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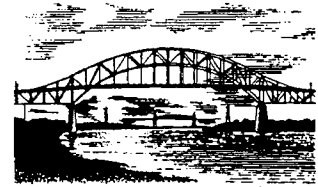
TOWN CLERK BOURNE

**TOWN OF BOURNE  
BOARD OF HEALTH**

**24 Perry Avenue  
Buzzards Bay, MA 02532**

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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 his 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

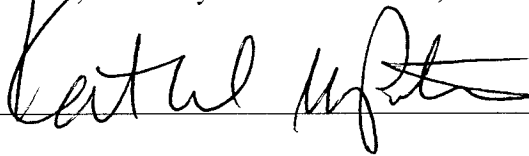
the deeds do not have to be notarized, but the Board of Health form needs to be notarized. Ms. Guarino stated that the form is supposed to be notarized. The deed restriction form will be on the Board of Health agenda for the next meeting on March 9, 2016. **No action was taken at this time.**

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.**

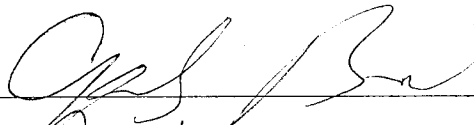
Taped and typed by Lisa Collett, Secretary and Jamie Butler, Health Inspector

Kathleen Peterson \_\_\_\_\_

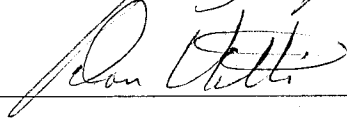


Stanley Andrews \_\_\_\_\_

Galon Barlow \_\_\_\_\_



Don Uitti \_\_\_\_\_



Kelly Mastria – \_\_\_\_\_

cc Board of Selectmen/Town Clerk