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TOWN OF BOURNE BOARD OF HEALTH

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TOWN CLERK BOURNE

MINUTES April 11, 2018

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; Donald Uitti; and Kelly Mastria via conference call

Support Staff in attendance: Terri Guarino, Health Agent; Zackary Seabury, Health Inspector; and Kayla Davis, Health Inspector

Meeting was called to order at 7:00 pm

Ms. Peterson asked if anyone was recording at this time. Mr. Philip Austin, operator of The Park at Pocasset, and Mr. Michael Rausch, were recording audio.

*Ms. Peterson asked for a roll call vote to call Board member Ms. Mastria for remote participation. Roll call vote: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes.
Ms. Mastria is now participating via telephone.*

- 1. 166 Williams Avenue—Suzanne Berestecky—Requesting variances from the Town of Bourne Poultry Regulations pursuant to MGL c. 111, §31. Discuss and possible vote on the following variances: Setback of less than 50 feet from chicken coop to property line, setback of less than 100 feet from chicken coop to residential dwellings, total amount of chickens on a property of .25 acres or less, setback of less than 50 feet to any room where milk is handled.** Ms. Peterson asked Health Inspector, Zackary Seabury, to inform the Board of this situation. Mr. Seabury stated that the office received a telephone call about a possible chicken coop that is not registered with the Town and may not meet Bourne Board of Health regulations. Mr. Seabury discussed with the owner of the property advised of the regulations and need for a variance from the setbacks. The chicken coop currently is abutting and only a few feet from 30 Leen Road and 829 County Road. Ms. Suzanne Berestecky, property owner, was present for this meeting. She stated that she believed the Lord wanted her to get these chickens as a possible food source for her family. She got these chickens as an act of faith. Ms. Peterson asked the owner why she feels she needs to have three, not two chickens. Ms. Berestecky said she originally had four chickens, which were the minimum quantity she was able to purchase. Mr. Robert and Lisa Collett, abutters, were present and submitted a letter for the meeting. The Colletts stated that they would have no problem with the chickens, except they are so close to their property and causing extreme stress to their dog. Ms. Peterson asked if there is any feasible location for the coop that is away from the Collett's property. Given the size of the lot, if the chicken coop is moved it will still not meet setbacks and be close to other property lines. Ms. Berestecky said she will consider relocating the coop or removing the chickens from her property all together. **Ms. Peterson made a motion to continue this item for two weeks until the next meeting of the Board of Health. Mr. Uitti seconded the motion. Roll call vote for approval: Mr. Barlow in favor, Ms. Mastria in favor, Mr. Andrews in favor, Mr. Uitti in favor, and Ms. Peterson in favor.**
- 2. 165 Jefferson Road—Jack Landers-Cauley, P.E. on behalf of owner, William Russell---Hearing to request waivers from Title 5, 310 CMR 15.405 and the Bourne Board of Health 150' Setback Regulations for the continued use of the existing septic system to accommodate the raze and rebuild of one of two dwellings on property. Existing septic system permit #128-07 is only 88ft. from the edge of wetland, 5ft off property**

line, and 6 feet from crawl space. Ms. Peterson recused herself for this agenda item. Mr. Andrews asked for comments from the Health Agent on the revised plans submitted. Ms. Guarino stated that despite the revised plans, there is still additional information which was discussed in the past that was not submitted. The recommendation is that the Board do not approve these requests this evening without the additional information requested for the Board. The applicant may choose to waive the timeframe for the Board to consider this item, to withdraw the request without prejudice, or to continue this discussion to another meeting after all the information is submitted. Jack Landers-Cauley, P.E. was present for this hearing. He acknowledged the correspondence and information requested from the Health Department, but said he has a difference in opinion as to what is needed for variance requests. The variances are not changing from what was designed, approved, and installed in 2007. There is no change in the number of bedrooms, and there is a MicroFAST advanced treatment unit proposed to be installed. Mr. Andrews asked what the invert elevations are not on the plans for the components. Mr. Landers-Cauley stated that he asked a contractor to dig up the components to determine existing elevations and that was done today at 2pm. Mr. Landers-Cauley stated what they could control was provided seven days before. Steven Cook, Cotuit Bay Designs, LLC was present for this hearing. There were two four-foot cased openings added to the proposed second story of the dwelling; one to the gym, and the other to the walk in closet. He said that a smaller pool may be placed on one of the decks, so the in-ground pool shown on the plans will be eliminated. First floor to be elevation 21 due to the flood zone elevations with the garage underneath. All plans will be approved by a structural engineer prior to the building permit and there will be no increase in number of bedrooms. Mr. Landers-Cauley added that he forgot to provide the updated Percentage of Increase Worksheet to the office but the project is consistent with their policy. The Conservation Commission has not made a decision on the project. Mr. Barlow asked for clarification if the Conservation Commission has approved the plans. They have not come to a decision. Mr. Barlow stated that the Board of Health does not hear items such as these until they are approved by the Conservation Commission. Mr. Landers-Cauley understands and Attorney Chris Kirrane stated that they have no problem waiving the timeframe for the Board to consider this. Ms. Guarino provided the applicants with a form, and the applicants waived their timeframe for the Board to consider these variances/waivers. Attorney Alec Joyce is present on behalf of the abutters and submitted the Tortorella case to the members. He stated that Mr. Lau was unable to attend the last meeting, but is present tonight. Mr. Jeff Lau, direct abutter at 163 Jefferson Road, introduced himself to the Board. He stated that they are pro-development but have many concerns about the environmental impacts and hopes the construction is done responsibly. Mr. Brad Bertolo, P.E. from J.C. Engineering, Inc. provided a letter to the Board to consider. He is pleased with discussion about raising the system to meet requirements. Mr. Bertolo has concerns with calculations of habitable space, but glad they are offering a MicroFAST system. Mr. Bertolo stated he will hold back with other comments and will wait until further information is submitted. Mr. Joyce stated he believes the board should review the plans to determine if a reserve area is necessary due to his idea of new construction. 160 Jefferson Road, Paul Offano, had some questions about the six inch difference on groundwater separation that was brought up earlier. Ms. Guarino clarified that the bottom of the leaching is more than six inches from groundwater and that they applied a five foot vertical separation. Mr. Offano asked if the opponents' objection to the project is only that the building is being elevated. Mr. Andrews stated that why does not concern the Board. Mr. Kirrane wanted to clarify that the project is not new construction based on case law. Mr. Barlow's advice is to go to the Conservation Commission with all these ideas and then come back to the Board of Health after. **Mr. Barlow made a motion to continue until Ms. Guarino confirms conservation is finished and all information has been received. Mr. Uitti second the motion. Mr. Barlow in favor, Mr. Uitti in favor, Ms. Mastria in favor, and Mr. Andrews in favor. The vote to continue has been approved with Ms. Peterson abstaining from voting.**

3. **Cape Cod Baseball Club Camp—Steven Almonte, President—Consider whether or not to issue license to operate a recreational camp for children pursuant to 105 CMR 430.00. Discussion and possible vote on operating without a license for Christmas and February school vacation camps and noncompliance with letter dated July 19, 2017.** Ms. Peterson returned as Chair of the meeting and asked the Health Department staff to explain this agenda item. Ms. Guarino explained that Mr. Almonte was sent a letter in July 2017 about the permit requirements and regulations in the state sanitary code applicable to his camp. According to the website, there was a Christmas vacation and February vacation camp offered. These camps were not licensed, but an

incomplete application was submitted for the upcoming April vacation camp. Ms. Guarino stated there is still an outstanding amount of information need for April vacation camp. Mr. Almonte introduced himself to the Board. He has not operated the Christmas vacation camp for a number of years so was not sure what version of the website we were referring to. Mr. Almonte stated he has ran February and April camp since 2003 and has tried his best to comply with the town. Mr. Almonte stated he will be willing to meet with someone from the Board of Health tomorrow morning to go over all the paper work. Mr. Almonte stated he is prepared and that he wants to comply and with the codes and hopes the Board will grant him a license to operate. Ms. Guarino stated the office needs the correct information and proper fee well in advance. Mr. Almonte stated he will submit all documents 30 days prior in the future. **Mr. Andrews made a motion to approve the license for the recreational camp pending information submitted to the office and a preoperational inspection. Mr. Uitti seconded the motion. Roll call vote for approval: Mr. Barlow in favor, Ms. Mastria in favor, Mr. Uitti in favor, Mr. Andrews in favor, and Ms. Peterson in favor.**

4. **Procedures for Granting Septic Variances and Local Upgrade Approvals—Discuss existing state and local board of health septic regulations and criteria for the review of septic plans and any requests for relief. Clarify procedures for maximum feasible compliance local upgrade approvals, public meetings, waivers, and variances for new construction, increases in flow, or changes in use.** Ms. Peterson stated there has been confusion on what people think we should give for variances and what we shouldn't. She said that this criteria does clarify those questions. Ms. Peterson and Ms. Guarino read the changes to the criteria to ensure everyone is on the same page especially in regard to the existing Board of Health 150' Setback Regulation. **Mr. Barlow made a motion to endorse the procedures for Granting Local Upgrade Approvals and Septic Variances adding the 125 foot boundary in item B1. Mr. Uitti seconded the motion. Roll call vote; Ms. Mastria, Mr. Uitti, Mr. Andrews, Mr. Barlow, and Ms. Peterson all in favor. The vote was unanimous.**
5. **Marijuana Working Group-- Nominations for Board of Health member to serve on Cannabis Working Group --Discussion and possible vote.** Mr. Barlow made a motion to nominate Stanley Andrews to serve on the marijuana working group and Mr. Uitti seconded. Roll call vote to appoint Mr. Andrews as the Board of Health representative on the Marijuana Working Group: Mr. Andrews, yes; Mr. Barlow, yes; Mr. Uitti, yes; Ms. Mastria, yes; and Ms. Peterson, yes. All were in favor of appointing Mr. Andrews to serve along with Health Agent, Terri Guarino on the Marijuana Working Group.
6. **Approve the Minutes from the meeting dated March 28th, 2018.** Mr. Andrews stated that he did not receive a copy of the draft minutes and made a motion to continue this item to the next meeting. Mr. Uitti seconded the motion; roll call vote; Mr. Barlow, in favor, Ms. Peterson, in favor; and Ms. Mastria in favor. It was a unanimous vote to continue the minutes from March 28, 2018 to the next meeting for approval.
7. **Set tentative date for next meeting and adjourn.** Ms. Peterson stated that the next meeting will be on April 25, 2018 at 7:00pm.

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Ms. Mastria, yes. All were in favor and the meeting adjourned at 8:24 pm.

Taped & Typed by Terri Guarino, Health Agent

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

