



Terri A. Guarino
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TOWN OF BOURNE BOARD OF HEALTH

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REMOTE MEETING MINUTES November 18, 2020

Members in attendance: Kathy Peterson, Chairwoman; Galon Barlow Jr.; Donald Uitti; and Kelly Mastria.

Support Staff in attendance: Terri Guarino, Health Agent; Kaitlyn Shea, Health Inspector; Stephanie Fitch, 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..

- 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.** Miss Guarino started the meeting by stating that there were a couple of updates that she would like to share with the Board. The first being that the new Health Inspector Stephanie Fitch had started with the Health Department. The Board welcomed Ms. Fitch to the Health Department. The second update is from the MA DPH who has updated the metrics system used for the weekly dashboards. The reports are now sent out on Fridays. They are providing percent positivity within the municipality. The Health Department is predicting that the positivity rate, based on the Town of Bourne's average daily cases, to be 10.9%. This is down from the previous week of November 12, 2020 at 11.6%. There are less than 40 active cases at this time. Some other changes to COVID-19 guidelines include the removal of New Jersey and New York as low risk states. The states left on the low risk state list are Massachusetts, Hawaii, New Hampshire, Vermont and Maine. Miss Guarino stated that this list may change in the coming days. Miss Guarino added that the Governor released new quarantine guidelines today November 18, 2020. These new guidelines state that you can test out of quarantine on day 10 if all parameters are met. These parameters include showing no symptoms during quarantine, testing on day 8 or later of quarantine using a negative PCR test. She stated that this is a significant change. Miss Guarino continued with Health Department updates. She stated that the Health Department is now using the Viewpoint system for online permitting for the year 2021. She admitted that there are some user challenges but encourages the public to work with their staff in familiarizing themselves with the system and to call the office if there are issues that they cannot resolve. Ms. Peterson asked the Board if there were any questions from the Board. Mrs. Mastria asked Miss Guarino if the "less than 40 active cases" is a measurement that is used by category or if there were less than 30 cases would the Health Department say that there were less than 30 cases. Miss Guarino replied that the Health Department has been breaking down the amount of cases in increments of 10 in order to leave room for adjustments. She added that the data is fluid due to changes of jurisdiction and time that the data is pulled. Mrs. Mastria thanked Miss Guarino for her explanation. Ms. Peterson asked Miss Guarino to explain the state definition of a cluster. Miss Guarino replied that the state definition of a cluster is 2 or more cases from a common exposure that occurs within a 14 day period. This definition excludes household contacts. She added that a common exposure is a gathering or event such as a hockey tournament that is the root of exposure. She stated that clusters can be challenging due to the fact that the state breaks them down into different categories. These categories can include universities/colleges, correctional facilities, congregant living settings, places of worship, schools, and sporting events. She provided an example by stating that a nursing facility may have a cluster but if the staff of the facility does not reside in the town that the facility is in the cases may not be connected within the database. She stated that this is the main challenge in tracking clusters. Ms.

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Peterson thanked Miss Guarino for her explanation. Ms. Peterson asked the Board and the audience if they had any questions. There were no questions.

2. **85 Elgin Rd –Jack Landers-Cauley on behalf of owner Charles William Lowney – *CONTINUED from October 14th and 28th, 2020*- Requesting relief from State and local Board of Health Title 5 regulations. Variances requested include a 49.9 foot reduction from the required 150 foot setback from the soil absorption system to a coastal bank and a 25.9 foot reduction from the required 150 foot setback from the soil absorption system to a wetland.** Due to connection issues Mr. Barlow Jr. read the agenda item to the Board. Mr. Jack Landers Cauley was present to represent the project. Ms. Peterson asked if Miss Guarino could give her thought on this project. Miss Guarino agreed and started with recommendations for the project. She suggested a site visit for a bedroom count at this residence due to the discrepancy between the plans provided stating that this is a 4 bedroom home, the online listing of the property stating that this is a 5 bedroom home and the town assessors department listing this home as a 2 bedroom dwelling. Mr. Barlow Jr. asked if she was recommending a denial based on time factors and having the applicant reapply as soon as requirements are met. Miss Guarino stated that she believed this was the best option due to the date the project was submitted, the lack of clarity on the bedroom count of the home and the omission of an IA technology system which complies with Bourne Board of Health Regulations. She added that the plans submitted to the office and the Board includes multiple options. This is not conventional due to the fact that she is not sure what the applicant is actually proposing. Mr. Barlow Jr. asked Miss Guarino if the site of the collapse has been properly secured. Miss Guarino stated that where the leach field had collapsed had been filled with the work being completed by Done Right Excavation and overseen by Town of Bourne Fire, Police and DPW. Mr. Barlow Jr asked Mr. Jack Landers Cauley to speak on this project. Mr. Cauley stated that he was a little bit surprised about the questioning of the bedroom count in the home. He stated that a walk through was completed and the plans were drawn up in accordance to the findings from that walk through. He added that he was not aware that the home was listed as a rental property that contained 5 bedrooms. The second request being made was for the septic components of the system being located 72 inches below grade. Mr. Cauley went on to explain the reason for the different profiles listed on the submitted plans. The first profile was to keep the existing septic tank connected to a pump chamber which would feed to an S.A.S. The second option was provided to show that in the case that the existing septic tank was deemed unsuitable by the installer that they would replace the septic tank which would be connected to the pump chamber to feed into the S.A.S. Mr. Barlow Jr. asked if there was anyone including abutters that would like to be heard in this project. Mr. & Mrs. Culgin who are abutters to the 85 Elgin Rd property stated that they had some concerns about having a vent or fan on their property line. They are concerned that the sound or smell of these components could impact their enjoyment of the patio that is within feet of the adjoining property line. They would like to know if any of these components could be located within the horseshoe part of the driveway which is located farther away from their property line and patio. Mr. Barlow Jr. stated that he did not believe that there is anything like what they were thinking would be installed before the Board at this time but thanked the Culgin's for their question. Mr. Barlow Jr. asked Ms. Peterson to make her statement. Ms. Peterson stated the Board does not pick from possible scenarios. She stated that there needs to be a concrete set of plans submitted to the Board. She continued by stating that an IA system does need to be submitted and that the Buzzards Bay Coalition agreed but could not be present to voice their concerns at this meeting. Ms. Dawn Karol interjected by asking for clarification on who was not able to make the meeting. Ms. Peterson stated that it was the Buzzards Bay Coalition. Mr. Barlow Jr. asked for Ms. Karol to state her name before addressing the Board. Ms. Dawn Karol introduced herself to the Board and stated she was representing the applicant who is her father. Ms. Karol continued by saying that she was told that the Buzzards Bay Coalition was not involved because the organization does not get involved with matters concerning single family homes. She stated that she is concerned by the fact that this matter will be postponed. Mr. Barlow Jr. stated that due to a time requirement this item may be denied and will have to resubmit when the required documents are submitted to the Board for consideration. Mrs. Mastria stated that she does not understand why complete plans have not been submitted to the Board. Ms. Karol stated that her understanding is that the plans submitted were complete but the if the existing tank cannot be used at the time of installation then there is a backup plan that has been thought out to replace the existing septic tank. Mr. Barlow Jr. stated that there is a procedure that the Board has to follow and cannot consider possible options for findings made in the field. Ms. Peterson stated that she had something to add. She stated plans that comply with the Board of Health's Regulations specifically containing an IA system need

to be submitted to the Board so that they can be reviewed and approved or disapproved. Ms. Karol stated that she thought that one of the variances submitted included a system with IA technology. Ms. Peterson stated that the plans submitted do not include an IA system. Mr. Cauley joined the conversation by stating that the variances requested were not for an IA system and did not think that the plans submitted were deficient in any way. He added that the Governor has instituted a waiver on time limits for items such as these which is in effect until December 1st, 2020. Mr. Barlow Jr. disagreed and stated that in the end this is an incomplete application which needed to be rectified before the project can be approved or disapproved by the Board. Mr. Barlow Jr. then asked the Board if there was a motion. Mrs. Mastria made a motion to deny 85 Elgin Rd based on an incomplete application. She added that when the applicant chooses to resubmit to be heard, a site visit will be conducted to ascertain the amount of bedrooms within the home. Mr. Uitti seconded the motion. Roll call vote to approve. Mrs. Mastria...yes, Ms. Peterson...yes, Mr. Uitti...yes Mr. Barlow Jr....yes. All were in favor and the motion to deny passed unanimously.

3. **135 Circuit Ave – Zac Basinski P.E. of Bracken Engineering on behalf of owner Katherine Wagner - Requesting relief from State and Local Board of Health Title 5 regulations. Variances requested include a 5 foot reduction from the required 10 foot setback from the foundation to the septic tank. A 135 foot reduction from the required 150 foot setback from the soil absorption system to a Coastal Bank and an 81 foot reduction from the required 150 foot setback from the soil absorption system to Mean High Water located at Hen Cove.** Mr. Zac Basinski was present to represent the project. Mr. Barlow Jr. asked for Miss Guarino for her thoughts on the project. Miss Guarino was having audio issues so Mr. Barlow Jr. asked Ms. Peterson if she had any thought on the project. Ms. Peterson stated that Mr. Basinski should present the project while Miss Guarino tried to correct her audio issues. Mr. Basinski started by introducing himself to the Board and explaining the location of the property. Ms. Peterson asked if this property was located on the water side of the street. Mr. Basinski replied that this property was indeed on the water side of the street. He explained that this project was in front of the Board in 2012 for a raze and rebuild of the home which included a town granted easement for the septic system to be located underneath the right of way of the road which provided greater groundwater separation and the greatest amount of separation to Hen Cove from the septic system. The project was not completed in 2012 due to the fact that Mrs. Wagner's husband had unfortunately passed away. Mr. Basinski asked Miss Guarino to give him host abilities so that he could bring up the plan for the Board members. Miss Guarino gave Mr. Basinski the access he needed to show the plan on screen for the Board members. Mrs. Wagner would now like to resume the project with the same design that was provided to the Board at the previous meeting. The previously approved proposed system included a MicroFast tank a 650 gallon pump chamber and a Geo Flow drip tube. Mr. Basinski explained that they had tried to fit the system in the back yard of the residence but due to groundwater separation they had to obtain the easement to place the system under Circuit Ave. This easement granted by the town has been recorded with the Registry of Deeds in Barnstable County. Ms. Peterson asked Mr. Basinski what the 2 changes in the plans consisted of. Mr. Basinski stated that the only change to the plans was that the home was never torn down so the raze and rebuild is not taking place but the 2 bedroom system itself is the same in components and location. Mr. Barlow Jr asked if there were any questions from abutters. There were no questions. Mr. Barlow Jr. asked if there were any questions from Board members. There were no questions. Mr. Barlow Jr. asked if there was a motion from the Board. Mrs. Mastria stated that she would make a motion but wanted to know if Miss Guarino had anything to add. Due to communication problems Ms. Shea stated on behalf of Miss Guarino that she had nothing to add. Mrs. Mastria made a motion to approve 135 Circuit Ave represented by Bracken Engineering on behalf of owner Katherine Wagner granting relief from State and Local Board of Health Title 5 regulations. Variances approved include a 5 foot reduction from the required 10 foot setback from the foundation to the septic tank. A 135 foot reduction from the required 150 foot setback from the soil absorption system to a Coastal Bank and an 81 foot reduction from the required 150 foot setback from the soil absorption system to Mean High Water located at Hen Cove. Mr. Uitti seconded the motion. Roll call vote to approve. Mrs. Mastria...yes, Ms. Peterson...yes, Mr. Uitti... Yes, Mr. Barlow Jr...yes. All were in favor and the motion to approve passed unanimously.

4. **181 Tahanto Rd – Zac Basinski P.E. of Bracken Engineering on behalf of owner William J. Webster – Requesting relief from State and local Board of Health Title 5 regulations. Variances requested include a .6 foot increase from the required 3 foot maximum depth of a soil absorption system. A 5 foot reduction from required 10 foot setback from the soil absorption system to the property line on Tahanto Rd. A 5 foot reduction from the required 10 foot setback from the soil absorption system to the northerly property line. A 130 foot reduction from the required 150 foot setback from the soil absorption system to a non-eroding coastal bank and a 17 foot reduction in the required 150 foot setback from the soil absorption system to a salt marsh.** Mr. Barlow Jr. stated that due to Miss Guarino having audio issues he was going to ask Mr. Basinski to start by presenting the project. Ms. Peterson stated that she would like to know if there were any abutters present for the project. Mr. Barlow Jr. asked if there was anyone in the audience for this project. Mr. Peter Valeri stated that he was present as the installer. Ms. Linda Pehowski stated that she was present as an abutter. Mr. Basinski asked if Mr. Barlow Jr. wanted to begin presenting the project. Mr. Barlow Jr. stated that he would like him to begin but to be conscious that there may be questions from the abutter regarding the project. Mr. Basinski acknowledged this and started to present the project by introducing himself to the Board and the audience stating that he was there on behalf of owner William Webster. He stated that this project is a repair to an existing conventional septic system that sits within the existing driveway. Mr. Basinski stated that there are no modifications being done to the home and would be maintained as the 5 bedroom design shown on the screen. He stated that the plans in front of the Board call for a 4 bedroom design so there is a modification to the setback to the coastal bank. A 4 bedroom system design would be achieved by adding another chamber to the leaching field, which would increase the variance request from 130ft to 137ft from the non-eroding coastal bank. The coastal bank is only one by definition and if a site visit were to occur the Board would find that this area is a grass lawn area that separates the two properties. The project and resource areas were reviewed and approved by the Conservation Commission. Mr. Basinski stated that groundwater requirements have been met with the addition of a pump and that the information was taken from abutter's groundwater logs. This data will also be confirmed at the time of installation. He continued by explaining that during the Conservation Committee review they took into consideration Ms. Pehowski's comments and slid the system as far north as it could go in an effort to save as many trees on the lot as possible. Mr. Basinski then opened the floor to any questions from the Board or the audience. Mr. Barlow Jr. stated that he would like to hear input from the Health Agent if possible on this project. Mrs. Mastria stated that she would call the Health Agent in an attempt to get her input on the project. Ms. Kaitlyn Shea stated that Miss Guarino had nothing to add and approved of the 5 bedroom design presented to the Board. Mr. Barlow Jr. stated that he would like to hear from the abutter to the project. Ms. Linda Pehowski introduced herself to the Board stating that she lives at 179 Tahanto Rd. Ms. Pehowski stated that her only concern with the project is that there are 6 oak trees and 2 pine trees that are over 40 feet high that are located on the property. She stated that if the root system of these trees are compromised by this project that the trees will eventually fall on her home. Mr. Peter Valeri asked if he could speak in regards to this project as he has been hired as the installer. Mr. Barlow Jr. stated that Mr. Valeri could speak on behalf of this project. Mr. Valeri started by explaining to Ms. Pehowski that if the tree in question's root system ended up being compromised during this project then the tree in question would immediately be removed in order to prevent this issue. Ms. Pehowski inquired as to whether the root system of the trees near the existing septic tank would be compromised. Mr. Valeri replied that the existing septic tank was going to be decommissioned and not removed so that the trees root system would not be compromised. Ms. Pehowski then asked how and when she would be notified if the tree needed to be removed. Mr. Barlow Jr. stated that when Mr. Valeri starts the project he will be able to determine when and if the trees need to be removed. Mr. Basinski interjected and stated to Ms. Pehowski that they would reach out to her when installation was about to begin so that he and Mr. Valeri could walk her around the project so that she has the chance to voice any questions of concerns regarding the installation. He added that he completely understands her concerns and that the last thing that they want is for a tree to come down on her home. Mr. Barlow Jr asked if there were any other questions from the Board or from the audience. There were no questions. Mrs. Mastria made a motion to approve 181 Tahanto Rd Engineered by Bracken Engineering on behalf of owner William Webster. Variances approved a .6 foot increase from the required 3 foot maximum depth of a soil absorption system. A 5 foot reduction from required 10 foot setback from the soil absorption system to the property line on Tahanto Rd. A 5 foot reduction from the required 10 foot setback from the soil absorption system to the northerly property line. A 137 foot reduction from the required 150 foot setback from the soil absorption system to a non-eroding coastal

bank and a 17 foot reduction in the required 150 foot setback from the soil absorption system to a salt marsh. Mrs. Mastria added that included in this motion is the provision that the engineer and installer address all tree concerns with the neighboring abutter at 179 Tahanto Rd. Mr. Uitti seconded the motion. Roll call vote to approve. Ms. Peterson...yes, Mrs. Mastria...yes, Mr. Uitti...yes, Mr. Barlow Jr....yes. All were in favor and the motion passed unanimously.

5. **Approve the Minutes – Approve the minutes from the previous meetings dated September 16, 2020 and October 14, 2020** – Mr. Barlow Jr. asked if there was a motion to approve the minutes dated September 16, 2020. Mr. Uitti made a motion to approve the minutes as presented to the Board for the meeting dated September 16, 2020. Ms. Peterson seconded the motion. Roll call vote to approve. Mrs. Mastria...yes, Ms. Peterson...yes, Mr. Uitti...yes, Mr. Barlow Jr....yes. All were in favor and the motion to approve passed unanimously. Mr. Barlow Jr. asked if there was a motion for the minutes dated October 14, 2020. Mrs. Mastria made a motion to approve the minutes as presented to the Board for the meeting dated October 14, 2020. Mr. Uitti seconded the motion. Roll call voted to approve. Mr. Uitti...yes, Mrs. Mastria....yes, Ms. Peterson...yes, Mr. Barlow Jr....yes. All were in favor and the motion to approve passed unanimously.
6. **Set tentative date for next meeting and adjourn.** The tentative date for the next Board of Health meeting was set for December 16, 2020.

Mr. Uitti made a motion to adjourn the meeting. Ms. Peterson seconded the motion. Roll call vote to approve. Mr. Uitti... yes, Mrs. Mastria...yes, Ms. Peterson...yes, Mr. Barlow Jr...yes All were in favor and the meeting adjourned at 6:05 pm.

Taped & Typed by Syreeta Amaral, Administrative Assistant

Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____