



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES October 8, 2019

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

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

Meeting was called to order at 6:02 pm

Ms. Peterson asked if anyone was recording at this time. Michael Rausch confirmed that he was recording the meeting.

1. **125 Valley Bars Rd – Stephen Sears, Owner – *CONTINUED from September 25, 2019*--Requesting waiver from Board of Health Regulations 150' Setback Regulations for the continued use of the existing septic system to accommodate a dormer addition and interior renovations to the three-bedroom single family dwelling.** Mr. Sears was present for the hearing. He started by explaining what had happened to his home. In January 2018, a pipe burst on the top floor, causing a flood in the home. The home had to be gutted from top to bottom to remove the damaged areas. Mr. Sears said that he wanted to reconfigure the interior and add a dormer. He also stated that he was not increasing the bedroom or bathroom count and that the footprint of the house is not going to change. The Board members reviewed the proposed floor plans on file. Mr. Andrews asked if basement will be finished or if the bedroom down there will be removed. Mr. Sears said that they will put wall board up and re-do the floors but they don't intend to put a bedroom down there at this time so the house will be only two bedrooms for the time being. Ms. Peterson asked if there were any comments. Mr. Barlow questioned the existing septic system. Health Agent, Terri Guarino described that it was upgraded in 2003 and is a three-bedroom design within 100 feet of the wetland resource area. The scope of work is interior renovations with a dormer addition that increases the overall square footage of the dwelling by 1%. **Mr. Andrews made a motion to approve the waiver from Board of Health Regulations for the continued use of the 3-bedroom septic system at 125 Valley Bars Road. The septic upgrade plan is dated October 17, 2003 by Glen E. Harrington and the architectural plans are dated August 1, 2018 and November 2, 2018. Mr. Barlow seconded the motion. All were in favor and the motion passed unanimously.**
2. **206 Phillips Rd – Richard J. Tabaczynski, P.E. of Atlantic Design Engineers on behalf of owner Debra A Craig- Requesting relief from Title 5 and Bourne Board of Health 150' Setback Regulations for the placement of a leaching facility within 29.9 feet of a bordering vegetated wetland to accommodate the raze and rebuild of a 2-bedroom dwelling.** Chris King of Atlantic Design Engineers representing Debra A Craig. Ms. Peterson asked whether Mr. King had received the letter from Conservation Agent Samuel Haines. Mr. King acknowledged that he had and that he also brought some data that could help clarify the situation for the board. Mr. King stated that the groundwater plans were wrong and the table was unclear the first time due to mistake by the engineers. Ms. Peterson asked if there was any comment. Miss Guarino noted that the percolation test calculations that were on the plans and the notes that we had from the percolation tests were not the same. Mr. Andrews stated that he did not feel comfortable approving a variance when the calculations were not correct. Ms. Peterson suggested that they go back and draw up a new variance packet that states all of the right information so

that it can be reviewed properly by the Board. Miss Guarino asked about the specific I/A technology that they were intending on installing. She noted that on the plans it states using a Star 0.5 unit and that that model system is not listed on the MassDEP website as an approved technology. Mr. King said that he can find the exact model number and approval that the 0.5 system correlates with and provide the information before the next meeting. Miss Guarino said that would like to see if there are technology specific conditions and whether it will have the UV sterilizer in the unit. Mr. King confirmed that it did have the UV sterilizer within the unit. Mike Hilsinger from Conserve Group who was present at the time of the percolation test was with him to speak to the board. Mr. Hilsinger stated that he was there while the 3 test pits were done. Mr. Jim Craig who is the homeowner confirmed that there were 3 holes dug on the property. Miss Guarino stated that the issue is not how many test holes were dug, it was the elevation of the water and what was done to determine it. Mr. Barlow stated that he did not feel the board had enough information to make a decision. Miss Guarino added that the soil evaluator may have more information on his report. Mr. King replied that he had the soil evaluators Form 11 Report. Miss Guarino asked if she could have a copy of the report so that she could review it. After looking at the report, Miss Guarino confirmed the information is insufficient to validate the groundwater adjustment and elevation reflected on the plans. Ms. Peterson asked if the Board could get clarification on the numbers and revised plans for review before the next meeting. Mr. King could not see why that would be a problem. **Mr. Barlow motion to continue the agenda item for 206 Phillips Rd until the next meeting. Mr. Andrews seconded the motion. All were in favor and the motion passed unanimously.**

3. **Body Art Regulations—Health Inspector, Carly Cote-- Discussion and possible vote to make amendments and additions to the Bourne Board of Health Body Art Regulations pursuant to M.G.L. c. 111, §31.** Ms. Cote started with explaining that the change to the regulations was to reorganize the current regulations and to include some new technology that has come about since the year 2000. Noting that some of the newest changes are in regards to cosmetic tattooing AKA micro pigmentation and other forms of body art such as sub dermal implantation. Some examples of this include braiding and branding of the skin. She added that the new regulations will include the removal of an anatomy and physiology course as a requirement for a body art practitioner permit unless the establishment is also providing body piercing. Practitioners can fill out a declination for the Hepatitis B vaccine citing either religious or other personal reasons for not receiving the vaccine. Ms. Cote went on to add that the new regulations include specifications and a fee schedule for temporary body art licenses. They will also create requirements for submitting medical and biological waste hauler contracts, implementing standards for exposure control plans in case of a bodily fluid accident and new establishment requirements requiring that the owner/operator of the new establishment has a history in that kind of body art. Ms. Cote stated that she would be more than happy to answer any questions that the Board may have regarding the new regulations. Ms. Peterson asked if the body art establishments had been made aware of the new regulations. Ms. Cote replied that she had been in contact with both establishments within the town. She invited them to attend the meeting and had also sent them a draft of the new regulations for them to comment. She noted that she had good working relationships with both establishments and that they knew that at the state level the current Bourne Board of Health body art regulations were outdated. Ms. Peterson stated that she would like to give the establishments a couple of weeks so that they could go over the new regulations and call the office or one of the Board members to ask questions if needed. **Mr. Andrews made a motion to continue the discussion and possible vote on the new body art regulations to the next meeting. Mr. Barlow seconded the motion. All were in favor and the motion was passed unanimously.**
4. **Massachusetts Vaping Prohibition Update—Health Agent, Terri Guarino—Discussion regarding compliance with the Commissioners September 24th order and Governor's Declaration of Public Health Emergency. Review cease and desist orders issued at permitted retail tobacco shops, possible vote on penalties for violation pursuant to Board of Health Fine Regulations.** Miss Guarino started with explaining the public health emergency that was issued by Governor Charlie Baker. She noted that the order was issued late in the afternoon on September 24th and that the health department went out to enforce the order starting the morning of September 25th. 32 establishments were visited and that all but 5 had fully complied with the order already. She went on to explain the remaining 5 businesses were issued cease and desist orders because they still had products on their shelves. The businesses in question were made to remove the products from their shelves and

display counters. She noted that none of the 5 businesses gave the health department a hard time about removing them, and were fully cooperative. Ms. Peterson commended the health department on doing a fine job with enforcing the governor's order noting that it was a great undertaking to visit each business with such short notice along with keeping the appointments that had already been scheduled for the day. Ms. Peterson noted that this agenda item was just a discussion on the issue and that she would suggest that the Board would take no action at this time. **Mr. Andrews motioned that the Board takes no action at this time. Mr. Barlow seconded the motion. All were in favor and the motion passed unanimously.**

5. **Board of Health Schedule of Fees—Amend existing fee schedule for various Board of Health licenses, permits, and regulation compliance.** Mr. Barlow suggested that the vote on the schedule of fees be discussed when there are more Board members present so that he could recuse himself from the item. He noted that some of the fees discussed could pertain to his restaurant business, therefore creating a potential conflict of interest. Ms. Peterson stated that there were some things that they did want to discuss that evening but suggested omitting the food aspect of the fee schedule to facilitate discussion on the rest of the changes proposed. Miss Guarino recommends a change in license fee for tobacco sales permits from \$75.00 to \$150.00, noting that will be more consistent with other municipalities and that in the past couple of years there has been a change in the frequency of training, conference calls and inspections that the health department needs to complete. She continued with the proposed increase of the public/semi-public pool permits from \$125.00 to \$175.00 to facilitate the upcoming changes in the pool code and to stay consistent with abutting boards of health. Ms. Peterson suggested that she would like to add a re-inspection fee of for pools that are not compliant during pre-operational inspections. Miss Guarino agreed with the prospect of a re-inspection fee. It is being proposed to increase the permit fee for recreational camps for children to \$150.00. This will cover operational costs. Mr. Andrews suggested a re-inspection fee for the recreational camps as well, pointing out that the camps receive a packet with all of the things that are required before the initial inspection, therefore the Health Department should not have to go out multiple times as they have done in previous cases. Miss Guarino agreed and continued with the proposed fee schedule changes for I/A technology septic system permits. She proposed that the Board of Health change the fee from \$200.00 to \$250.00 noting that those types of systems (depending on their size) require more than the normal number of inspections. Mr. Andrews suggested that we add a fee for additional inspections on those types of systems in excess of 3 inspections. Unsure of the prospect, Miss Guarino said that there were multiple reasons for additional inspections and normally she encourages installers to call for additional inspections if it makes the jobsite safer and more efficient. There are some systems where the soil is unsuitable and needs to be removed or replaced triggering and inspection, or there are additional components, pumps or alarms. Mr. Andrews stated that other towns have implemented this type of fee when additional septic inspections were required. Ms. Peterson returned to fee schedule in reference to the fee change for a housing re-inspection. She explained that she would like to charge the same \$100.00 fee for re-inspection. Adding that when you charge for the fee people will be more inclined to be ready for the first inspection instead of making an inspector return when something is found to be in noncompliance. Ms. Peterson asked Mr. Barlow if he could sit on a discussion on a Marijuana fee change. Mr. Barlow replied that he could do so. Ms. Peterson expressed that she thinks that there should be a set application fee of 500.00 for Marijuana Licenses. She said that the increased time needed for application and plan review warrants such a change and added that Portland, ME has similar regulations. Mr. Andrews inquired about the septic re-inspections that were not resolved during the discussion. Mr. Barlow felt it important to include the language that the septic re-inspection fee "MAY" be imposed at the discretion of the Health Department and the Board of Health. Ms. Peterson agreed to this language. Ms. Peterson asked Miss Guarino if she was comfortable with what was discussed in regards to the changes. Miss Guarino stated that she was comfortable with the changes that were discussed except for the additional inspection fees for septic systems. She noted that she would like more time to research how to implement such a fee fairly and to see what other towns are doing in situations similar to this. The recommendation is to increase the permit fee for I/A and pumped systems by \$50.00 regardless of whether it takes 3 or 4 inspections. Mr. Barlow inquired on whether the Board wanted to vote on any of these items. Ms. Peterson replied that they should wait until the proper corrections can be made and to continue the agenda item to the next meeting. **There was no public comment and no action taken by the Board.**

6. **Approve the Minutes—** Approve the minutes from the previous meetings on September 11th, 2019 and September 25th, 2019. Mr. Barlow asked to recues himself from the approval of the September 11th, 2019 minutes due to not being present. Ms. Peterson agreed. **Ms. Peterson made a motion to approve the minutes from September 11th, 2019. Mr. Andrews seconded. Mr. Barlow abstained. The motion to approve passed.** Ms. Peterson stated that she was not present at the September 25th meeting and asked Mr. Andrews if he had time to review the minutes. Mr. Andrews replied that he had not had time to review the September 25th minutes. **Mr. Barlow motioned to continue the approval of the September 25th minutes to the next meeting. Mr. Andrews seconded the motion. All were in favor and the motion passed unanimously.**
7. **Set tentative date for next meeting and adjourn.** October 23, 2019 at 6:00PM for the regular meeting date, unless an executive session is called in regards to the lawsuit filed in Barnstable Superior Court on October 7th, 2019.

Mr. Andrews made a motion to adjourn the meeting, Mr. Barlow seconded the motion. All in favor and the meeting adjourned at 7:16PM.

Taped & Typed by Syreeta Amaral, Administrative Assistant
Edited by Terri Guarino, Health Agent

Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____