suffer.

But most of all, I speak to YOU, the Board of Health and the Town of Bourne imploring you to demand that the applicant follow the LAW

The applicant has demanded constructive approval of this quote, unquote " COMPLETED "application. They are threatening to sue if they don't get this approval. However, the application is INCOMPLETE on many fronts.: The "incompletions were outlined in the January 23, 2023 letter from Hill Law" and additional deficiencies in the application were discussed when I met with the Health Agent in January of this year.

The LAW requires a hydrogeologic study for leaching fields within 100 feet of a wetland resource or watercourse. Despite pointing this out to the applicant many times over the last three plus years, the applicant refuses to conduct this study. Why?

Because the answer will not support their variance request. The hydrogeologic study that is required will identify groundwater flow direction and ground water drainage areas to the surrounding salt ponds. This analysis is needed to fully evaluate the project's impact. This study should also include revised nitrogen loading calculations based upon the site hydrology.

**Without including this study – the application is incomplete as it is required by LAW!!** The applicants' claim that they are entitled to approval without conducting this study is a total over reach.

The application is incomplete as they need to ask for additional variances (above and beyond the 8 requested) for proximity of the leaching field to Coastal Bank #3 as this Coastal bank is even closer to the reserve.

**The Applicant failed to apply for required variance from Title 5. These variances are required because the septic system is only 22 feet away from the top of COASTAL BANK #3. ( How can you build a house when it doesn't comply with Title 5?)**

In addition to these deficiencies the following "incompletions" were pointed out to me by the Health Agent

The Applicant's nitrogen loading calculations are incorrect as pointed out in Hill Law's letter and confirmed by the Health Agent.

The Applicant is proposing an I/A septic system for a 4 bedroom house. Per the Health Agent, under the BOH definition of a bedroom the house is 6 bedrooms. In addition, the house will have an indoor pool and an indoor hot tub.

There is a discrepancy in square footage of the proposed house between the plans approved by conservation and the plans presented to Board of Health. The applicant has added over 500 square feet to the size of the house. **Did they think we wouldn't notice?** This needs to be addressed!!

Thank Mr. Chairman and members of the Board of Health for your time. I trust that you will deny the applicants' demand for constructive approval and you will allow a review and discussion of this application in a public hearing.

THE APPLICATION IS NOT COMPLETE AND DOES NOT FOLLOW THE LAW!!!!!!