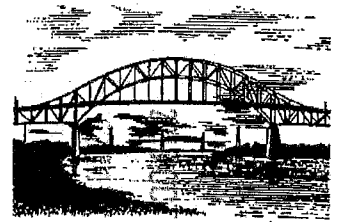


Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES September 25, 2019

Members in attendance: Stanley Andrews, Acting Chairperson; Donald Uitti; and Kelly Mastria.

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

Meeting was called to order at 6:07 pm

Mr. Andrews asked if anyone was recording the meeting at this time. Beth Treffeisen acknowledged she was recording audio.

Items on the agenda were taken out of order.

1. **37 Beacon Point Road – Michael Borselli P.E. of Falmouth Engineering on behalf of owners Steven and Gina Murray – Continued from September 11, 2019--** Request for relief from Bourne Board of Health setback regulations and Title 5 of the State Environmental Code requiring 150' minimum setback from SAS to wetland resource. Mr. Borselli started with explaining that the dune delineation had been completed by Conservation Agent, Sam Haines, and that the delineation and plans had been approved by Conservation on September 19th, 2019. The existing home has 3 bedrooms. The existing home is to be razed and reconstructed in order to add a 4th bedroom. To accommodate this they are proposing an innovative/alternative technology system which will be located in a similar location as the existing septic system. The Singulair 960-600 Treatment System will lower the total nitrogen load at the property despite the increase in number of bedrooms. Health Agent, Terri Guarino added that this is an improvement to the site. Also, that if these plans were to be approved, that prior to installation the maximum high groundwater elevation be verified to make sure that there is no difference from the 2001 data provided, and to assure that there is no less than a 5 foot separation. Mr. Borselli replied that that condition would be more than acceptable. Mr. Andrews asked if there were any questions from the board. There were no questions or public comment. **Mrs. Mastria made a motion to approve the 43 foot variances from the primary soil absorption system and reserve area to the wetland resource areas according to the plans that were dated revised September 17th, 2019. The architectural plans on file were dated August 19, 2019. This approval will be subject to the Board of Health's I/A Testing regulations. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**
2. **49 Monument Neck Rd – Victor & Michelle Pozza – Continued from September 11, 2019--** Requesting review of changes to approved site and septic plan regarding deleting a concrete wall, changing a deck plan and removing 8 feet from the north side of the house. Health Agent, Terri Guarino noted that the information was submitted late and that she did not have much time to review as well as the board members who received the information at the meeting. Mr. Pozza started with explaining that he wanted to slide the home forward eliminating the deck in the back and lessening the notch in the kitchen to alter the design of the room. He also would like to delete the concrete wall that has not been built and replace it with a 3:1 slope in which he will install bushes to increase the curb appeal of the home and give him access to the septic system. Mr. Pozza stated that the system has already been installed but the system has not been backfilled. Miss Guarino replied that, according to Health Department records, that is not accurate. She went on to say that Health Department records indicate there were variances approved on

August 17, 2016, a two-bedroom title 5 deed restriction for a conventional system was recorded, and that the original septic permit was issued to Gary Wing Co on August 8th, 2018. There was an excavation only inspection conducted by Health Inspector, Zackary Seabury on October 10, 2018. As of April 2019, Wing Co. confirmed that there had been no other work done on the system per the homeowners' request. The Health Department was not aware that the chambers had gone into the ground, and that they were not inspected. When asked when the chambers had gone into the ground, Mr. Pozza replied that they had gone in around August. Miss Guarino noted the variances had expired in August 2018 when the permit was pulled. The septic permit that was issued to Gary Wing Co. was also expired, therefore the installation of the system was both unpermitted and uninspected. Mr. Pozza stated that he thought that the permit was good for 3 years. Miss Guarino clarified that Town of Bourne septic permits are valid for 1 year due to local regulation. Mr. Pozza was not aware of this at the time. Mr. Andrews noted that there are at least 4 additional variances that are not listed on the plans that need to be included. The plans for the retaining wall also need to be stamped by a professional engineer. Shifting the home forward and adding a crawl space creates the need for additional variances approved by the Board of Health because the space was a deck on the approved plans. Seeing that the original variances are expired and the septic permit is expired, the submission is considered incomplete. Mr. Pozza was advised to go back and fill out a full application properly with all the variances requested and to apply for a new installation permit. Mr. Andrews would like all of the material submitted the Wednesday before the planned meeting. It was suggested that an inspection be conducted prior to filing as well. **No action taken by the Board.**

3. **125 Valley Bars Rd – Stephen Sears, Owner – 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. Andrews asked if there was anyone in the audience to present this agenda item. Miss Guarino stated that there was no one here due to the owner living in the western part of Massachusetts which is about 3 hours away. Further noting that the health department was made aware of this when the variance request was submitted at the town hall and that it was also stated in a follow-up email. Mr. Andrews replied that there needed to be someone there to present the item so that they can answer questions if there are any from the board. Adding that there have been people that have traveled a farther distance than that to address the board. **Mr. Uitti motioned to continue this agenda item to the next meeting so that there could be someone there to present the project. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.**
4. **141 Williams Ave – Karyn Morris-Devine on behalf of owner Paula Hoffman- Request for abatement of fines accrued due to violations of State Sanitary code 105 CMR 410.000 and noncompliance with previous Board of Health orders.** Attorney Karyn Morris-Devine was present representing the owner of the property, Paula Hoffman, who resides in Florida. Mrs. Morris Devine stated that the \$42,000 fine will bankrupt the owner and that the home will go into foreclosure. She reported Ms. Hoffman has spent around \$33,000 within the last year on her property to make the changes needed to comply with the Board of Health's orders. Improvements on the home include a new roof, new windows, a new furnace, and total mold remediation. She worked diligently to the best of her ability each week having to take into consideration contractor's schedules and lack of cooperation from the occupant who had caused the damage on the property. Mrs. Morris-Devine stated there is presently a housing crisis in the south shore area. Citing the statistic that out of every 100 low income families that need housing only 48 are available. She argued this fine imposed will eliminate affordable housing from being rented in the community serving as an example that renting to low income housing is extremely dangerous. She also cited the 8th amendment as they feel the \$42,000 fine is excessive with the property being repaired and presently in compliance with Board of Health orders. Mr. Andrews said that he was concerned over the number of hearings and inspections considering that some of the conditions deemed to impair health or safety were put on the back burner and not completed within 24 hours. Mrs. Mastria asked what Ms. Hoffman has planned to prevent such issues in the future. Mrs. Devine-Morris stated to remedy the situation once the current occupant is evicted she will be in charge of vetting prospective tenants making sure to check references and search for evidence of past criminal and drug history. She will also be revamping the lease agreement to include that the owner must be notified within 24 hours of something going wrong with the property. Ms. Hoffman will also keep an on Cape agent to frequently check up on the property's condition. Mr. Andrews asked for public comment. Mr. Oskar Wierzbicki expressed that \$42,000 in fines is too much for a common person to pay and that given the 8th amendment argument that the fines should be waived. Ms. Doris Scivetta thanked the Board for their work and understands the

circumstances but thinks that \$42,000 is excessive and punitive. **Mrs. Mastria made a motion to abate the fines assessed for 141 Williams Avenue from \$42,000.00 to \$1,500.00.** Mr. Andrews reiterated that the property got to its state because the owner was not monitoring the property to make sure it was safe. Attorney Morris-Devine expressed that Ms. Hoffman has rented the property for many years and unfortunately trusted the occupants to notify her of issues on the property. **Mr. Uitti seconded the motion. All in favor and the motion passed. Mrs. Mastria amended the motion to add that the fine shall be paid within thirty days. Mr. Uitti seconded the amendment. Mr. Andrews added that if the \$1,500.00 is not paid within 30 days that the penalty will revert back to \$42,000.** Mrs. Morris-Devine acknowledged the conditions of the motion. **All were in favor and the motion passed unanimously**

5. **9 Mercury Avenue – Caleb Loverro-Havalotti, Owner – Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the orders dated May 21, 2018, and July 19, 2019.** Mr. Caleb Loverro-Havalotti was present at the meeting. Mr. Lavarro-Havalotti explained how he came into possession of the home stating that after a series of family deaths that included his grandparents, father and uncle he inherited the entirety of the property including all of the belongings inside and outside of the home. He explained that his family had a long history of collecting and that he was solely responsible for the cleanup and maintenance of the home. This being a huge undertaking for him took him an inordinate amount of time due to the massive amounts of belongings and family history that he had to go through. Stating that in total he has removed 4 vehicles, 16 bicycles, 20 televisions, hundreds of books and about two tons of clothing. All being recycled in the most charitable and environmentally responsible ways possible. He also noted that he has been dealing with an autoimmune disease that has left him hospitalized several times in the past year and a half and that he was not able to work on the home for periods of time due to not having any strength during those times of recuperation. Mr. Andrews acknowledged the work that had already been completed but noted that there was still work that needed to be done. The Board requested that no additional complaints be filed on the property. If there are any more complaints on the property all avenues to keep the house in compliance will be pursued. **Mrs. Mastria made a motion to allow administrative sign off after a passing inspection. Mr. Andrews added that only one inspection will be granted and that any violations are found that they are to be corrected on the spot. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**
6. **Approve the Minutes— Approve the minutes from the previous meeting August 21, 2019. Mrs. Mastria made a motion to approve the August 21, 2019 meeting minutes. Mr. Uitti seconded the motion, all in favor, and the motion passed unanimously.** The September 11, 2019 minutes will be reviewed by the board and voted on the next meeting date.
7. **Savary Avenue Community Disposal System—Zachary L. Basinski, P.E. of Bracken Engineering on behalf of the Town of Bourne- Continued from July 24, August 21 and September 11, 2019 Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue.** On September 20, 2019, the Bourne Board of Health received a letter from the applicant requesting a continuance until the next public meeting date. This application was deemed complete at the meeting on August 21, 2019 meeting following a determination from the Conservation Commission and therefore the Board members were concerned about further acting on the application and making a determination within 45-days. Mr. Andrews expressed that the applicants need to fill out the form to withdraw or waive timeframes for rendering a decision on these variances prior to October 9th and the Board should refuse this request. Mr. Andrews asked if there was any public comment. Mr. Brian Cleary expressed his frustration at the situation. He noted that the Town of Bourne has not come up with a proper solution for the residents of Savary Ave. Mr. Andrews noted that there are solutions for every property on the street. Some solutions include a remote system, a system shared with another property or a seasonal tight tank system. Miss Guarino went on to say that past percolation tests have shown extremely favorable conditions for installing their own systems. Mr. Cleary stated that he has spoken to his neighbors about a shared system and that they were not in favor of the solution. He also added that a tight tank is not a good solution for him because he has spent \$200,000 dollars investing in his home. If the home were reduced to seasonal use only it would be devastating to him especially since he is almost ready to retire. **Mrs. Mastria made a**

motion that the Board refuse the continuance to October 9th. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.

8. Set tentative date for next meeting and adjourn. October 23, 2019 at 6:00pm unless the need for a special meeting arises.

All were in favor and the meeting adjourned at 7:40 pm.

Kathleen Peterson _____

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____