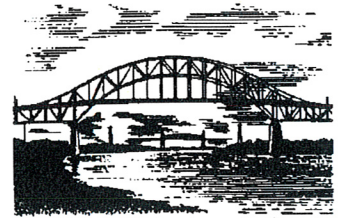




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# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES July 14, 2021

RECEIVED  
2021 SEP -9 PM 4:29  
TOWN CLERK BOURNE

### Meeting was called to order at 05:07pm

*Mr. Andrews asked if anyone was recording at this time. Michael Rausch indicated that he would be recording the meeting. Items on the agenda were taken out of order.*

- Members in attendance:** Stanley Andrews, Chairman; Galon Barlow Jr, Vice Chair; Donald Uitti; Barbara Princiotta and William Meier. **Support Staff in attendance:** Terri Guarino, Health Agent; Stephanie Fitch, Health Inspector; and Syreeta Amaral, Administrative Assistant.
- Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.** – Miss Guarino started the meeting by providing a brief update to the Board Members. She stated that there were less than 5 active COVID-19 cases within the Town of Bourne. She continued the update by stating that all of the town beaches were being sampled and that as of July 14<sup>th</sup> none of the town beaches had to be closed. Mr. Andrews asked the Board members and public if there were any questions for Miss Guarino. There were no questions.
- TJ's Bar and Grill – 4 Bourne Bridge Approach – Owner, Chad Smith —to propose a new food establishment, TJ's Bar and Grill, located at 4 Bourne Bridge Approach Street, Buzzards Bay. Formally # 4 on July 14, 2021 Amended Agenda. Mr. Barlow Jr. states that he must step off of items 4, 5, 6, 7 and 8.** Mr. Chad Smith the owner of TJ's Bar and Grill was present to address the Board. Mr. Andrews asked Ms. Fitch to update the Board on the establishment. Ms. Fitch explained to the Board that the Health department had working with Chad and Bridget for quite some time to prepare for their opening. She stated that the Building Department had issued an occupancy permit and was planning on doing their inspection the next week along with the Fire Department. Ms. Fitch continued her update by stating that at her June 28<sup>th</sup> inspection she had alerted Mr. Smith to some issues within the establishment and noted that he had been working tirelessly to fix the issues that she had observed. Ms. Fitch expects to complete a final walk through on Friday July 16, 2021 when the building inspector does his final inspection. Mr. Andrews thanked Mr. Smith for submitting a well put together package and welcomed him to the community. Mr. Andrews then asked the Board if they had any questions. There were no questions. Mr. Uitti made a motion to approve the new food establishment named TJ's Bar and Grill located at 4 Bourne Bride Approach owned by Chad Smith contingent on passing all final inspections including building, fire, plumbing and health. Mr. Meier seconded the motion. Mr. Andrews then asked if there were any question from the Board or the audience. There were no questions. All members were in favor and the motion passed unanimously.
- Rose Forbes – P.E., GS-13 DAF Remediation Program Manager, Joint Base Cape Cod Air Force Civil Engineer Center - Information on Air Force Civil Engineer Center (AFCEC) Remedial Investigation to characterize the nature and extent of Per- and Polyfluoroalkyl Substances (PFAS) contamination.** Rose Forbes shared that Joint Base Cape Cod (JBCC) has been investigating PFAS for the past two to three years. There were two truck rollovers, one in 1997 and one in 2000, where aqueous film forming foam (AFFF) was used to put out fires. The use of AFFF at these two accidents is the source of the current day contamination. Fuel was

cleaned up by MassDEP, but PFAS in AFFF was not a known contaminate of concern at the time. Groundwater contamination has been mapped from the Otis Rotary to Hen Cove. Private wells in the area were investigated and several wells on Valley Farm Rd were found to be impacted. There is an EPA lifetime health advisory (LHA) for PFOS and PFOA (.07 micrograms/L), although there are thousands of PFAS compounds. As of December 2020, MassDEP released a PFAS6 Massachusetts Maximum Contaminant Level (MMCL) (.02 micrograms/L). JBCC is most concerned about people drinking contaminated water and the only location of concern are the wells on Valley Farm Rd. Ms. Forbes said that the Town of Bourne DPW and BOH have been very helpful in assisting JBCC as they investigate the plume. The plan is to do groundwater monitoring, although they are currently in a remedial investigation phase. Ms. Forbes showed a map of a cross-section to demonstrate where the plume is currently located. Shallow contamination and highest concentration is still at the source area. Ms. Forbes explained that PFAS do not degrade or volatilize, they stick to the soils and travel to the air/water interphase, making it a very difficult chemical compound to contain. Mr. Andrews asked Ms. Forbes to discuss the private wells specifically. Ms. Forbes stated that there are three locations where the contamination is above the LHA and MMCL. JBCC installed home filters at these properties. A fourth private well has been below the LHA and MMCL so far because their well is above the plume, but JBCC is concerned that if they dig deeper, the well may become contaminated. Mr. Andrews asked for clarification on the filter systems. Ms. Forbes explained that JBCC has installed carbon filters at the contaminated properties. Mr. Andrews asked if the filters have a finite life and if there is active monitoring by JBCC. Ms. Forbes said that they monitor semi-annually and the cartridges last for six months. Additionally, she added that there has been no sign of breakthrough. Mr. Andrews asked about increasing flow on a property. Ms. Forbes said that increased flow could be managed with filtration systems. She explained that the contamination is homogenous and the act of pulling in more water doesn't mean the concentration gets higher. Mr. Andrews asked if carbon capture is the immediate or long-term answer. Ms. Forbes answered that the filters are an immediate answer. She is working on putting in a municipal water line and has dealt with setbacks due to contracts and bureaucracy. Mr. Andrews stated that he is concerned about the amount of time the Town may have to wait for the water main. Ms. Forbes clarified that there is no exposure right now because of the filtration systems. Mr. Meier asked if homeowners are fully aware of the situation and to not drill without notifying JBCC. Ms. Forbes said that they know to communicate with the Town of Bourne prior to doing any work involving their wells and she monitors dig safe to ensure no one is digging or drilling in the contamination. Mr. Andrews emphasized that the BOH is the watchdog agency. Mr. Andrews asked about the timeline. Ms. Forbes said there was a change in contracting officers and, unfortunately, the original water main plans that she had worked on for the previous year fell through. She asked that the BOH supply a letter in support of the water main that she may send to the new contracting officer. Ms. Princiotta asked how many wells are impacted. Ms. Forbes said there are eight private wells along Valley Farm Rd, three of which are above the LHA and have whole-house filtration systems, and one that had one reading above the LHA so they receive bottled water from JBCC. The other four properties are below the LHA but a few are above the MMCL, which JBCC is not allowed to address yet. Therefore, MassDEP is supplying bottled water to those properties. Five of the eight properties are currently above the MMCL. Mr. Meier agreed to send a letter and recommended the BOH be stern. Mr. Andrews asked if we can mandate public water be installed on the street. Ms. Guarino said that that should be a larger discussion with the Town of Bourne Water District. Mr. Andrews stated that he would like to have Bourne Water attend the next meeting and discuss what can be done to mitigate this issue with a permanent solution. Mr. Barlow Jr. asked where the contaminated plume goes after Hen Cove. Ms. Forbes said that it has been detected in Conservation Pond, although all the water samples are below surface water standards. MassDEP will sample shellfish in August to address the ecological risk since JBCC has not been able to do that yet. There will be a risk assessment performed by JBCC as part of the remedial investigation. Ms. Forbes added that there are no answers on ecological risk as of right now. Ms. Princiotta is concerned about the property with bottled water and the fluctuating levels. Ms. Forbes explained that their water was above the LHA only one time and JBCC continues to sample twice a year. Ms. Forbes will consider additional protections for that property. Ms. Forbes said she will forward PFAS fact sheets to the office. No questions from the audience. Mr. Andrews stated that there is no need to vote, but asked for a consensus on whether this item should be brought up at the next meeting. Everyone agreed. Mr. Andrews thanked Ms. Forbes for bringing the BOH up to date with this issue.

5. **Rod & Rail- 149 Main St —Owner, Jennifer Reid—to propose a new food establishment, Rod & Rail, located at 149 Main Street, Buzzards Bay.** Ms. Jennifer Reid, owner of proposed business Rod and Rail, Peter Luciani owner of the building located at 149 Main St and Mr. Matt Hennessy who is the chef and General Manager of the proposed business Rod and Rail were present to address the Board. Mr. Hennessy started by explaining that the restaurant will specialize in creative comfort food and will be using locally sourced ingredients. There will be 52 indoor seats and 16 outdoor seats. Mr. Andrews thanked Mr. Hennessy and asked the Health Department to update the Board on the project. Ms. Fitch started by informing the Board that the food plan review had been completed and that they had some questions in regards to the functionality of the grease traps and the bathroom adequacy. It is required to have both grease traps functioning and per the plumbing code an additional bathroom is needed in the establishment. Rod and Rail will need a preliminary and final/pre-operative inspection with the health department. Mr. Meier moves to approve the new food establishment, Rod & Rail at 149 Main Street contingent on all inspections being completed. Mr. Uitti seconds the motion. All were in favor, the motion passes.
6. **Bourne Nutrition – Christina Nelson, Owner – 160 MacArthur Blvd –** Ms. Christina Nelson was present to address the Board. She started by explaining to the Board that she would like to open a nutrition club which would prepare shakes and energizing teas similar to Go Harder which is located on Main St in Buzzards Bay but she would have a different menu and different pricing. Mr. Andrews asked if Ms. Nelson was planning on preparing any food items. Ms. Nelson replied that she did not intend on preparing any food items other than protein bites which consisted of protein powder, peanut butter and oats. Mr. Andrews added that if Ms. Nelson were to add sandwiches and other food items to her menu then she would need to reappear in front of the Board due to the septic system onsite not being able to handle that kind of use. Ms. Nelson agreed that she would not prepare any food until the septic system issue had been resolved. Mr. Andrews asked Miss Guarino if she had anything to add. Miss Guarino replied that she did not have anything to add. Mr. Andrews then asked if the Board had any questions. Mr. Meir asked what kind of items that she was preparing. Ms. Nelson replied that she was going to prepare protein shakes and energizing teas. Mr. Meir then asked how many bathrooms were at the location. Ms. Nelson replied that there was one bathroom. Mr. Andrews stated this being essentially a takeout business, one bathroom is enough for capacity. Mr. Andrews then asked if there were any other questions. There were no other questions. Ms. Princiotta moves to approve the new food establishment Bourne Nutrition at 160 MacArthur Blvd. contingent on passing final inspections and if Ms. Nelson changes her menu to include preparing food then she would have to come back in front of the Board. Mr. Meier seconds the motion. All were in favor, the motion passes.
7. **All Seasons Pool—114 Trowbridge Rd – Owner, Rupal Patel - Discussion and possible vote on the reopening of the All Seasons Inn Pool and Spa which was closed by the Board of Health on June 21, 2019 -** There was discussion about the changes made to the pool over the years. Mr. Uitti moves to approve the reopening of the All Seasons Inn Pool and Spa contingent upon proper plumbing permits being closed out by the Plumbing Inspector. Ms. Princiotta seconds the motion. All were in favor, the motion passes.
8. **Herring Run Motel – 825 Scenic Highway – Manager, Ronnie Armany--Discussion and possible vote on potential reopening of cottages on the premises and new owners operating without a permit –** There was discussion with the owner regarding how the property and business was purchased and the transition process. The plans is to use the 10 motel rooms and 3 cottages which have been redone and brought up to code. The motel will remain seasonal. Mr. Meier moves to approve the reopening of 10 rooms and 3 cottages contingent upon final inspections with the Health Department. Mr. Uitti seconds the motion. All were in favor, the motion passes.
9. **40 Benedict Road—Cape & Island Engineering Inc. On behalf of owners, John and Linda Della Volpe – Continued from June 23<sup>rd</sup> - requesting relief from Title 5 and the Bourne Board of Health 150' Setback Regulations for approval of a Title 5 septic upgrade (no increase in flow). Seeking an 8 foot variance from Title 5 from the leaching facility to the property line; a 70 foot variance from the leaching to the wetland; and a 100 foot variance from the leaching to the top of coastal bank. –** Chairman Andrews recused himself for this item. Project was continued from June 23<sup>rd</sup> because the Board wanted to see a pressure distribution system for further environmental protection. The addition of this type of leaching facility will require a 9 foot variance from the Title 5 property line setback requirement. Mr. Meier moves to approve the septic upgrade at 40 Benedict Road

and the variances requested; a 9 foot variance from Title 5 from the leaching facility to the property line; a 70 foot variance from the leaching to the wetland; and a 100 foot variance from the leaching to the top of coastal bank contingent upon an IA disclosure notice and an Operation and Maintenance agreement. Mr. Uitti seconds the motion. All were in favor, the motion passes.

10. **1092 Shore Road--Matthew Tardif on behalf of the 1092 Shore Road Realty Trust—requesting a waiver from the Board of Health regulations for the continued use of the existing septic system to accommodate proposed addition of a closet to the existing master bedroom. The existing septic system does not meet all the setback requirements of 310 CMR 15.00, title 5 as per attached letter dated September 17, 2010 for the permit 101-10. Matthew Tardif is seeking the Waiver on the grounds that this is non bedroom space and doesn't change the existing load on the septic system.** Mr. Tardif was not present to address the Board on this agenda item. The red stamp on the septic permit is what brought this addition to the Board, the system is considered passing. The Board felt they needed clearer plans of the project. Mr. Barlow moves to continue to the next meeting. Mr. Uitti seconds the motion. All were in favor, the agenda item is moved to the next meeting date.
11. **Cape View Way – Joseph Henderson P.E. of Horsley Witten Group on Behalf of the Preservation of Affordable Housing/Housing Assistance Cooperation – *CONTINUED* from April 28<sup>th</sup> – Requesting approval of a new subdivision and sewage disposal system.** – Discussion from the Board continues on the project. The Board needs calculations of the reserve area and informs the representatives that trenches are not permitted for this project. A hydrological flow report is not required for this project as it is under 10,000 gallons per day. Miss Guarino will resend the list of questions. Mr. Barlow moves to continue this item to a month from now. Mr. Uitti seconds the motion. All were in favor, the item is continued.
12. **Approve minutes— approve the minutes from the previous meetings dated May 26<sup>th</sup>, June 9<sup>th</sup> and June 23<sup>rd</sup>, 2021** – The minutes were not presented to the Board therefore no action was taken.
13. **Set tentative date for next meeting and adjourn** – The next Board of Health meeting was tentatively set for July 28, 2021.

**Mr. Uitti made a motion to adjourn the meeting, Mr. Barlow seconded the motion. All were in favor and the meeting adjourned at 6:52 PM.**

Taped & Typed by Health Department Staff  
Edited by Terri Guarino, Health Agent