



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



REMOTE MEETING MINUTES July 15, 2020

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

Support Staff in attendance: Terri Guarino, Health Agent; Kaitlyn Shea, Health Inspector and Syreeta Amaral, Administrative Assistant

Meeting was called to order at 05:00pm

Ms. Peterson asked if anyone was recording at this time..

1. **COVID-19 and Phased Re-opening Plans**—Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote as necessary:
 - a. **Disease Surveillance News—public health data & cases** -- Miss Guarino started by reporting to the Board that there are still less than 10 active COVID-19 cases in the Town of Bourne, currently only 2 active cases. The State Department of Public Health is still putting out weekly data, we are still having discrepancies related to those numbers because of our zip code issues that extend to JBCC and Wareham. The Town of Bourne has had less than 150 confirmed cases so far.
 - b. **Mandatory Workplace Standards & Industry Specific Guidance—food establishments, breweries, pools, recreational camps, outdoor recreation, & other sectors, businesses, and operations not otherwise mentioned** -- Miss Guarino started by addressing that we are currently in Phase III Step I, and that grocery store and pharmacy orders have been rescinded; allowing the use of reusable bags. Order number 44 updated group sizing.
 - c. **Local Updates & FAQs—permitting, inspections, public facilities, large gatherings, miscellaneous** -- There are 15 restaurants in the Town of Bourne that have applied for operational modifications regarding outdoor seating. Miss Guarino wanted to alert the Board of the large number of complaints the Health Department is receiving; the local boards of health as well as the Department of Labor Standards are receiving complaints related to COVID-19. The Health Department is being buried with the number of complaints coming in and follow-ups that are necessary, currently being down a full-time staff member making it additionally harder to manage. These complaints range from normal business complaints to mask use and social distancing, which are harder to follow up on. Miss Guarino mentioned that the County has some additional staff that may be able to help out the Town of Bourne. Ms. Peterson asked if there were any questions from the audience or from the Board. There were no questions at this time. Ms. Peterson added that anyone can revisit Order No. 44 for further information on the latest update from the Governor.
 - d. **What's to come during next steps in Phases III & IV** -- No updates were presented. No action was taken.
2. **Arbovirus Update**—Terri Guarino, Health Agent to discuss mosquito and tick-borne disease surveillance efforts -- Miss Guarino began the update by reminding everyone that arboviruses are vector-borne illnesses, mosquitos in particular being a huge topic of discussion this time of year. Routine testing began June 15th and will continue through October, as is standard every year. This surveillance is done by the Cape Cod Mosquito Control. As of July 15th, there were 4 West Nile positive mosquito samples and 7 EEE positive mosquito samples for Massachusetts as a whole, no positive animal or human tests found thus far. The closest positive sample was found in Carver. An outbreak of EEE began in the 2019 season, which could last for 2-3 years, so we are anticipating having an issue with EEE throughout this summer. Though EEE is a very rare

illness, it does have very high fatality rates, so prevention is key. Prevention includes; EPA approved insect repellent, wearing appropriate clothing, avoiding outdoor activities at dawn and dusk, and preventing the breeding of mosquitoes. Tick reports are produced monthly by the State Department of Public Health; Barnstable County and the Islands have a pretty high rate of tick borne diseases and Emergency Room visits related to such diseases. Miss Guarino states that this time of the year is when these rates reach their peak with more people being outside. She advises that same message as with mosquito control; EPA approved repellents, tick checks, wearing high coverage clothing, and avoiding heavily wooded areas. Ms. Peterson asked for any questions. There were no questions, but Ms. Peterson added that any information related to EEE as it comes out will be released by the Board of Health, not any other office, and it will be supplied to the appropriate people. EEE updates will be on the agenda for the Board of Health most likely through November.

3. **The Bog Tavern-11 Brigadoon Circle - Kirk Fitzgerald, Co-Owner – Presenting plans for new Food Establishment located at the Brookside Golf Club --** Skip Barlow has stepped off for this agenda item. Kirk Fitzgerald is present to represent The Bog Tavern. Ms. Peterson started off by expressing her excitement for this move. Miss Guarino started off by addressing that Health Inspector, Kaity Shea, and herself have reviewed all of the information submitted by the Bog Tavern regarding their transition to the new location. All the plans look great, the health department has had a great history with both The Bog Tavern owners and the Brookside Golf Club facility, previously operated as the Sunset Grille. The Bog Tavern and the new facility is up to date with all prerequisite certificates. Miss Guarino also agrees with Ms. Peterson that this move is going to be great, and a pre-operational inspection will be done before opening. Mr. Fitzgerald states that they plan to use the first floor dining room and two existing porches for serving a light breakfast, full lunch and dinner 7 days a week. The second floor will be used for overflow dining currently, until such a time when functions are allowable again by local and state regulations. There is a beverage cart that serves the golf course as well as a grill hut on the 8th hole, which is only used when weather permits. They have plans to take on any outdoor/indoor functions they can following the most up-to-date guidance from the state and the Bourne Health Department. Ms. Peterson asks if they will be keeping a business at their current location, Mr. Fitzgerald states that they are not. Ms. Peterson asks for any questions. Mr. Andrews moves to approve the operation for the Bog Tavern at 11 Brigadoon Circle, contingent on a preoperational inspection by the Health Department. Mrs. Mastria seconded the motion. Roll call vote to approve. Mr. Andrews...yes, Mrs. Mastria...yes, Mr. Uitti...yes, Ms. Peterson...yes. Four out of four in favor, with Mr. Barlow abstaining, motion passed.
4. **12 Agawam Point Road - Mr. Paul Bushueff Jr., Owner - Requesting waiver to continue to use and increase flow to the existing septic system within 100 feet of the resource area. Proposing a new garage with one-bedroom apartment above to tie-into the existing system. --** Skip Barlow stepped off for this agenda item. Miss Guarino stated that there is currently an active building permit for 12 Agawam Point Rd, which is for the construction of a garage with a living space above. The addition of bedroom space constitutes an addition of flow as well as new construction under Title 5. The existing septic system was built as a 4 bedroom system, the waiver submitted to continue to use the existing system to accommodate their proposed project. Current system was inspected on January 18th, 2020 and did pass. The percentage of increase worksheet has been filled out and submitted. Miss Guarino was made aware of contiguous ownership today, Mr. Bushueff owns lot 39 (number 9 Agawam point) as well. The 11x17 plan submitted that shows the current septic system, this system shown is for 9 Agawam Point. The second plan submitted is for 12 Agawam Point road, and is not as easily discernible. Miss Guarino recommended that plans be resubmitted that show the location of the existing septic system for number 12 Agawam Point Rd. and what the setbacks would be to the garage/apartment structure they are proposing, and how it will tie into the current system. Miss Guarino also stated that if there are any additional applications in front of the ZBA regarding changing lot lines, it might behoove the applicant to do that all at the same time if there are any easements the Board of Health has to approve. Mr. Andrews asked to hear from the applicant before the Board asked any further questions. Paul Bushueff and his daughter Katherine present to represent this agenda item. Mr. Bushueff started by saying the garage is being built for the cottage, which is a 3 bedroom sister house that has a four bedroom designed pressure-dosed septic system. The living space above the proposed garage would be the 4th bedroom on the property, so it was desirable to tie it into the current septic system. He did receive Miss Guarino's most recent message and has submitted new documents showing the current asbuilt with setbacks to the proposed garage structure, it also shows the proposed tie-in. Mr. Bushueff also states that they do have a draft of the new lot lines that has been provided to the town, which will add an acre and a half to number 12's lot. Ms. Peterson asks if the new plan has been approved by Conservation, Mr. Bushueff says the building permit has been signed off by Conservation. Miss Guarino states that ultimately the Board of Health needs to see these new plans to consider them. Ms. Peterson asks if there are any questions. Mr. Andrews would like to see the delineation of lines, any easements necessary, as well as the additional information the Health Agent has asked for. There are no other questions. Ms. Peterson moves to take no action until a complete package is submitted to the Board of Health. Mr. Andrews

seconds the motions. Roll call vote to approve. Mr. Andrews... yes, Mr. Barlow abstained, Mrs. Mastria... yes, Mr. Uitti... abstained b/c of technical difficulties, Ms. Peterson... yes. Three votes to pass, item moved to August 12th meeting.

5. **16 Spurr Road - Flaherty Environmental on behalf of owner Barbara Rivers Trust - Modify existing Bourne Board of Health tight tank use approval dated December 13, 2019.** -- David Flaherty present to represent this agenda item. Miss Guarino starts off by stating this project is referencing an administrative plan approval from December 13th, 2019. This approval did mention additional requirements and possible deed restrictions to issue a permit for the installation of that tight tank. At the time of approval, the tight tank was the best feasible upgrade for the site for a failed septic system. Install a tight tank that intercepts ground water on a property that will be used as a year-round residence, a disclosure notice and operation & maintenance agreements would still be required. Miss Guarino states that there is no harm in allowing usage of this residence for more than 6 months, what it really means is there will just be more operation and maintenance for the homeowner, more frequent pumpouts depending on the usage of the dwelling. Mr. Flaherty states that the existing gravity system failed due to lack of separation to estimated high ground water, he did look at Alternative system options but the space requirements made that option less feasible. Mr. Flaherty expressed the homeowners are aware of the deed restriction and additional operation and maintenance requirements, as well as the cost associated with them if they do choose to use this as a year-round residence. Mr. Flaherty also tells Ms. Peterson that The Operation and Maintenance Agreement is ready to be submitted to the Health Department. Ms. Peterson asks for any questions. Mr. Andrews wants to make sure the audible and visual alarms will be visible from the street and not obstructed. Mr. Flaherty will place a condition on the permit the alarms are visible from the street and on a separate circuit. No other questions. Mr. Andrews moves to grant variance from the Bourne Board of Health's Health Policy for 16 Spurr Road for the use of a tight tank for a year round residence where the audible and visual alarms shall be mounted so that it is visible from the street unobstructed at any time and that an Operation and Maintenance agreement and Deed restriction be filed as well. Mrs. Mastria seconds. Roll call vote to approve. Mr. Andrews... yes, Mr. Barlow... yes, Mrs. Mastria.... Yes, Ms. Peterson... yes, Mr. Uitti....unable to vote, abstains. Motion passes.
6. **455 Circuit Ave - Michael Pimentel of J.C Engineering on behalf of owners John & Nancy McCarthy- Requesting multiple variances to State and local Board of Health regulations in order to install a septic system for a home located at 455 Circuit Ave. Variances requested include a 71.3 foot reduction in the required 150 foot setback from the S.A.S to the Coastal Bank #2. A 5 foot reduction in the required 10 foot setback from the septic tank to the northerly property line. A 5 foot reduction in the 10 foot required setback from the septic tank to the westerly property line. An 8 foot reduction from the required 20 foot setback from the S.A.S. to the house located at #451 Circuit Ave and an 8.4 foot reduction from the required 10 foot setback from the S.A.S. to the westerly property line.** -- Sam lamele with JC Engineering present on behalf of owners John & Nancy McCarthy. Mr. Andrews stepped off on this agenda item. Miss Guarino has previously conducted a septic certification inspection at this address and determined the current system did not meet needed groundwater separation, and the existing tank was over the property line. Miss Guarino says there are also plans to renovate an existing screened in porch to make it a smaller functional space in order to fit the new septic system on their property. Most systems on Circuit Avenue are I. A. technologies, Miss Guarino is unsure if this current plan has been approved by Conservation, and questions why an IA system, that offers some nitrogen reduction and an advanced degree of environmental protection, isn't being proposed. Mr. lamele explains that the proposed system will contain a septic tank, distribution box, and a leaching field, a liner will also be installed to protect the foundation to the left of the property. Ms. Peterson asks if there is an easement between 455 Circuit Ave and the property to the right that the current system is partially positioned on, Mr. lamele says there is not. Mr. Barlow would not be comfortable approving such a project without something in writing from Conservation stating their approval of a conventional system in this location. Mr. lamele states they have received Conservation approval back in October of 2019. Ms. Peterson asked why if approved in October, the BOH is just hearing this proposal. Mr. lamele stated that they revised the plans to find the best design for the property. Mr. Barlow suggests that if the plans have been revised, they should probably be resubmitted to Conservation. Ms. Peterson explained that the BOH will need a letter from Conservation stating the revised plans have been approved, whether done so before the Committee or done so administratively, before the Board of Health can review such an application. Mrs. Mastria agrees with Ms. Peterson and Mr. Barlow's points. No questions from Mr. Uitti. Ms. Peterson advised Mr. lamele to tell the homeowners that an IA system will most likely be needed on that property, or he will have to have a really good argument as to why the Board shouldn't require that. Miss Guarino had a question about the easement, if the plan is to abandon the tank on the neighboring property and construct the new system entirely on their own property, does the Chair still want to see an easement or a construction easement? Ms. Peterson states that Gentlemen's Agreements are not allowable any longer, and that if any portion of their septic system is on another lot a legal document is needed for all owners to acknowledge and agree to that. Nancy McCarthy, one of the homeowners, clarifies that once the new system is installed the overlapping septic

tank will be removed and no part of the new system will be overlapping property lines. Ms. Peterson agrees that if that is the case, no easement is necessary. Ms. Peterson asks for questions. Skip Barlow moves to take no action on 455 Circuit Avenue. Mrs. Mastria seconds the motion. Roll call vote to approve. Mr. Andrews abstains. Mr. Barlow... yes, Mrs. Mastria... yes, Mr. Uitti...yes, Ms. Peterson... yes. Motion passed. No action taken.

7. **9 Park St – Zachary Basinski P.E. of Bracken Engineering on behalf of owner Timothy Jones- Requesting multiple variances to State and local Board of Health regulations in order to upgrade an existing septic system for the home located at 9 Park St due to the size and topography of the lot as well as the location of the abutting resource areas. Variances requested include a 7 foot reduction from the required 10 foot setback from the S.A.S. to the property line abutting 5 Park St. A 5 foot reduction from the required 10 foot setback from the S.A.S. to the property line. A 7 foot reduction from the required 10 foot setback from the septic tank to the property line. A 1 foot reduction from the required 10 foot setback from the septic tank to the foundation. A 2 foot reduction from the required 10 foot setback from the S.A.S to the foundation slab. A 9 foot reduction from the required 20 foot setback from the S.A.S. to the crawl space located on 5 Park St. A 2 foot reduction from the required 50 foot setback from the S.A.S. to surface water and a 50 foot reduction from the required 50 foot setback from the S.A.S. to a non-eroding coastal bank --** Zach Basinski of Bracken Engineering representing this agenda item. Miss Guarino explains that there is an existing 3 bedroom home, the homeowners are planning to reconstruct a similar 3 bedroom home of about the same footprint, she does however have a few questions; when was this project approved by Conservation? Mr. Basinski states that on May 15th the project was approved by Conservation, and then last week revised deck plans were administratively approved by Sam Haines. Miss Guarino had no further questions, but did mention that the plans do include the Micro-FAST unit as well as the Presby-enviro septic leaching field, which is consistent with previous Board of Health approvals for that area. Miss Guarino states this a substantial improvement from the existing system. Mr. Basinski presents the project to the Board, stating that the current system will be in the same footprint as the current one but is a vast improvement; with almost a 50% nitrogen reduction going from 19.3ppm down to 10ppm. The system does meet groundwater separation requirement as well. Ms. Peterson asks for any questions. Mr. Andrews asks the engineer to direct him to the elevations of the impervious liner on the plans. Mr. Basinski will make a note of that on the plans, but typically the top of the liner is marked at top of field elevation, so at 10.5. He apologizes that he missed that and will note it on the final plan. Mr. Andrews references Notes 20 and 25 on the proposed septic plan, referring to placement of the alarm panel. Mr. Basinski states the front of the house's grade elevation is around elevation 18 and the rear of the house slopes down to elevation 15, the alarm panels would be placed on the right hand side of the front of the house, so they would be installed at about elevation 18. No other questions. Mr. Andrews moves to approve the system at 9 Park St. and the requested variances, which include a 7 foot reduction from the required 10 foot setback from the S.A.S. to the property line abutting 5 Park St., a 5 foot reduction from the required 10 foot setback from the S.A.S. to the property line, a 7 foot reduction from the required 10 foot setback from the septic tank to the property line, a 1 foot reduction from the required 10 foot setback from the septic tank to the foundation, a 2 foot reduction from the required 10 foot setback from the S.A.S to the foundation slab, a 9 foot reduction from the required 20 foot setback from the S.A.S. to the crawl space located on 5 Park St., a 2 foot reduction from the required 50 foot setback from the S.A.S. to surface water, and a 50 foot reduction from the required 50 foot setback from the S.A.S. to a non-eroding coastal bank. And that the elevation notes be modified for the impervious liner, and noted that the alarm panel, noted in Note 20 and Note 25, would be installed on the front right corner of the proposed home, and that the homeowner is to establish an Operation and Maintenance Agreement with a company certified in operating a Micro-FAST unit that conforms to the Board of Health's policy. Mr. Barlow seconds the motion. Roll call vote to approve. Mr. Andrews...yes, Mr. Barlow...yes, Mrs. Mastria...yes, Mr. Uitti...acknowledgment but having technical difficulties so abstain, Ms. Peterson...yes. Motion passes.
8. **14 Navajo Road— Charlie Fountain of C.E.F. Builders on behalf of owner Michael Berrelli - Requesting waiver to continue to use the existing septic system within 20 feet of the wetlands to accommodate the rebuilding of a two-bedroom dwelling that was damaged by a fire. --** Matt Berrelli, the homeowner, is present for this agenda item. Miss Guarino starts by explaining that this is a request for a waiver to continue to use the existing septic system, in a highly sensitive area, for a new proposed dwelling. Miss Guarino says this raises some concerns, with a 2 bedroom septic system she wonders if a 2 bedroom deed restriction was recorded or not, and based on the scope of the project is this a scenario where an IA system should be installed. Mr. Berrelli states they have been approved by Conservation and that that has been filed with the Registry of Deeds. Ms. Peterson asks if the original deed restriction had been filed with the Registry of Deeds, Mr. Berrelli is unsure as he purchased the home with the current septic system already in place. Miss Guarino explains that if there were to be approval there would need to be a 2 bedroom deed restriction filed with the Registry of Deeds, whether that be the one already on file with the health department or a new one if it was never registered. Miss Guarino also mentions that while it is difficult that an IA system was not put in during the last upgrade at this property, does the Board of Health feel that

it is appropriate to install one at this time? Mr. Berrelli states he purchased the home in 2015, they plan to build a 2 bedroom dwelling again and not increase the flow. Ms. Peterson asks why the house was demolished after the fire damage. Mr. Berrelli explains that an inspection after the fire revealed that the walls and the roof did not meet code requirements, and that FEMA requires the whole structure be raised 10ft. out of the flood zone. He explains that the proposed footprint is the same as the original footprint. Ms. Peterson explains that because the home was torn down, it is now considered new construction. Ms. Peterson asks for any questions. Mr. Andrews emphasizes that once torn down it is considered a raise/rebuild and in reviewing the plans of the septic system he notes there are no setbacks to resource areas listed, and because of this he has an issue with allowing the raise/rebuild to be connected to the existing septic system. Mr. Barlow agrees with Mr. Andrews, that there is not enough information in terms of setbacks and finds it confusing because the house does not exist. Ms. Peterson mentions that during the tear down of the previous home the Building Department issued a Cease and Desist for lack of adequate permit application. Mrs. Mastria asks for clarification of what the "non-habitable storage" space on the second floor means. Mr. Berrelli explains that it is to make up for the loss of storage space in the basement and carport areas. Miss Guarino wonders why this space would be considered non-habitable if it is directly connected to the first and second floors. Mr. Berrelli explains the opening is like a cathedral ceiling, that there are no stairs to directly access that area, and it is just for storage and utility space. Ms. Peterson does not see where the second bedroom is marked on the plans. Mr. Andrews has concerns that there is no door to the bathroom on the second floor, Mr. Berrelli explains that it is a pocket door. About two or three weeks ago the project was approved by Conservation, according to Mr. Berrelli and has been recorded with the Registry. Ms. Peterson also notes the Board does not have any documentation of abutter notification. Miss Guarino does state that as this is now a raise/rebuild abutter notification is probably appropriate, and that she has a lot of concerns with the "non-habitable" space as defined, she would like to know the ceiling height, or other factors that make it uninhabitable. Mr. Berrelli explains that the ceilings are sloped at the back of the house, but Ms. Peterson is not convinced that any future owners wouldn't classify that space as habitable. Mr. Andrews suggests that based on Drawing A1, a cross-sectional drawing with dimensions would give the Board more confidence to evaluate that this would not be able to be converted into habitable space at a later date. But currently there is not enough clarity from the architectural drawings for the Board to feel comfortable with this. Ms. Peterson asks Miss Guarino how this application's time frame is looking, Miss Guarino states that the office received the application on July 2nd. Mr. Berrelli states this originally was a year round home and will serve that same purpose in the future. Mrs. Mastria wonders if the Board has an issue with no abutter notification, Mr. Berrelli states they had notified abutters for Conservation, Mrs. Peterson says that he will need abutter notification for the Board of Health as well. Miss Guarino agrees that abutter notification is appropriate, and addresses that it has been confusing using the Viewpoint application process in regards to what was uploaded for what department. Mr. Andrews moves to consider this an incomplete application and see it come back to the Board with further clarification, because the abutters notice was not sent out and because not setbacks from existing septic system to resource areas are listed on plans. Don Uitti seconds. Roll call vote to approve. Mr. Andrews...yes, Mr. Barlow...yes, Mrs. Mastria...yes, Mr. Uitti...yes, Ms. Peterson...yes. Motion passed, item moved to next meeting date.

9. **Reorganization of the Board of Health --** Ms. Peterson states that due to the election that was held in June a motion to reorganize the Board of Health is needed. Mrs. Mastria moves to leave the status of the Board as it is, Kathy Peterson as Chair and Stanley Andrews as Vice Chair. Mr. Andrews respectfully declined the nomination. Mr. Barlow nominates Ms. Peterson for Chair and Mrs. Mastria as Vice Chair. Mrs. Mastria declines the nomination due to her remote involvement on many occasions. Mrs. Mastria nominates Ms. Peterson as Chair and Mr. Barlow as Vice Chair. Motion seconded by Mr. Andrews/Mr. Uitti. Roll call vote to approve. Mr. Andrews... yes, Mr. Barlow...yes, Mrs. Mastria...yes, Mr. Uitti...yes, Ms. Peterson...yes. Approved.
10. **Approve the Minutes from the previous meeting dated June 24, 2020.** The minutes were not presented to the Board, therefore the Board took no action.
11. **Set a tentative date for the next meeting and adjourn.** A tentative date for August 12, 2020 was set for the next Board of Health Meeting.

Mrs. Mastria made a motion to adjourn the meeting. All were in favor and the meeting adjourned at 6:42 P.M.

Taped by Syreeta Amaral, Administrative Assistant
Typed by Kaitlyn Shea, Health Inspector

Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____