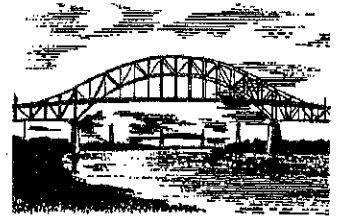


Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MEETING MINUTES

June 12, 2019

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

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health Inspector; Carly Cote, Health Inspector; Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:03 pm

Ms. Peterson asked if anyone was recording at this time-- Michael Rausch recording audio.

1. **1 Maple Avenue—Thomas Bunker, PLS; of BSS Design, Inc. on behalf of owner Tara R. Greco, Trustee of the Dante R. Greco revocable Trust—Continued from May 22, 2019—Requesting variances from the Bourne Board of Health 150' setback regulations for a new dwelling and sewage disposal system to be comprised of a MicroFAST de-nitrification unit and pressure distribution Soil Absorption System to service proposed 2 bedroom house.** Mr. Tom Bunker and Attorney Benjamin Losordo were in attendance representing homeowner Tara Greco. Mr. Bunker explained the revisions to the site plans how the house is still designed as a two bedroom dwelling with a three bedroom septic system, but the house has been moved about 7 feet towards the resource. These plans differ from what the Conservation Commission previously approved. Ms. Peterson stated the Board of Health cannot approve any plans prior to the Conservation Commission approval. Mr. Bunker acknowledged this. Ms. Peterson reviewed the conversations from the last meeting. Ms. Peterson questioned the time frame, Ms. Guarino confirmed they are close to the 45 days. There was discussion between the Board of Health members, The Health Department staff, Mr. Bunker and Mr. Losordo about the process of withdrawal, the timeframe or the option to continue until the June 26, 2019. A member of the audience stated it seems they cannot get their ducks in a row. Ms. Peterson offered this person to express this at the Conservation Commission meeting or the next Board of Health Meeting. **Mr. Barlow made a motion to continue 1 Maple Avenue until June 26, 2019. Mrs. Mastria seconded the motion. All in favor and the motion passed unanimously.**
2. **141 Williams Avenue—Owner, Paula Hoffman—Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the order dated April 18, 2019.** Attorney Karen Morse Devine, was present representing the homeowner. Ms. Guarino reviewed the history of this agenda item and the violations found at the time of initial inspection. All violations except for one are outstanding. Ms. Guarino recommended the Board order to that by 9:30am Thursday morning a building permit must be pulled to address the violations cited on April 17, 2019. Attorney Devine explained that the homeowner is living out of state, and the effort she has shown to contact and hire a contractor. She has had conversations personally with contractors as well and said that the request for a building permit to be applied for by tomorrow morning is a reasonable request. She stopped by the property prior to the meeting and found the dehumidifiers turned off. Ms. Peterson questioned if the occupants were present in the audience this evening, they were not. Ms. Devine feels the lack of use of the dehumidifier to be the cause for the dampness and mold. Ms. Peterson stated that this has been ongoing since April and these violations need to be corrected. Ms. Peterson asked if Ms. Devine would like to recess to contact the contractor to verify he can pull the permit by 9:30am. Ms. Peterson said she inclined to recommend fines starting from the first inspection at \$300.00 a day. Ms. Devine discussed the

contractors in question. Mr. Barlow agreed it sounds like the contractor needs to pull a permit and discuss the project with the building inspector. Ms. Devine asked if the Board of Health allow until 2pm for this to happen. Ms. Peterson stated that there has been much time given, and even since Ms. Devine has been involved there has not been much progress. Mr. Barlow stated he is inclined to implement the fines and let them accrue, and once the work has been completed it can be discussed. Ms. Devine replied a dumpster has been brought to the property today. Ms. Peterson and Mr. Barlow discussed fining the owner and its effectiveness with past housing cases. **Mr. Barlow made a motion to impose the fines starting April 17, 2019 at \$300.00 a day, accrued to \$17,100, and will continue to accrue to \$300.00 a day until the Health Agent is satisfied with corrected violations. Mrs. Mastria seconded the motion.** Ms. Peterson explained they do not need to wait until another meeting to end the fines, once the violations have been corrected to the Health Agents standards and a re-inspection is completed the fines will cease.

3. **Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection, other Town approvals, and compliance with all laws:** Mr. Barlow will sit on the Board out of necessity but will refrain from voting on the following agenda items.

a. **Express Mart, formally New England Farms—360 MacArthur Blvd, Bourne, MA—Paresh Patel, new owner—Retail Market, 0 seats.** Mr. Paresh Patel was present for this item. Ms. Carly Cote reviewed her recent inspection of the property which went well. Ms. Guarino asked if a Title V septic inspection had been conducted. Mr. Patel confirmed the septic inspection failed, and was hopeful the sellers have worked to obtain a permit for this. Ms. Guarino stated there has not been a report submitted or a permit pulled for this address at this time. Mr. Patel stated he will contact New England Farms tomorrow to request this. Ms. Guarino stated that the septic system must be maintained until said time it is upgraded. Mr. Patel was welcomed to Town by the Board of Health.

b. **Bridgeview Grille, formally Trowbridge Tavern—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats.** This item was not heard and will be continued until June 26, 2019 or when they are ready to be heard.

Ms. Peterson made a motion to enforce the decisions above. Mrs. Mastria seconded this motion. Mr. Barlow abstained from voting.

4. **230 Circuit Avenue—David D. Flaherty Jr., RS, REHS of Flaherty Environmental on behalf of owner Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.** Mr. Barlow has stepped back on the Board of Health. Mr. David Flaherty is representing the homeowner. Mr. Flaherty reviewed the history of the property. He explained the desire to replace the cesspools with a new septic system, re-route the water line and re-sleeve. Ms. Guarino asked if he had received her email, which he replied he had been out of the office. Ms. Guarino stated that the variances represented on the top are not adequate in meeting the requirements of title 5, and questioned if the conservation commission and Health Department have the same plans to reference. She continued, explaining that per the Health departments regulations and policies, with consideration to the location setbacks or lack thereof to the resources, often IA technology is recommended or a tight tank. Mr. Flaherty reviewed her requests, indicating the detail of the setbacks on the site plan. Mr. Barlow agreed that the plans presented here should be consistent with what is approved by Conservation Commission. Mr. Flaherty explained that the changes on the new plan were administratively approved by the Conservation Commission. Ms. Guarino reviewed this was not discussed by the Conservation Agent. Mr. Flaherty stated he had been unaware this would have been required for the Board of Health hearing and the homeowners are eager. Mr. Barlow reviewed the need to stay consistent within that location. Ms. Guarino stated within the file there was a memo indicating there was some exterior work, which was contingent upon this septic upgrade and the owners cannot occupy this dwelling until this septic system upgrade is complete. Mr. Flaherty asked if they Board would like to see a tight tank. Ms. Peterson stated per Mass law the home can only be inhabited 6 months of the year with a tight tank. Mr. Flaherty questioned a type of IA system. Mr. Barlow reviewed that the Board of Health can only discuss what has been submitted. Ms. Flaherty was thankful for these suggestions sent over. Mr. Barlow requested a letter from Conservation Commission. Mr. Flaherty confirmed

he will have these changes and a letter from the Conservation Commission. **Mrs. Mastria made a motion to continue 230 Circuit Ave to June 26, 2019. Mr. Barlow second the motion, and the motion passed unanimously.**

5. **Tobacco Violation—Cumberland Farms #2298, 435 Shore Rd, Monument Beach, MA—Brian Walker, District Manager—Violation of the Family Smoking Prevention and Tobacco Control Act and Board of Health Tobacco Regulations.** Mr. Brian Walker, district manager, is present for this item. Ms. Peterson asked if this establishment has had any further violations since. Ms. Davis confirmed there has not. Mr. Walker stated they fired the employee that the violation occurred with. Mr. Walker stated they have increased their trainings this year. Ms. Peterson stated the regulations call for a fine of \$300.00 for a first time violation. Second violation can lead to a loss of license. Mr. Walker said they have the 5 days to get the payment in. **Mr. Barlow made a motion to fine Cumberland farms \$300.00 for the tobacco violation and gave them 5 days to pay. Mrs. Mastria second the motion. All in favor.**
6. **PFAS update—Rose Forbes, Program manager—Update on PFAS found within the Pocasset area.** Mrs. Rose Forbes and Douglas Karson are present for this item. Ms. Peterson stated the power points are often not allowed due to confusion and difficulty. Mrs. Rose Forbes stated the power point is not necessary and they will work from the hard copies of documentation they provided to the Board, these documents were stamped received. Mr. Karson referenced the area on the map where they will be discussing. Mr. Karson reviewed the packet and the information provided. Ellie Donovan is present from the Mass Department of Environmental Protection and Mrs. Forbes introduced two members of the audience. Mrs. Rose reviewed what PFAS are and which ones they focus on and where they originate from. Mrs. Rose discussed the lifespan of these PFAS and the size of the plumes. Mrs. Forbes reviewed the history of sampling and the locations. Mr. Barlow asked if there is a recovery plan to recover the spills in question. Mrs. Forbes said that is in the process. There was discussion between the audience members, Board of Health members, and Mrs. Forbes. Mrs. Forbes explained they are working with homes with private wells which are affected, which were given bottled water at first, then full house filtration systems which they maintain. Mrs. Donovan stated there has been issue with one homeowner due to property damage from the delivery trucks. Mr. Barlow suggested an off-site delivery arrangement. Mrs. Donovan suggested a smaller truck. Ms. Peterson asked if there is documentation on this. Mr. Karson said when a filtration system is installed there is an agreement. Mrs. Donovan said when there is bottled water delivered there is no paperwork signed. Mr. Barlow gave more suggestions for the homeowner with concerns with the large delivery trucks. Mrs. Donovan stated she will follow up with this homeowner. Mrs. Forbes discussed two past fuel spills which was cleaned up with foam containing PFAS and the groundwater plume. Mr. Barlow and Mrs. Forbes discussed areas of the harbor that are appearing to not grow well. Mrs. Forbes reviewed that they are unable to test the cranberries in the area of concern, but MassDEP has. There is no issue found with the cranberries but they have not gone to market. Mrs. Forbes discussed the testing that will be conducted to determine the movement of the plumes. Mr. Barlow stated that the Board members will need time to review the information submitted as they have not received it prior to this evening. Mrs. Forbes explained there will be multiple options for remediation once testing results have been determined. Mr. Barlow suggested reaching out to the Department of Natural Resources to work together. Mrs. Forbes said the public meetings on this had good turn outs. Frank Gasson, a member of the audience, stated he encountered the trucks drilling. Mr. Gasson reviewed his history of the area resource and the need to open the bay area. Mr. Gasson said he has made Mr. Southwood aware. Mr. Gasson explained his concern with the shellfish in that area in regards to human consumption. Mr. Gasson continued his concerns with the dredging in that area as well. Ms. Peterson agreed with Mr. Gasson's concerns and said she would like to learn more. Mr. Gasson questioned a test hole drilled at the corner of Circuit Avenue and Shore Road and if they need further access. Mr. Gasson and Mrs. Forbes discussed details of different holes and the specific information in relation to these. Mr. Gasson asked if they would like access at the end of Cedar Point on the beach and gave permission for access. Asked if children can swim in the ocean and drink the water. Mrs. Forbes stated that at the public meeting held, it was stated it is safe to recreate in the ocean water, but it is recommended to not drink the ocean water for a number of overall health reasons separate from this. Ms. Peterson thanked Mrs. Forbes and Mr. Karson for their presentation and invited them to come back if they have any further findings throughout the year.

Abutters for 230 Circuit Avenue joined the meeting at 6:50PM. Ms. Peterson explained this item was already heard and has been continued until June 26, 2019 for the applicant to address the revisions requested by The Board and Health agent.

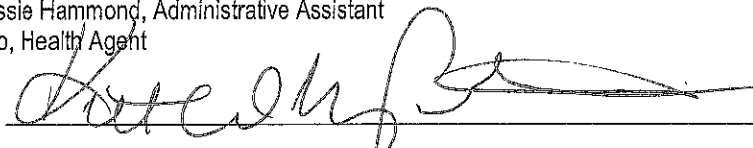
7. Approve the Minutes— Approve the minutes from the previous meeting dated May 8, 2019 and May 22, 2019. Mrs. Mastria made a motion to approve the minutes from May 8, 2019 and May 22, 2019. Mr. Barlow seconded the motion. All in favor.

8. Set tentative date for next meeting and adjourn. Next meeting will be June 26, 2019.

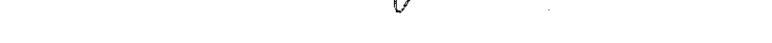
Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. All were in favor and the meeting adjourned 7:29pm.

Taped & Typed by Cassie Hammond, Administrative Assistant
Edited by Terri Guarino, Health Agent

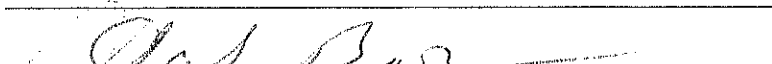
Kathleen Peterson




Stanley Andrews



Galon Barlow Jr.



Don Uitti



Kelly Mastria

