



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

**MINUTES
SEPTEMBER 28, 2011**

**Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice-Chairman;
Don Uitti; Galon Barlow; Carol Tinkham**

**Support Staff in attendance: Cynthia Coffin, Health Agent; Carrie Furtek, Health
Inspector; Melissa Chase, Secretary**

Meeting was called to order at 7 PM by Chairman Kathy Peterson.

1) Tim Mullen, Director DNR: Presentation to the Board re: Marina

Ms. Peterson stated that Mr. Mullen had a scheduling conflict and could not attend the meeting. Ms. Coffin gave a brief overview of the purpose of the presentation. Basically, Mr. Mullen has gone to permitting from the state for the whole marina build out in Monument Beach, ie: if they ever increase the slips, if they pave the parking lot, if they do the bathrooms, etc. This permit will allow them to upgrade the septic system. They are not currently making any changes to the marina, but based on the build out of what could be in the future, the septic system will need variances and will need to be an alternative system, so he will be coming to the Board for approval. Ms. Coffin felt he should come informally before the Board before the projects get too far ahead. The design for the whole marina will include future expansion, she felt it was best that the Board get a "heads up" on what the plans are, and to give the Board time to decide what kind of variances they are comfortable allowing before it becomes an issue. Mr. Mullen has been rescheduled for the October 12 meeting.

**2) 50 Rip Van Winkle Way: Collins Engineering for Kathryn Hanson : continued from
Sept 14: Discuss and vote on request for variance to install new septic system for
proposed renovations/additions**

Attending for this item were Steve Rumba from Collins Engineering and Dan Brosnan, and the home owner.

Mr. Rumba stated that he now submitted the full packet, to include the floor plans and table showing percentage of increase in size. The bedroom area is increasing by 18.9% and the total non-bedroom living area by 30.7%. He did not include that attic area or garage area in his calculations because they are not bedroom/living area. Essentially there is an existing garage that is going to be converted to a bedroom on the first floor; 2 bedrooms on the first floor are going to be eliminated, creating an open floor plan. The 2 bedrooms on the second floor are going to be enlarged with a dormer on the back of the house. There will be a net decrease of 1 bedroom; it will go from 4 existing bedrooms down to 3. Ms. Peterson asked if the attic was an open walk-up. Mr. Rumba stated that it was enclosed in the knee-wall. Mr. Rumba is proposing a Title V system with ADS chambers. It is actually sized enough for a 4 bedroom so that they could use the ADS

“credit”. The system will be 75’ from the wetland line, thus they need a variance from the 150’ requirement. The entire property is less than 150’ from the wetlands, so there is really nowhere else to put it. They positioned it so as to be the maximum distance possible from the wetlands. It is a gravity system, with 2 compartments and a 1500 gal tank. Ms. Peterson asked for questions from the Board. Ms. Coffin said that she felt it was a good thing that there was a reduction in bedrooms, but felt that if the Board was entertaining allowing the substantial variance, that she was not comfortable with a 4 bedroom-sized system going in, because it would allow for the possibility of future expansion back to 4 bedrooms. Mr. Rumba said it was not big enough for a 4 bedroom conventional system, but met the ADS design size for 4 bedrooms. Mr. Brosnan assured Ms. Coffin that the attic space that she expressed concern as becoming livable space was not useable as such because of the roof pitch. Mr. Barlow appreciated their candor about converting the garage to bedroom space, and didn’t feel that they were going to try to sneak more living space in.

Mr. Andrews made a motion to grant the 75’ waiver for the soil absorption system with the plans dated Aug1, 2011, architectural dated Sept 22, 2011. Before a permit is issued a deed restriction of 3 bedrooms will be placed on the home; the wording will be provided by the office, and it will be the homeowners’ responsibility to get that filed. One bedroom is to be eliminated to reduce the existing impact on the resource with the upgraded system. Mr. Utti seconded the motion. The motion passed unanimously.

3) 45 Harbor Drive: Warwick & Assoc for Ricardo and Jill Adroque: Discuss and vote on request for variance to install new septic system for proposed renovations/additions

In attendance for this item was Barbara Frappier of Warwick and Associates.

Ms. Frappier stated that the project is a raze and rebuild of an existing 4 bedroom home. The new home will have an increase to 5 bedrooms. The increase of square footage exceeds the BOH preferred guidelines for increase of no more than 25% bedroom space and 50% non-bedroom living space. Approved and installed several years ago was a new septic system which will need to be replaced because it is a Title V system. The new system will be placed on the lot in such a way that it will require a 13’ variance from the top of the coastal bank. The distance from the top of the coastal bank to the nearest receptor will be about another 100’ away, so it is quite a ways from the water or the beach. They would also need a waiver of the 150’ setback showing at the reserve area for new construction. It will also be within 5’ of the front property line. The new system will be pressure dosed; it will have a MicroFast denitrification system. With the redesign with 5 bedrooms this new system will reduce the nitrogen load will be reduced from the current load of 7.46 to 3.26, so there is a decrease in nitrogen loading. Mr. Andrews addressed Ms. Frappier, saying that the Board has recently been requiring that the new alternative systems have an indicator light visible from the street, to ensure that the system is on, and asked if her client would be willing to comply with that. She believed it would not be a problem. Ms. Frappier asked how that works with seasonal homes, when they get shut off for the winter. Mr. Andrews stated that they are not supposed to be shut off. Ms. Coffin felt that there should be a requirement of having the system up and running a certain amount of time before occupancy. Mr. Andrews said there was no guarantee that the home would remain a seasonal home. Mr. Barlow said that the indicator light would show when the system is running. Ms. Frappier asked if the annual testing would show that the system is doing its job; would the annual test reveal that the system is turned off. Ms. Coffin stated that the biggest problem for the companies is that when the companies go out (because of notification of a failure/turnoff), the light/buzzer/alarm is inside the house and they don’t have access to get into the house, so they have no access to the panel to check on things.

Mr. Barlow made a motion to approve the request by 45 Harbor Drive received September 8, 2011 for variance of 13.9’ from 150’ setback for the leaching area from the topical coastal bank; variance of 27’ from 150’ setback for reserve area from topical coastal back; variance

of 5' from the minimum setback from property line for the soil absorption system. Also requested is an exterior indicator light visible from the street that shows that the system is/isn't on. They must also follow the standard testing program with a 2 year minimum initial contract. Mr. Utti seconded the motion. The motion passed unanimously.

4) 62 Old Plymouth Rd : Gail Spencer: update on finalization of prior complaint letter

In attendance for this item were tenants Gail Spencer and Mike Storer; Rachelle Willard, attorney representing owner Deutsch Bank; Matt Connelly, contractor from The Griffin Group, current contractor at the property.

Ms. Furtek began by stating that she had stopped by the house and the painting was nearly complete with the exception of 1 small area near the drain gutter. The drainage issue had been addressed through a re-grading of the soil away from the house. Ms. Peterson asked for a verbal agreement from all attending parties that this had happened. All parties were in agreement that the first letter, dated August 8, was complete. The new letters of complaints were then addressed. Ms. Furtek listed the complaints of September 9: the exterior faucet has not been addressed yet. There are exposed wires/sockets in the basement still need to be addressed. The bulkhead area has been repaired; the sill has been fixed; the foundation leakage is has hopefully been fixed by the new grading around the foundation. Ms. Peterson addressed the contractor, Matt Connolly, asking if the outdoor faucet had been taken care of; he said no. She asked about the exposed wires in a hole behind a picture in the living room; it has not been addressed. Also not yet addressed are the ceiling light fixture near the furnace with exposed wiring extensions; indications of dampness on wall in the dining room between 2 windows and under hanging picture; indications of dampness on wall at bottom left of interior porch door. Ms. Peterson stated that the August 9 and August 23 letters are to now be considered closed. Mr. Andrews stated that he felt that there was a good faith effort made in the re-grading to correct the foundation leakage. Although there is no guarantee that it will work, the effort has been made. He stated that if it leaks the next time it rains the office needs to be notified, but the issue has been closed at this point. Ms. Peterson read the letter of August 23: Water entering the basement at the water service line has been addressed; parties agreed that it had been addressed. Water seen entering the basement along the foundation nearest the driveway from about 3 feet below the edge of the cellar window nearest the bulkhead to 4-5 feet horizontally from said window; parties agreed that this had been addressed. All parties agreed that the letter from August 23 could be closed because the items have been addressed. The September 9 letter is now currently the only open complaint on the property. Ms. Peterson and all the parties agreed that there were 5 open items to be addressed. The contractor has submitted bids for these items and is waiting for approval to begin work. Ms. Willard felt that the approval time should not be long considering the attention that has gone to the property. The next schedule Board meeting is October 12; Ms Peterson asked if they felt that items could be addressed by that point. Ms. Willard felt hopeful, but the decision process is out of her hands. Ms. Peterson continued the matter until the October 26th meeting with an update only to be on the agenda for October 12. It is preferred for it to be done by the 12th, but it is understood that the bidding process takes a little time. It was agreed by the parties involved that lines of communication are much better since Ms. Willard and the new contractor /the Griffin group have become involved. If everything is done by October 12, Ms. Peterson asked for both sides to put in writing that everything from the September 9 letter has been addressed, and neither party has to attend the meeting. The official review will be on October 26 if the items are not completed prior. This was agreeable to all parties.

No action was taken by the Board at this time.

5) Mike McGrath: presentation to the Board re: new alternative system

Mr. McGrath was unable to attend the meeting due to a scheduling conflict. He will be on the Agenda for the October 12 meeting.

6) Health Agent Draft letter: discuss and possible vote on Health Agent's request to waive fines for 5 Maritime Way and 48 Bayhead Shores

Ms. Coffin stated that she had written a draft letter, but realizes that the Board wanted to discuss further about how to proceed with either asking them to come in again, or send them a form of the draft letter that basically states that the Board has voted to take no action to collect the fine because the main objective had been met, but if there was a repeat violation fines would be levied and accrued immediately. This was her suggestion, but she realizes that everyone on the Board was not in favor of that. Mr. Barlow stated that after the last meeting he did go home and think about it. He felt that there may be a need for the Board to look into see if we can do as some other departments can do and not issue certain town privileges as an incentive to pay their outstanding fines. Ms. Tinkham felt that something should be done, but felt that the violators wouldn't listen to us if we waive fines. Mr. Uitti felt we needed some sort of leverage. Mr. Andrews liked Mr. Barlow's idea as a possibility to investigate for the future. But he still wanted the people to come before the Board. His biggest issue was the disrespect and non-acknowledgement of the violations. He thinks we need to come up with a policy to set forward. He felt that is what the Board comes away with, that we have to develop and draft another policy. Ms. Peterson felt the fines should not be waived. She felt the Board was very liberal, and they were given a long time to comply. If they want the fines to be waived, the violators need to come before the Board and ask for it. People need to be held accountable. Ms. Coffin felt it was a little different than the examples of not waiving fines for business that violate. At least then we have a permit/license to pull. Ms. Coffin would like to look at these 2 fines as a lesson learned because she feels that she would not have a reasonable case against them if she were to take it to court to collect the fines. She doesn't know the exact day that compliance occurred because she was unable to get out there every day, so she isn't even sure what to set as a fine. Mr. Andrews said it was their responsibility to inform the office of the date of compliance. Ms. Coffin felt that the Court would hold her accountable for documenting her case. She said that, next time, a ticket would have to be written every day of the violation. She just feels that it will be a waste of her time and the Board's time for her to try to take these people to court to collect the fine. Mr. Barlow felt that a policy needs to be put in place. Ms. Coffin felt that it was unfair to fine these people when they complied quicker than the violator who showed up and wasn't fined. Ms. Tinkham asked what Ms. Coffin felt was needed. Ms. Coffin felt that if a fine is going to be given, it can't just be a letter. It's easy to write a fine letter when you have a permit or license as leverage to collect a fine. But with this type of violation, a ticket has to be issued every day until compliance and filed with the Town Clerk. If they haven't paid by the deadline, then they can be taken to court, and there is a record to follow. Ms. Peterson said that is what we will do from this day forward. The ticket system is the way to go so it will hold up in court.

Mr. Barlow moved to waive the fines for 5 Maritime Way and 48 Bayhead Shores, and that a policy will be set for the BOH to adhere to. Mr. Andrews seconded the motion. The motion passed unanimously.

7) BOH Fee Changes : Discuss and possible vote on amending BOH fee schedule for license/permits

Ms. Furtek explained that the fees were examined in the neighboring towns, and a comparison was made. They also compiled a list of gas prices and the amount of inspections that are likely to occur. Mr. Uitti asked about swimming pool inspections. Ms. Furtek explained her inspection regimen for the public/semi-public pools.

Mr. Barlow made a motion to accept the proposed changes to the BOH fees. Mr. Andrews seconded the motion. The motion passed unanimously.

Mr. Andrews made a motion to adjourn at 8:10. Mr. Barlow seconded the motion. The motion to adjourn passed unanimously.

Respectfully submitted,

Melissa A. Chase
Secretary

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Don Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk