



TOWN OF BOURNE BOARD OF HEALTH

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Terri A. Guarino
Health Agent

MINUTES January 25, 2017

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

Support Staff in attendance: Terri Guarino, Health Agent; Jamie Butler, Health Inspector and Meghan McLean, Secretary

MEETING WAS CALLED TO ORDER AT 7:00pm

- 1. 0 Monument Neck Rd-- Earl Lantery, P.E. for Mary Shioutakon— Request variances from Town of Bourne Board of Health Regulations for proposed new construction and an alternative technology sewage disposal system: reduction in setback distance for the proposed primary soil absorption system to salt marsh from 150' to 119' (a 21' variance). Septic system includes a Norweco Singulair Sesi Model 600 GPD Nitrogen Removal System and a leaching facility with a 25% reduction in design flow per the septic design plan dated August 12, 2016 for the proposed four-bedroom dwelling.** Mr. Earl Lantery, registered professional engineer, was present for this hearing. Mr. Lantery stated that he's spoken to the conservation commission for approval on this project. The property in question is located at the end of Monument Neck Road, opposite of Rocky Point Road. Although the property is over 6 acres, a lot of it is a salt marsh. The owner of the property inherited the land, and contacted Mr. Lantery to design a house and a septic system that would be acceptable for that property. He stated that he will be using the Singulair system that is approved by the state that will have the least amount of impact on the property. This system reduces below the state requirement, so he believes being a complete denitrification system will meet the criteria of acceptable systems. There will be no construction located within 100 ft. of wetland. He stated that there are two properties he designed in Wareham using this system. A year round rental property has the system within 80 ft. of Agawam Pond, and the other is a rental property located on Maple Springs Rd. across from an operating cranberry bog. Mr. Andrews asked for the Health Agent's input. Ms. Guarino stated that the overall nitrogen loading is very low with the use of this technology. The design plan shows a 4 bedroom dwelling which uses approximately 440 gallons per day. Approving this technology allows for a reduction in the overall square footage in total leaching area. Mr. Lantery proposed using a leaching facility to accommodate 341 gallons per day, which is greater than the 330 that is allowed with the 25% reduction but is still less than the conventional 440 gpd flow for a four bedroom dwelling. Also, occasionally the Board requires pressure distribution for virus attenuation, which is another consideration for the proposed system. Mr. Lantery presented an option to address virus attenuation. He stated that he spoke with the manufacturer, and they sent him complete information pertaining to a chlorination/dechlorination

option. This option can be added to the Singulair system to address virus attenuation, as opposed to pressure dosing. These chlorination and neutralizing tablets will need to be replaced at least every 6 months according to the manufacturer's specifications. There is a 4 inch diameter PVC tube that allows the tablets to enter the system. Water flow over the tablets give chlorination. This process would be part of a testing regimen for this new technology. There will be discharging close to the marshlands, so Mr. Lantery suggested dechlorination/neutralization options as well. Mr. Andrews asked if the county has tested this, and Ms. Guarino stated it has been approved by Mass DEP, therefore it has been tested. Mr. Lantery also stated that Sigmund Scientific, a distributor, would be testing and maintaining these systems. The property owners are not yet sure if the dwelling will be year round or seasonal. Mr. Richard Kangas who is a direct abutter to the site, stated that the property is in a flood zone, and is concerned about the amount of fill going in since his property is level with Mr. Lantery's project. The retaining wall being put there is approximately 10 ft. from his property line. He estimated the fill to be about 6 feet high. He also stated concern about additional tree removal around the property and that there has already been a lot of clearing. Mr. Lantery stated that he pushed the location of the house back so Mr. Kangas's view will not be interfered with, and the retaining wall will be a total of 6 feet. Ms. Guarino stated that she is not aware of any past violations on the site due to clearing of trees. Ms. Peterson asked Mr. Kangas if he brought up clearing of the trees with the conservation commission and if they took care of his concerns. He replied that he did speak with them and that they are not allowing any additional removal of trees or shrubbery on the property. Madam Chair stated that on 12/7/2016 there was a new order of conditions recorded by the conservation commission that Mr. Kangas should read in its entirety. She asked for more information about the retaining wall. Mr. Lantery stated that the plan is written to keep outside 100 feet to the marsh, and avoid interference of Mr. Kangas's views. Instead of putting stilts under the house, the conservation commission agreed that he do two step terraces. It will taper down into the grade, and can be used as a parking area with a slight ramp up. Ms. Guarino stated that any run-off concerns can be remediated by good construction practices such as gutters going into drywells. The retaining walls will be set up directing any drainage from roof run-off downward into the ground so that it does not run-off onto the abutting property. Mr. Lantery stated that the roof run-off would be directed into 4 dry wells, and labeled them on the septic plan. Madam Chair called Mr. Lantery and Mr. Kangas to the table to point out the plans for these dry wells, and so that Mr. Lantery can include these in the plans. She suggested that both Mr. Lantery and Mr. Kangas meet at a time convenient for both of them to further discuss any other questions or concerns, and inform Ms. Guarino of when this meeting will take place so there is record of it. Mr. Andrews asked Ms. Guarino to require that the chlorination and deneutralization options be formally added to the plan on record. **Mr. Andrews made a motion to approve the variances for 0 Monument Neck Rd of the reduction of 21 feet from the 150 foot setback from the edge of wetland resource and, referencing the septic design plans dated received December 28, 2016, the addition of the Norweco Singulair Biokinetic Module for Biosanitizer Chlorination System and Bioneutralizer Dechlorination System. Kelly Mastria seconded. It was a unanimous vote.**

2. **Hotel, Motel, and Guest Cabin Regulations—Discuss and possible vote to amend the Bourne Board of Health Hotel, Motel and Guest Cabin Regulations previously amended on May 2, 1990 pursuant to c. 111 §31 of the Massachusetts General Laws. Discuss prohibiting smoking in these facilities, minimum sanitation standards, and banning pets other than service, comfort, or support animals.** Ms. Peterson stated this topic has come to light due to the number of changes that the inspectors would like to see from the current licensed hotel, motel, and guest cabin establishments to promote compliance with the minimum sanitary standards. Health Agent, Ms. Guarino, summarized the significant amendments to the regulations. There is added citations to

relevant laws, rules and regulations under Purpose and Intent which grant the Board of Health jurisdiction to amend these regulations. These provisions are also printed on the front page of our annual licenses that are issued. For definitions, there were originally only five in that section, and there are now several other definitions added. Guest unit occupancy (three weeks) and efficiency unit occupancy (ninety calendar days) time frames were established prior, but "per year" has been added to make the time frame clearer. Ms. Guarino stated that section nine of the new regulations, Animals, is a topic that the Board should discuss. Some guest units are considerably smaller without a lot of room for pets. There have been cases where the Inspectors have found more than one pet within a guest unit, as well as pets registered with the Town Clerk with permanent residences at these establishments, infestation issues with more than one establishment in town, and dog waste complaints. Stanley Andrews explained that a lot of hotels have pet-friendly rooms that are specific to them, and we do have larger hotels looking to come into town which will be destination places may want to have pet-friendly rooms as well. Ms. Guarino stated that as it's written in section nine, it would essentially prevent that from happening, unless they relief is granted by the Board. Requests for relief is explained on page five section sixteen, and states that the Board may grant variances and relief from these regulations which would allow establishments to designate rooms as pet-friendly, ensuring that they're monitoring for pests, and that there is a designated area for dog waste, etc. Kelly Mastria stated that she agrees that if they are to have pet-friendly rooms, they should have pet-friendly, standardized procedures to adhere to as well. Ms. Guarino also reiterated that some guest units are quite small to sustain a large pet for up to three weeks. Putting these guests in an efficiency unit or a guest cabin would better accommodate pets, especially larger or multiple pets including dogs. Madam Chair reread the Requests of Relief from Regulations section of the revised regulation, stating that anyone who is aggrieved by this regulation may submit a request to be heard before the Board of Health, and requests must be submitted to the Health Office seven days prior to hearing date. The effective date of this new regulation is February 15, 2017, which is three weeks from the date of this meeting. Mr. Andrews exhibited concern that this is not ample time for the establishments affected to file a request for a hearing for pet-friendly rooms. Ms. Guarino stated that the next regularly scheduled meeting is expected to be February 8, 2017, meaning they would need to request to be on the agenda by February 1, 2017. An audience member inquired about enforcing this regulation after years of ability to allow pets and smoking. Ms. Peterson stated that there is considerable time to apply for relief before February 1, 2017 to be heard at the next Board of Health meeting. She explained that there will be a substantial amount of compliance that will come with having pet-friendly rooms. Ms. Guarino directed attention to section ten, the amendment of smoking regulations in these establishments, designating that individual guest units will not be permitted as smoking rooms and that smoking indoors would be prohibited. Reasonable efforts would need to be made on behalf of the owners and operators to prevent second-hand smoke, and to ensure signs are posted. This would correct existing violations that the inspectors are observing during inspections. Currently, rooms are not posted as smoking or nonsmoking, and if they are there is no consistency. Often smoke detectors may be removed by occupants who smoke indoors. Waste disposal, section eleven, describes that all trash will be removed from each individual room daily by staff, unless there is another procedure approved in writing by the Board of Health. Cooking facilities, such as anything other than microwaves, coffee pots, or mini refrigerators are prohibited from guest units. Guest cabins and efficiency units typically contain cooking facilities that are provided by the owner, such as a stove. Section twelve explains the heating facilities section stating that space heaters are prohibited from guest units, guest cabins, and efficiency units. If there are individual thermostats within these units, they must be in good working order. If heat is maintained remotely by a central thermostat, the minimum temperature requirements must be met. The minimum temperature requirement is 68 degrees Fahrenheit 7am to 11pm, and 62 degrees Fahrenheit between 11pm and 7am. Ms. Guarino read

section fourteen which explains that any linens provided, whether off-site laundry from a commercial service or on-site laundry, should be approved by the Board of Health and be included in inspections. These establishments need to be transparent in what methods are used for maintaining sanitary conditions, including laundry. Madam Chair stated that the biggest concern the Board has with these amendments is the pet-friendly regulations and the effective date. She suggested date be moved to March 2017, giving establishments extra 30 days to apply for a relief and have a hearing. She is most concerned with what is going to be required for these rooms, and what the Board will require to be done once the guest and their pet finish their stay. Mr. Andrews suggested to ask nearby towns what their regulations require for these rooms before we make a movement. Ms. Guarino stated that before allowance of any pet-friendly rooms, the establishments requesting them should be in compliance entirely, and if they have any outstanding violations to remediate them beforehand. Also, the establishments must be monitoring regularly for any sort of pest. This prohibition of pets from rooms does not apply to owners and/or operators who live on site, or service, comfort, or support animals. Jamie Butler, Health Inspector, presented a letter received from an establishment owner that stated their opposition to prohibiting pet-friendly rooms. Ms. Mastria stated that when pets come, the owners must have current vet records with them. Madam Chair stated that provided there are no outstanding violations in establishment asking for relief, proper treatment and upkeep with regular pest control, require that pets are treated for fleas (in veterinary records), and everything must be registered. Ms. Mastria stated if they would be deemed pet-friendly rooms, it wouldn't be the entire facility that is pet-friendly, it would only be select rooms. Ms. Guarino agreed and added that only some pet-friendly rooms should be available so that there are others in consideration of guests with possible allergies. Audience member, Vicky Brady, had concerns of banning pet-friendly rooms and the short notice given for relief of new regulation. She also asked about the smoking ban and why the implementation date is so soon. She stated that she cannot advertise a room that has been smoked in for years as a "non-smoking" room if efforts have not been made to eradicate evidence of smoking from these rooms. This process will take longer than the given time frame for this regulation to take effect. Madam Chair understands that it will take some time to sanitize rooms, and stated that as long as efforts are being made to change this that there will not be penalties for that. She explained that smoking must take place outside the establishments, and 10 ft. away from all entry ways. Another audience member asked what to do if the guests do smoke. Madam Chair stated that there will be a violation, and that the owners and/or operators must establish what is to be done about guests actively smoking in the units. Ms. Mastria stated that there is a fine violation and if a guest is caught smoking in violation of this regulation, the owner of the facility will have to pay the fine. Ms. Guarino stated that the owners/operators have control over this. They could hold security deposits, putting up signs, and create designated smoking areas among other ways to make sure that these regulations are followed. Madam Chair explained that they understand it will take time to establish firm enforcement of these regulations, but simultaneously they are not hard to enforce. These are very basic regulations and there is nothing in this section that should be surprising to anyone. Ms. Guarino stated that if guests check in to an establishment today in a smoking room, in the maximum stay time of three weeks they will be out by the date of implementation on February 15, 2017. Mr. Andrews stated there are regular travelers that return frequently, and that a reasonable amount of time needs to be given to these facilities to follow these new rules. He suggested ninety days for changes to be made, and wants to take into consideration that the regulations have not been changed since 1990. Mr. Andrews felt that all changes in the amended regulation be allowed ninety days to be implemented. Mr. Andrews asked where the linens section of the regulation was taken from. Ms. Guarino explained that the linens section was pulled from Environmental Engineering and Sanitation, by Salvato. Protective mattress covers, the use of sanitizing agents, and detergents should already be implemented. Madam Chair stated that the "No Smoking" signs should go up immediately. Ninety

days from today's date is May 25th, 2017, which Madam Chair and Ms. Mastria both agree is too much time for implementation. Ms. Guarino explained that there are seven licensed hotel/motel establishments for 2017, of which most are in attendance at this meeting. If they want relief from this, they can submit a request tomorrow if the relief is vital to their operation of business. Mr. Andrews addressed section six and seven, in which he does not agree with adding "in any year". Madam Chair explained that unless otherwise submitting in writing to the Health Department Office, the maximum amount of time to be stayed at an establishment will be within a calendar year. Madam Chair stated to make a provision to the regulation stating that if a room will be rented to business-related travel for an extended length of time, that the accommodating hotel must fax, email, or submit in writing the nature of the business, the name of guest and of business, and what the anticipated check out date will be. Ms. Guarino stated that this was already in the amended regulation under section five. She reiterated that the guest units have a maximum length of stay of three weeks, and the guest cabins and efficiency units have a length of stay of ninety days. If a guest traveling for business is to stay in any room, the Health Department must receive written notice if they are to exceed whichever timeframe applies to the room given. Mr. Uitti asked where these establishments could get approved non-smoking signs. Ms. Guarino stated that the posting of signs in non-smoking rooms should already be in effect, per Mass. General Law, but there are signs provided by the Mass. Department of Public Health. Audience member Sherry Flynn, establishment owner, stated that 10 ft. away from any entry ways on her property is the parking lot. She explained that to create a designated smoking area that is the proper distance away from entrances would be asking her guests to smoke in the parking lot. Ms. Guarino explained that some schools have parking lot policies in place, where you can smoke in the parking lot but not on the campus. She stated that owners should take into consideration that second hand smoke is a factor for non-smoking guests. While windows or door are open, or other guests are walking by, it is not appropriate to have cigarette smoke in these areas and this regulation protects this. Audience member, Judy Tubbs, stated that this is a big adjustment for a lot of establishments. There are smoking and non-smoking rooms in her establishment, and stated that she doesn't have a problem making them all non-smoking rooms, but is worried about time frame for cleaning. She agreed with the idea for ninety days to implement the amendments to pets and smoking sections, and asked for ninety day implementation time. Mrs. Tubbs and her husband have been in the motel business in Bourne since 1984, and reiterated how largely this change will affect them. Madam Chair suggested to put this topic on next agenda on February 8, 2017 giving each facility time to submit relief requests and what plans they have in place for these exceptions such as flea treatment, vet recording, pet waste, etc. At the next Board Hearing, Feb 8, 2017, the Board can approve or deny these requests which gives facilities a total of 44 days to adjust and implement. Ms. Guarino stated that between now until February 1, 2017 establishments can put in a request in writing to the Board of Health Office to be heard at the next meeting. The Health Department needs to be aware of which rooms are pet-friendly or smoking rooms in each establishment. The Dept. has no record of this since 1990. Madam Chair stated that it is good practice for these regulations to be enforced with today's day in age, and there are a lot of issues that need to be taken care of which is why all of these revised regulations are being discussed and passed. Ms. Guarino stated there will be a legal notice posted in the February 3rd edition of the newspaper. Also, if an establishment recently rented an efficiency unit out as a smoking room, that is something else that needs to be submitted to the Health Office. Pet-friendly room requests must contain a minimum of which rooms numbers will be designated for pets, plans for pet waste disposal, maximum number of animals per room, what type of animals will be allowed, plans for infestations and treating frequently for fleas, and what vet records will be required. The official cut-off date for submitting requests will be February 15, 2017.

Mr. Stanley Andrews moved to approve the new hotel/motel/guest cabin regulations that were presented to the Board this evening, and that effective date be February 15, 2017. Also, that

applications for relief on items nine and ten be presented to the Health Office by February 1, 2017. Mr. Uitti seconded the motion. All members were in favor and the vote was unanimous.

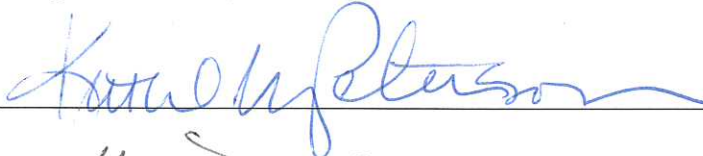
((Board Member, Skip Barlow joined meeting))


3. **Update on Innovative/ Alternative Testing Regulations effective November 4, 2016—** Terri Guarino, Health Agent—Review sample letter to owners of properties served by I/A septic systems as provided by Barnstable County Department of Health and Environment (BCDHE) I/A Septic Program Assistant. **Discussion and possible vote to authorize BCDHE to distribute letter. Clarify Testing and Sampling Requirements, and procedure for updating Operation and Maintenance Agreements so that they are compliant with the amended regulations.** Emily Michele Olmstead, from Barnstable County Department of Health and Environment, presents letter she created to be sent to Bourne's alternative septic system owners to facilitate and to get public outreach for the new regulations that were passed in October 2016. Ms. Guarino introduced Ms. Olmstead, and explained that she is the Project Assistant, maintains the IA database for Barnstable County, and works closely with Bourne Health Department tracking and monitoring IA Septic Systems. Madam Chair stated that she approved of the letter. Skip Barlow stated that the letter should not be sent to everyone. He assumed that some would think they are entitled to a reduction based on their properties being located in nitrogen sensitive areas, and actually not be eligible. Ms. Olmstead stated that when owners apply for this reduction, if they do not meet the requirements that she has on file, she will not accept the contract until the owner updates their terms. If the person lives in a nitrogen sensitive area and they bring forth a contract saying they are reducing to minimum levels below what the state requires, the contract will not be accepted. Ms. Guarino stated that these nitrogen sensitive areas that are included in this definition are part of the amendment to Title V in January, 2013 so these would be relatively new construction properties in these nitrogen sensitive areas. This criteria did not exist for properties that were built in nitrogen sensitive areas twenty years ago, and those properties have conventional septic systems. Mr. Barlow's concern is sending the letter out to all residents, if not all residents may receive the reduction. Ms. Guarino and Mr. Andrews explained that the letter is just reiterating the new regulation that was already passed in October 2016, and what is stated on the letter was taken directly from that regulation. Mr. Barlow asked what is to be gained by sending this letter out to applicable residents, and feared that it could potentially confuse people. Ms. Olmstead stated that one of the benefits she gathers from the letter is there are many people who may have put in for this reduction voluntarily although they have an IA system, or that different properties were approved for different reasons, but might be paying more for testing than they should be. This letter will explain to them that, yes, it is okay to have the state minimum requirement of one inspection per year. Mr. Andrews confirmed with Ms. Olmstead that this letter is only being sent out to restate the regulation that was passed in October 2016. Ms. Guarino stated that it will be easy to explain to those who do not qualify because typically the reasoning will be written in the deed of the property. Those in nitrogen sensitive areas agreed to that really stringent, less than 19 milligrams per liter classification and this is written in their disclosures so it would be a process of revisiting those. **Madam Chair stated that there is no need to take a formal vote on this matter as this topic was just for general discussion. There was no action taken.**

4. **APPROVE THE MINUTES – From the meeting dated December 14, 2016. Ms. Mastria motioned to approve minutes from December 14, 2016, Mr. Andrews seconded the motion. The vote was unanimous.**

Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 8:49 PM.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson 

Stanley Andrews 

Galon Barlow Jr. 

Don Utti ABSENT

Kelly Mastria ABSENT

cc Board of Selectmen/Town Clerk

