



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES July 13, 2022

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TOWN CLERK BOURNE

Meeting was called to order at 05:30pm
No audience members were recording.

1. **Attendance.** *Members in attendance:* Stanley Andrews, William Meier, and Barbara Princiotta
Support Staff: Terri Guarino, Kaitlyn Shea, and Deon Wills
2. **Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.**

A. COVID-19

Miss Guarino highlighted that the positivity rate for Bourne for COVID-19 is 6.34%. She highlighted that there is an active 14-day caseload of 42 cases. Miss Guarino also emphasized that citizens can obtain free at-home COVID tests at Town Hall, and that they have also been distributed through various town buildings like the Library and the Council on Aging. She stated that she wants the citizens to have access and utilize this resource.

Paul Gately from Cape Cod Times inquired about the new COVID-19 variant that has been spreading. Miss Guarino stated that vigilance is key in combatting the virus, and that the best way to safeguard their health is to utilize prevention methods like vaccination, testing, and limiting large gatherings. She stated that new variants are usually a cause for concern, but with the proper protection methods you can reduce your risk of exposure.

Mr. Gately questioned the location of the at-home tests and the accessibility for citizens. Miss Guarino reemphasized that these tests are available at several municipal buildings, in several locations at each building, and that the goal of these tests are to have them be accessible.

An audience member questioned the time for the rapid tests, and Miss Guarino explained that the results are ready within 15 minutes. She stated that these are a great prevention and infection control tool that the town has, and that they are a vital part in controlling the spread of COVID-19.

B. Monkey Pox post-exposure prophylaxis

Miss Guarino discussed the post-exposure prophylaxis and vaccination to limit impacts. She stated that people can be vaccinated following exposure to Monkey Pox to help prevent illness from Monkey Pox virus. She emphasized that it is important that states and other jurisdictions identify contacts of confirmed or probable Monkey Pox cases to offer vaccine for PEP and to monitor for any early signs of illness. Miss Guarino highlighted that the CDC recommends that the vaccine be given within 4 days from the date of exposure for the best chance to prevent onset of the disease. If given between 4 and 14 days after the date of exposure, vaccination may reduce the symptoms of disease, but may not prevent the disease. However, when coupled with self-isolation and other prevention measures when symptoms first occur, PEP is important for controlling outbreaks and preventing further transmission of Monkey Pox.

Miss Guarino explained that presently, JYNNEOS vaccine is available to individuals who live or work in Massachusetts and meet the CDC's eligibility criteria. Administration of JYNNEOS will be by appointment only at four designated health care locations throughout the state of Massachusetts: Fenway Health, Massachusetts General Hospital Sexual Health Clinic, and Boston Medical Center Infectious Disease Clinic which are all in Boston, and Outer Cape Cod Health Services in Provincetown.

Miss Guarino explained that healthcare providers are responsible for performing risk and exposure assessment prior to referring a patient for vaccination. Once a provider confirms vaccine eligibility, patients can make their own appointment, noting their provider determined the patient eligible for JYNNEOS.

C. West Nile Virus

Miss Guarino stated that for the first time this year WNV has been detected in mosquitos in the Easton area. No human or animal cases of WNV or EEE have been detected so far this year. She emphasized that there is no elevated risk level at this time. However, she highlighted that public health officials want to remind you that now is the time to take steps to avoid mosquito bites:

Miss Guarino explained that these steps are things like using mosquito repellent with EPA registered ingredients, wearing clothing to reduce skin exposure, draining any standing water on your property and repairing window screens, being aware of peak mosquito times from dusk to dawn, and check mosquito-borne disease webpages on mass.gov to keep yourself updated on where and when WNV activity is occurring.

D. Recreational Camps for Children

Miss Guarino emphasized that there are some issues with adjusting back into a recreational camps being hosted again, and that specific camps have slipped and lacked the ability to follow BOH procedures with permitting. MMA starting to host camps again. She stated that the challenge is that typically camps will register 90 days prior, but now, the department is being notified only days in advance. Miss Guarino highlighted that the Assistant Health Agent, Kaitlyn Shea, has been the lead on handling recreational camps, and that she has been able to coordinate and work to overcome the obstacles. She stated that unfortunately, there was one camp that has already been posted as cancelled because they did not submit a permit in time and were not directed to do so by their contacts at MMA. Another that had previously been exempt from permitting is currently in the process of proving to the Health Department that they can meet the requirements to operate or not. Miss Guarino stated that with the regulations it has been a process and a tough battle but that Miss Shea has been handling it well so that the camps can still occur, and that they are doing so legally.

E. Red Brook Harbor Pool – posted as closed, needs permit to operate, inspections and sign offs from Health and Building as well as a certification from the design engineer

Miss Guarino explained that the majority of public swimming pools have been permitted and inspected. She states that the Red Brook Harbor Condominiums Pool will possibly require Board approval in the near future, and that it is currently closed. She emphasizes that Health Inspector Deon Wills has been handling this issue and has acquiring all the necessary information and details. She states that the pool has possibly been operating illegally without a permit for the last 3 years because they have lacked any contacts. She highlights that the plumbing is signed off, but that the department is waiting on electrical permits, an engineer certification, a swimming pool permit with a CPO and passing water sample.

Mr. Andrews brought up that the procedural based August 10th meeting is coming up, and that the hearing cannot occur then. Miss Guarino states that she planned for it to occur on the July 27th meeting if everything goes according to schedule, and that if it doesn't, the board can visit the possibility of a special meeting to discuss the pool or administrative approval.

F. Combined all existing regulations regarding sewage disposal into one 50 page document. Will edit and work off this document for the purpose of amending our regulations. Set date of hearing for August 10th.

Miss Guarino handed out a new combined Sewage Disposal System Regulations for the board. She discussed that the Temporary Administrative Assistant, Viveca Stucke, took the individual SDS regulations and combined them into one overall regulation to be amended by the board. Miss Guarino also highlighted that the prior Administrative Assistant, Syreeta Amaral, will be transferring departments to the Clerk's office, and that Viveca will be overseeing her position until she leaves for college this Fall. Miss Guarino stated that this project is a draft, and that it is more user-friendly. She states that they can rescind and amend these regulations to be more up to date and straightforward.

Mr. Andrews states that this is something that would fall under the purview of August 10th procedure based meeting, and that it can be discussed then.

- G. MassDEP meeting about proposed NRA NSAs and our two watersheds with TMDL's. No draft regulations out for official comment at this time. Collaborating with Administration, Town Counsel, and the BOS/ BOSC representatives.

Miss Guarino discussed the MassDEP meeting that had taken place prior during the week regarding the proposed NRAs, NSAs, and our two watersheds with TMDLS in Bourne. She states that upon promulgation of the regulations, they would be subject to installing the best enhanced I/A system possible if there is no watershed permit within 5 years. She stated that there were no real regulations provided, just a fact sheet, but that if they went through, this would be a large transition. She said that there are still unanswered questions. Mr. Andrews emphasized that there was a roadmap provided with some of the potential changes and the path that it would follow with the Cape Cod communities.

Miss Guarino stated that she is collaborating with MassDEP, the Town Administrator, Town Counsel, Board of Selectmen, Board of Sewer Commissioners and the Board of Health. She stated that once draft regulations are released, they may review and comment on it.

Mr. Meier questioned the most sensitive areas for the upgrade that they are considering. Mr. Andrews responded that there are two watersheds in Bourne with TMDLS. Miss Guarino offered to send a map with the TMDLS, where Squeteague/Megansett is shared with Falmouth, and Phinney's Harbor is primarily in Bourne.

3. **17 Scotch House Cove Rd – Jack Landers Cauley P.E. on behalf of owner Lawrence Coen Jr.-continued from June 22, 2022- Requesting relief from Bourne Board of Health Regulations. Revised plans submitted 7/7/2022, dated 6/28/2022 request a 47.8 foot variance from the required 150 foot setback from the leaching facility to the top of a coastal bank with the installation of a conventional system.**

Mr. Jack Landers-Cauley, the Civil Engineer introduced himself as the representative of the project. He was accompanied by the homeowner, Mr. Chip Coen.

Mr. Andrews highlighted that the Health Agent, Miss Guarino, had previously requested the nitrogen loading calculations, and he inquired about if they were provided.

Mr. Cauley confirms that they were completed and provided, and that they included the area of land that was upland above the resource areas. In his review, he illustrated that it was done for a 6 bedroom count. He stated that on the plan, the upland area is 111, 676 sq. ft., which is roughly around a half area. He stated that the impervious area is 3,716 sq. ft. He informed the board that the average nitrogen loading is 5.135ppm. He stated that this is close to the target number of 5 ppm, and that he believes it is as far from the resource areas as possible and that he thinks that this is a reasonable request.

Miss Guarino explains that what she requested was provided, and that the approval should be contingent upon the board's discretion. She states that there is significant improvement from the prior system but that there is still a bit of discomfort regarding the coastal bank and resource areas.

Mr. Meier stated that he was satisfied with 5.135 ppm, and that he believes that with a conventional system this is acceptable.

Miss Princiotta states that she thinks that the calculations are distorted due to a lack of focus on the upland area, and she stated that she understands that this is an improvement, but that she does not think that this is enough relief for the area. She highlights that the upland area nitrogen calculations are roughly 8ppm, which makes her more uneasy than the average of 5.135ppm.

Mr. Landers-Cauley said the client used good diligence moving the system as far as possible to be 102.2 feet from the coastal bank and 182 feet to the swamp.

Mr. Andrews reemphasized that from the resource to the top of the coastal bank, the distance is 182ft.

Mr. Cauley stated that these topographic areas were determined by a specialist so that there is accuracy.

Mr. Coen requested to speak for himself for the remainder of the hearing.

Mr. Coen stated that he has had Dig-Safe on the property 3 times, and that he has worked for 4 years on this project so that he can adhere to the law. He highlighted the 150ft setback from a wetland resource, and that the upland area and specifics of the topography in regards to the bylaws is

Mr. Coen highlighted that the Conservation Commission had a negative determination with the project, and that they lacked jurisdiction and concern over the area.

Mr. Coen stated that he is not increasing nitrogen flow, and that he is putting a conventional system in.

Prior to voting Mr. Andrews made an effort to emphasize that there is an 80.7 foot difference from the vegetative wetland/ swamp to the top of coastal bank.

Mr. Andrews asked the Board members if they had any questions.

Miss Princiotta stated that she personally believes that this needs to have a deeper focus on nitrogen removal because she would like the calculations to be for the top of the coastal bank rather than the average, and that she thinks that an I/A system is most appropriate for this project.

Mr. Cauley stated that he provided the average number, and he believes that he does not believe an I/A system should even be brought into discussion because he had presented a completely different system.

Miss Princiotta emphasized that the average number lacks relevance due to the presence of an upland area, and the inability to provide the proper calculations there.

Miss Guarino stated that under Cape Cod Commission Technical Bulletin 91-001, there is not specific requirement to utilize only the upland area in the calculations, however, this tool was developed for groundwater recharge and using portions of the lot that are under water could be misleading in that calculation. She feels that what Mr. Cauley did effectively fit the desire of the Cape Cod Commission's worksheet.

Miss Princiotta stated that she would like more time to investigate the Cape Cod Commission's regulation in regard to nitrogen loading calculations so that she can ensure that the numbers that were provided are accurate and representative of the area and impact.

Mr. Andrews stated that he wants to emphasize that this is not a voluntary upgrade but rather a result of a routing slip being filed by Mr. Coen. He highlights that this has been a lengthy process and that he believes that the nitrogen loading calculations are the most vital part of the project and that they need to be more prominent in the process. Mr. Andrews stated that there was an absence of calculations related to increases in bedroom space.

Mr. Andrews emphasized that he referred to the building permits to see the alterations made to the house, and he emphasized that this project is time sensitive, and that it is long overdue. He also reviewed the location of the system in regards to the property, and he and Mr. Cauley agreed that the location of the system would be the best case scenario.

Miss Guarino confirmed that the dwelling is 6 bedrooms, to which Mr. Cauley confirmed and he emphasized that it has never changed. Mr. Andrews responded by highlighting that they lack the plans from the prior dwelling, so they are unable to have confirmation of the original size.

Mr. Andrews stated that he would be in favor of this project because it would be an improvement from the prior system, especially since Pocasset Harbor is in a sensitive area. Mr. Andrews stated that he would prefer an I/A system, but that he would like get this system upgraded due to the presence of cesspools.

Mr. Meier asked Mr. Coen if he has a contractor prepared if he issued a permit, to which he confirmed and stated that they would be ready to go.

Miss Princiotta requested that they set a date to upgrade so that this project does not continue to be dragged out.

Mr. Coen stated that within a year would be a comfortable time frame, and that he would prefer this.

Miss Princiotta, Mr. Andrews, and Mr. Meier agreed the 9 months would be a more comfortable time frame considering that there is already a contractor in line.

Miss Princiotta made a motion to approve 17 Scotch House Cove Rd presented by Jack Landers-Cauley P.E. on behalf of owner Lawrence Coen Jr.-continued from June 22, 2022- Requesting relief from Bourne Board of Health Regulations. Revised plans submitted 7/7/2022, dated 6/28/2022 request a 47.8 foot variance from the required 150 foot setback from the leaching facility to the top of a coastal bank with the

installation of a conventional system. Referencing the substantial improvement to the site for the upgrade and that the installation shall be completed within 9 months. Mr. Meier seconded the motion. Roll Call Vote as follows: Mr. Meier- yes, Miss. Princiotta- yes, and Mr. Andrews- yes. 3-0-0, motion passes unanimously.

4. 128 Emmons Rd – Jack Landers Cauley P.E. on behalf of owners Jonathan and Marni Levitt – continued from June 22, 2022- Requesting relief from Bourne Board of Health Regulations. Revised plans submitted 7/7/2022, dated 6/28/2022 request a 49.9 foot reduction from the required 150 foot setback from the leaching facility to the top of the north-western coastal bank and a 40.2 foot reduction from the required 150 foot setback from the leaching facility to the south-eastern coastal bank.

Miss Guarino shared an email sent earlier in the afternoon with comments. Mr. Landers-Cauley introduced himself and stated that he feels three of the bullet points are on the plans, and some may be incidental.

He emphasized that the larger discrepancy has been in regards to the bedroom count, and he stated that in his revised set of architectural plans, there have been alterations made so that the property can qualify as a 7 bedroom home.

Mr. Cauley stated that his project was approved by the Conservation Commission, and that the location and design are the most efficient. Mr. Cauley also emphasized that the architect has corrected the plans, and that he believes that the revised plans now meet regulations.

Mr. Cauley also highlighted that this property is unusual because it contains two coastal banks, one on the north-west side of the property, and one on the south-east side. He stated that this is referenced as a “saddle” because it is low on one side, rises up, and then falls again. He emphasizes that because of this increase and the distance to the coastal bank, he would like to put in an I/A 0.9 Microfast system.

Mr. Cauley provided nitrogen loading calculations for a 3 bedroom, which is what they will utilize as bedrooms, and a 7 bedroom, which is for the rooms deemed as habitable space. For a 3 bedroom system, the nitrogen loading calculations are 6.05 ppm, whereas a 7 bedroom is 10.7ppm. He states that this is prior to the Microfast system, and that after a discussion with the producer of the system, he was instructed that those numbers will be reduced by around 50% with a Microfast system. He states that by utilizing this guidance, the 7 bedroom figure would be 5.35 ppm.

Mr. Cauley also highlights the possible proposal of UV disinfection as an enhanced treatment to the system.

Miss Guarino concurs with Mr. Cauley that some of the discrepancies on the plans may be incidental and that with revision, there can be a proposal of new finalized plans. She requests clarification from Mr. Cauley on the paved driveway, and how that will work in conjunction with the garage.

Mr. Cauley clarifies that the proposed driveway will be gravel. He states that they are still deciding on the details of the type of gravel, but that he is certain that it will not be paved.

Miss Guarino and Mr. Andrews stated that they need to have a revised set of plans that clarifies the details that Jack has brought up. Mr. Andrews specifically requested the nitrogen loading calculations from the Microfast manufacturer and stated an emphasis on accuracy, specifically with the 7 bedroom count. He highlighted that Mr. Cauley needs to use the DEP approved numbers for his nitrogen loading calculations.

Miss Guarino confirmed that she met with the architect, and they discussed the revised architectural plans and that they have been completed to the standard of the board's regulations. She states that she is comfortable with the 7 bedroom design. Miss Guarino highlights that the existing bedroom calculations were done with a 3 bedroom calculation, but according to the plans that they received on June 15, there seems to be 4 bedrooms. She thinks that this works well in Mr. Cauley's favor because it reduces how much he is expanding. Miss Guarino discusses how an upgrade from a 4 bedroom conventional system to a 7 bedroom Microfast system will be effective and efficient, more so than if it was 3 bedrooms.

Mr. Cauley clarifies the calculations for if there is a 4 bedroom loading rate, and a 7 bedroom loading rate, that if there is the 50% reduction with the Microfast, and how he believes that they will potentially be the same. Mr. Andrews states that they will need the sheets to be redone.

Miss Princiotta states that she is feeling relieved that Miss Guarino has clarified and communicated what needs to be altered to Mr. Cauley so that these numbers can be accurate.

Mr. Meier states that he has no comments until he can see the revised and updated plans.

Mr. Cauley asked how the addition of UV will affect the project, and Mr. Andrews stated that he will need to see the official numbers prior to a full analysis and decision. He emphasizes the importance of the provision of information and details.

Miss Guarino states that she did inform Mr. Cauley in her revisions that the Board often requires pressure distribution, UV, or equivalent alternative SAS to provide advanced treatment for additional pathogen reduction, virus attenuation, and as an improvement over a conventional soil absorption system.

Mr. Andrews requested if Mr. Cauley would like to have this go to a vote, or if he would like this to be continued.

Mr. Cauley discussed the requirements of the nitrogen loading calculations and their relation to upland area, to try and promote the possibility of an immediate approval. Mr. Andrews discussed with the board and stated that at the time, without the proper calculations, they would not approve this project.

Mr. Cauley requested a continuance for until the next available meeting.

Mr. Meier made a motion to continue 128 Emmons Rd, represented by Jack Landers Cauley P.E to the next available meeting. Miss Princiotta seconded the motion. Roll Call Vote: Mr. Meier- yes, Miss Princiotta- yes, Mr. Andrews- yes. Unanimous vote 3-0-0, motion passes.

5. **176 Scraggy Neck Rd – Don Bracken, P.E. of Bracken Engineering on behalf of homeowner The Long Point Trust c/o Marybeth & Steven Bisson – Requesting relief from Bourne Board of Health Regulations. A 12 foot reduction from the required 150' setback from the S.A.S to the southwest edge of the saltmarsh. A 49 foot reduction from the required 150' setback from the S.A.S to the northeast edge of the saltmarsh. A 32 foot reduction from the required 150' setback from the reserve area to the south edge of the salt marsh and a 28 foot reduction in the required 150' setback from the reserve area to the northeast edge of a salt marsh.**

Mr. Don Bracken, P.E. and Zac Basinski, P.E. of Bracken Engineering presents the project on behalf of the homeowners.

Mr. Andrews wanted to confirm that the green cards match up with the sheets, which was confirmed. Mr. Andrews questioned the status of the project in relation to the Conservation Commission, to which Mr. Bracken states that only one meeting has taken place, and there has not been a determination made on the resource areas. Mr. Andrews emphasizes that the policy of the Board of Health is that they will not hear a project until the Conservation Commission has made a determination.

He states that due to a legal discrepancy with an abutter, they had to apply to the Board of Health despite the typical order of process. In the Wetlands protection Act, there is a section that states that any necessary permits have to be applied to in conjunction with the notice of intent. Mr. Andrews states that they will continue this hearing until the next available meeting provided that they meet with Conservation.

Mr. Andrews highlighted that Miss Guarino is still reviewing plans, and that she will be able to aid the representatives in any questions.

Mr. Basinski stated that the Conservation Commission requested that they review this project with the Board of Health, and that they reviewed the resource areas and stated that they look good. Miss Guarino highlighted that the Conservation Commission will have to make a determination, and Mr. Andrews states that he is not comfortable listening to this without a determination from the Conservation Commission on the resource areas.

Miss Princiotta motion to continue to next available meeting after Conservation Commission makes a determination on the resource areas. Mr. Meier seconded the motion. Roll Call Vote: Miss Princiotta- yes, Mr. Meier- yes, Mr. Andrews- yes. Unanimous vote, 3-0-0, motion passes.

Mr. Andrews discussed that he would like to have a discussion with the legal advisor for the abutters, Scott Horsley. Mr. Andrews stated that the board requires that everything be submitted the Wednesday prior to the meeting that all rebuttals will need to be provided to the Monday prior to the meeting. He emphasized that he wants all the information to be provided so that the board can make an informed decision, and that it is done in an amicable fashion. Mr. Andrews states that the next possible available meeting would be the second week in August.

6. Approve the Minutes-- Approve the minutes from the previous meetings dated February 2, 2022, February 16, 2022, May 18, 2022, May 25, 2022 and June 22, 2022.

Miss Princiotta made a motion to the regular meeting minutes of May 18, 2022, May 25, 2022 and June 22, 2022 as submitted. Mr. Meier seconded the motion. Roll Call Vote: Unanimous vote.

Miss Princiotta made a motion to approve the site assignment hearing minutes from February 2, 2022, February 16, 2022. Mr. Meier seconded the motion. Mr. Meier- yes, Miss Princiotta- yes, Mr. Andrews- yes. All in favor and the motion passed unanimously 3-0-0.

7. Set tentative date for next meeting.

Mr. Andrews highlighted that the next meeting will be July 27, 2022. He also highlighted that the August 10th meeting will be a procedural review meeting and that no hearings should be scheduled for that date or than internal business.

8. Adjourn.

Miss Princiotta made a motion to adjourn. Mr. Meier seconded the motion. All in favor and the meeting adjourned at 6:56 P.M.

Taped & Edited by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Secretary