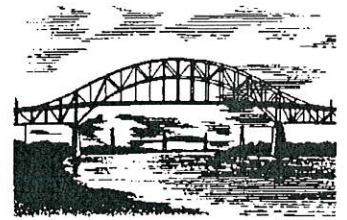


Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
www.townofbourne.com/health
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



MINUTES April 10, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; Kelly Mastria via phone participation; and Donald Uitti via phone participation.

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

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time, no one in the audience indicated they were.

Mr. Uitti and Mrs. Mastria were called to participate remotely in the Board of Health Meeting.

1. **15 Sanderling Road—Angel Lorena, Owner—Continued from March 13, 2019--** Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner had requested extension to complete the violations on March 13, 2019. Update and discussion on corrected violations. Ms. Davis; Health Inspector, gave an update detailing the most recent inspection on April 8, 2019. Ms. Peterson summarized the amount of time spent on this issue by the office, including the multiple repeat inspections, determining it has been too many. Mr. Andrews reviewed the violations deemed 24hr still being out of compliance. Ms. Webb Sawyer, niece of Lorena Angel; owner, and Edward Moritz the licensed contractor are present for this item. Mr. Moritz reviewed his findings in relation to the remaining violations. There is staining on interior roof but feels it is not current and explained the history of this, and reviewed that per the previous tenant some of the staining had been there since moving in. Ms. Peterson explained how this has been in front of the Board since February 8, 2019 and regardless of the contractor's opinion the Health Inspector deemed this in need of immediate repair. Ms. Peterson asked him when he would be able to make these repairs. Mr. Moritz responded he could complete it by this Monday. Ms. Peterson requested Ms. Webb Sawyer give her opinion of when the items can be amended or that she get the owner on the phone. Mr. Barlow asked if there is a list of priority items, and reminded Ms. Webb Sawyer it is not up to her to determine what is most important. Mr. Moritz said he cannot say when these things will be repaired due to needing to purchase items and explained he needs a list. The Health Department staff reminded him the list has been distributed multiple times. Ms. Peterson reviewed the timeline and expectations detailed in each meeting, email, and correspondence and stressed that this does not fall on the contractor, the homeowner or her representative is responsible. **Ms. Peterson made a motion that all items to be corrected, giving the contractor some leeway as he has not seen the list, to be completed by Wednesday April 18th 2019. Start fining since February 7, 2019 at \$300.00 per day and continuing until re-inspection. For the re-inspection a call should be made when all the items have been completed. Mr. Andrews seconded the motion. Mrs. Mastria asked if April 18, 2019 was enough time, Ms. Guarino replied they had since February 7, 2019 to correct these violations. Mr. Andrews said he felt this could be completed within 3 days. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.** Mr. Moritz requested a more specific list. Ms. Peterson explained it cannot get any more specific and the Board of Health will not be telling him how to complete his job.

2. **38 Massasoit Avenue—Brad Bertollo EIT, CSE of JC Engineering, Inc.; on behalf of owner; Mary Jo Diogo—Request to install tight tanks as opposed to the installation of a Title 5 septic system at a seasonal dwelling.** Mr. Andrews has recused himself but is remaining on the board due to necessity. Mr. Brad Bertollo of JC Engineering reviewed the project and the variance request. He explained there are limited setbacks from the front property lines to the marsh. Ms. Peterson asked if the owner is aware of the regulations on tight tanks, Mr. Bertollo confirmed they are. Mr. Barlow asked how he will ensure the tanks will not dislodge during a flood. Mr. Bertollo reviewed 28,000lbs will be distributed over the tanks. Ms. Guarino confirmed she has no questions as she has discussed this with Mr. Bertollo. **Mr. Barlow made a motion to approve the tight tanks on 38 Massasoit Ave, plans received March 6, 2019 for Mary JO Diogo, Deed restriction to 4 bedrooms, and it should remain a seasonal property.** Mrs. Mastria seconded. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Ms. Peterson; yes.

3. **80 Off County Horse Stable—Heather Bankston; owner—Hearing before the Board of Health for approval of annual horse stable license.** Mr. Andrews rejoined the Board. Heather and Jonathan Bankston are present in the audience. Ms. Guarino reviewed that initially Ms. Bankston was interested in poultry and goats but now owns a miniature horse. Ronald Cox, a member of the audience and an abutter, reviewed that they keep their property well maintained and clean and they have no complaints or concerns. Ms. Peterson reviewed the manure plan. Mr. Andrews stated it looks like everything has been covered and she has reviewed the regulations well. **Mr. Barlow made a motion to approve the horse stable license. Mr. Andrews second. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.**

4. **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—Variance request to install a BioMicrobics, Inc. MicroFAST system and pressure distribution Soil Absorption System to service the proposed house at 1 Maple Avenue. System design for a 3 bedroom dwelling.** Ms. Peterson reviewed it is now an LLC that owns the property; Greco group LLC. Mr. Thomas Bunker representing Tara R. Greco, Trustee of the Dante R. Greco Revocable Trust (Greco LLC), reviewed there is a structure on the property that the town does not have any historic information on and he is proposing to build a 4 bedroom home. Mr. Bunker reviewed the details of the property and the potential MicroFAST system to be installed. Mr. Andrews sought to clarify the distances from the SAS to the wetlands. Ms. Guarino explained she did a preliminary review of the plans and requested details that were not reflected on the revised plans. These details included calculations for the pump chamber ground water elevation feels as if it should have the monitoring well due to the proximity to the waterbody and an adjusted calculation would not be accurate to calculate that. The floor plans were submitted late. Assessors have it listed as 0 bedrooms. Bob Bishop, a member of the audience and an abutter asked Mr. Andrews to repeat himself. Steps are over the corner of the manifold and Ms. Guarino asked Mr. Bunker to clarify. Mr. Bunker said he is unsure and will check with the architect and reviewed he is unsure of the location of the post and feels the manifold can be moved further out from the leach field. Mr. Barlow asked if this has gone before conservation commission. Mr. Andrews asked if there is a ruling that the resource is not a concern. Mr. Bunker said this was not ruled on. Ms. Peterson stated due to all the questions a site visit will be required. Mr. Bishop stated this has always been a shed with no septic. Clarified this is not an upgrade, Ms. Peterson confirmed it is a new construction. Mr. Bishop showed concern with rising tides the system may be impacted and leach into the harbor. He was thankful for the boards review. Ms. Peterson said she would like to see order of conditions from conservation commission. Mr. Andrews requested a monitoring well with results. Possibly lifting the pressure dosing beds and this will determine the separation is good practice. The Health Department office has put together a full list of concerns and requested and this should have been addressed, and if they will not be included please be prepared to explain why. Ms. Peterson asked how long he will need to compile this information in regards to the 45 day. Ms. Guarino clarified she considers this to be an incomplete application so this timeline has not begun. Ms. Peterson reviewed that the abutters will need to be notified again of any new meeting. Ms. Guarino reviewed the nitrogen counts. **Ms. Peterson made a motion to make no action until a complete packet is submitted to the Health Department. Mr. Andrews Seconded the motion. Roll**

Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

5. **55 Lewis Point Road—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of owners, Virginia and Jarvis Peddicord—Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the replacement of the existing septic tank with a MicroFAST de-nitrification unit to accommodate the renovations to the single-family dwelling.** Zac Basinski of Bracken Engineering representing the Peddicords. Mr. Basinski reviewed the details of the project and the variances requested. It was noted on the previous septic application from 2001 that if any renovations were to be made a MicroFAST system should be installed. Ms. Peterson reviewed that in the minutes from 2004 it referenced a bathroom downstairs. Ms. Guarino explained that she is unsure if this is referencing the basement or main floor. Ms. Peterson asked Mr. Peddicord for clarification. Mr. Peddicord reviewed there is not a bathroom in the basement but laundry. Ms. Guarino read from the minutes April 14, 2004. Mr. Peddicord reviewed when they purchased the home they changed everything and there are no systems tied to cesspools. Ms. Guarino stated the existing SAS was inspected in 2019 and passed. Mr. Andrews confirmed this will be a new MicroFAST system and will be subject to the testing policy, Mr. Basinski confirmed. Mr. Andrews asked about a 3 bedroom deed restriction. Mr. Basinski asked Mr. Peddicord. Mr. Peddicord said he would like to discuss this with his wife, as this is her project. Ms. Guarino said there was a 3 bedroom deed restriction requested in 2007 but there is difficulty in locating this document. Mr. Andrews reviewed the testing policy. Mr. Peddicord said he will go forward and if his wife chooses not to they will not install the system. Mr. Barlow stressed the need to locate the deed restriction, Ms. Peterson clarified there will be a 3 bedroom deed restriction regardless. **Mr. Andrews made a motion to approve the variances received March 20, 2019 with the following conditions, 3 bedroom deed restriction which was previously requested, IA testing policy.** Ms. Peterson seconded the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.
6. **18 Winsor Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of the owners John and Elizabeth LoMedico—Requesting a setback variance from the proposed soil absorption system to a fragmented, non-eroding coastal bank to accommodate the raze and rebuild of the existing single-family dwelling and installation of a MicroFAST system.** Mr. Zac Basinski professional engineer of Bracken Engineering representing the how owners. Since the last meeting the homeowner has reduced the project and has agreed to install a MicroFAST system. Mr. Basinski reviewed the variances requested and the details of the MicroFAST system. Ms. Guarino stated she counted bedrooms and found them to be consistent with the plans submitted. Clarified the boat house and pictures that had been submitted and confirmed with the building department, bringing the total number of bedrooms to 6. Ms. Guarino said it is going from a conventional system for 9 bedrooms to a MicroFAST GeoFlow drip for 6 bedrooms, which is a significant reduction in bedrooms resulting in a reduction in nitrogen. Ms. Peterson praised the reduction in bedrooms and installation of the IA system. **Mr. Andrews made a motion to grant a 50ft variance from Title V, 150ft variance from Board of Health regulations, architectures received April 2, 2019; septic plan received April 2, 2019; major improvement and reduction in scope showing the 6.6 parts per million 2.4 parts per million.** Mr. Barlow seconded the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.
7. **101 Maple Street—Jaspers Too Motel—Judith Tubbs, owner—Hearing to discuss and possibly vote to take appropriate action; including but not limited to suspending or revoking the motel license for Jasper's Too Motel due to repeat violations of 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation, Massachusetts General Laws, and the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations.** Mr. Barlow has recused himself but is remaining on the board due to necessity. Ms. Person reviewed Jaspers Too Motel has been in front of the Board of Health 50 or more times for different items. Ms. Peterson has read through all of the minutes each of the times Jaspers Too Motel has been in front of the Board. Ms. Peterson stated that a driver's license and car registration should be requested at time of stay and such logs have been unable to be produced for the Board to review. Ms. Cote, Health Inspector,

reviewed the inspection on March 22, 2109 and detailed the inspection and stated it had showed cleanliness. There was a scheduled re-inspection March with the Building Inspector, and there were some visible improvements. The next inspection in April showed trash and debris had tripled, the bathrooms and bedrooms were in disarray, there was evidence of smoking in all rooms and evidence of longer than 2 week stays. Ms. Guarino stated that at this latest inspection it was reported by the Health Inspector that it appeared as if the tenants had moved in due to the increase of personal belongings. Mr. Andrews asked if the inspection on March 22, 2019 was annual, which Ms. Cote confirmed. Ms. Cote continued, saying the motel was aware they would be going back on March 25, 2019 but the motel was unaware The Health Department would be returning in April 5, 2019. Ms. Peterson said this is the concern and consistent with the previous history. Mrs. Tubbs, owner of the motel, was present in the audience. Mrs. Tubbs stated her daughter will be the manager as she can no longer manage the motel. Mrs. Tubbs continued to explain that she will be bringing in a head housekeeper from another location. Mrs. Tubbs stated again she cannot take care of this anymore and listed the property for sale. Ms. Vasconcelos, daughter of Judith Tubbs, was present in the audience. Ms. Vasconcelos submitted the listing for sale of the motel for the Board of Health to review. Mr. Uitti suggested closing for 90 days until everything is fixed. Mrs. Tubbs said she cannot make the repairs necessary without money coming in. Mrs. Tubbs reviewed the potential details of repairs she is planning to make if she is allowed to stay open but feels she cannot make repairs if she closes. Ms. Vasconcelos reviewed that since she has taken responsibility for JT's, a food establishment in the Town of Bourne, she feels she has made great improvements. Ms. Peterson asked when Ms. Vasconcelos had taken responsibility of the motel, she replied as of Monday. Mrs. Mastria asked if everyone had been evicted. Ms. Vasconcelos said she is unaware and is here to find out what needs to be done. Mrs. Tubbs explained there are still people renting for different reasons. Ms. Peterson questioned why there hadn't been a log of tenants. Mrs. Tubbs sent her husband to the car to locate the books. Ms. Peterson asked why she waited to appoint a new manager 2 days before the meeting. Ms. Guarino questioned the deposit fee indicated on the website. Mrs. Tubbs explained she was unaware of the website. Ms. Guarino clarified, saying the website has been updated recently. Mrs. Tubbs apologized. Mrs. Vasconcelos reviewed her cleaning schedule and the new regulations she will impose. Ms. Peterson said she cannot give her an exception as this has been ongoing. Mrs. Tubbs confirmed she will sell the business but would like the opportunity to clean the business. Ms. Peterson said closing the business will benefit the town due to the time and money spent. Mrs. Mastria questioned the precedent we are setting in the Town of Bourne with allowing these violations. Mr. Andrews reviewed with Ms. Tubbs that there has been frequent loss of license to operate a motel. Mrs. Tubbs explained that she closed another business that was causing her great losses. Mr. Andrews stated their concern is that they find these violations and they look very similar to the violations they had in years previous and he has concerns over the habitualness of it and this is why they are brought before The Board of Health. He knows Ms. Vasconcelos would love to run this, but she is not responsible for the current violations. Ms. Andrews explained that by looking at the consistent issues he feels he has to close the motel, and if Tabitha would like to come in and reapply this could be considered. Ms. Guarino sought to clarify the business as an LLC and the history of this. Mrs. Tubbs stated if the motel is closed down it will not get any better. Mrs. Mastria stated it will get better as there will no longer be violations. Mrs. Mastria stated she feels it may be too late to turn this business around. Mrs. Tubbs requested to pay a fine for the Board of Health to come out and re-inspect after allowing her to continue to run the business. Ms. Peterson felt a suspension would be in order until Mrs. Vasconcelos can take ownership. Ms. Peterson reviewed the listing has not been signed. Ms. Vasconcelos asked how much it will cost to reapply for a license. Ms. Guarino clarified it will be \$300.00 for 12 rooms. Ms. Peterson said this is in comparison to fining \$300 a day since the initial inspection. Mrs. Vasconcelos was given a copy of the violations cited by the Board of Health to review. Mrs. Vasconcelos asked if she can apply with the outstanding violations. Ms. Peterson confirmed she can. Mrs. Vasconcelos asked how soon she can open after submitting an application. Ms. Guarino clarified she cannot guarantee Ms. Vasconcelos can have an inspection the same day the application is submitted. **Mr. Andrews made a motion to suspend the license for Jaspers Too from Mrs. Judith Tubbs. Mrs. Mastria second the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Andrews; yes, Ms. Peterson; yes.** Ms. Guarino sought clarification that the suspension will be starting tomorrow, April 11, 2019. Mr. Andrews stated the all new applicants come in front of the Board of Health.

8. Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades.

Mr. Barlow stepped back on the Board. Mrs. Mastria stepped off for the remainder of the meeting. Ms. Peterson stated there is nothing official and there is nothing to discuss at this time as it is with the town attorney. Mr. Andrews said he felt The Board of Health did a good job putting this together. Mr. Andrews sought to clarify that we are unable to discuss at the meeting. Ms. Peterson clarified that the Board needs to write a policy to administratively approve shared septic systems. Mr. Barlow stated he feels the project at Savary Ave is complicated. Mr. Andrews clarified it is a policy to administratively approve any item. Mr. Zac Basinski of Bracken Engineering was present in the audience for this item. He explained there was a professional engineering firm on Nantucket when sewer systems go in and gives the potential that when your system fail you can tie in to the system. Mr. Basinski explained, for example; if at Savary Avenue something comes along with better technology those homeowners have a timeframe to connect. Ms. Peterson explained the Savary Ave project presents some concerns, and certain easements would keep The Board of Health from approving. She explained the Board of Health are the only oversight for approving this. She was hopeful to get to the point where there was something concrete. The administrative consent order was brought in and it referenced Provincetown, which has shared systems and they do not want properties on shared systems for any length of time when they are getting sewer. Ms. Peterson stated tonight's agenda item is in case an administrative consent order is needed, this is a little part of being able to do that in case we should need to down the road. Ms. Peterson felt there were a lot of questions with the town attorney but has not heard back. Mr. Barlow said he remembers when the system at Savary Ave went in. Ms. Peterson is unsure if it will go before the town meeting. Mr. Andrews stated Ms. Basinski has brought forth potential plans on how to make this work. Mr. Barlow discussed how complicated this is and mentioned feeling people were misled. Ms. Peterson stated we will need people trained to monitor the system, and this responsibility will come on the Board of Health including proper paperwork. Ms. Peterson stressed the need to have all the tools. Mr. Andrews called this administrative consent a tool. Mr. Andrews stressed he would like to discuss admin consent as a tool for the Board of Health to use. Ms. Peterson clarified this does not get written until the document is drawn up, but if we do not have an administrative consent order we do not have the ability to approve. Mr. Andrews questioned what administrative orders do, and what do they offer. Mr. Basinski confirmed it is a tool for the Board of Health to enter an agreement with the homeowner. Mr. Basinski then gave a detailed example. Mr. Andrews clarified that after this agreement if this does not go further they will be required to install a septic. Ms. Guarino stated it needs to be a Town of Bourne Board of Health regulation. **Ms. Peterson made a motion to move until the next meeting. Mr. Andrews second the motion. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.**

9. Continued from March 13, 2019--Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.

Mr. Andrews made a motion to continue to the next meeting. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

10. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019, March 6 2019, and March 13 2019. Mr. Andrews made the motion to approve the minutes. Mr. Barlow Second the motion. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

11. Set tentative date for next meeting and adjourn. April 24, 2019

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Ms. Mastria, yes. All were in favor and the meeting adjourned at 8:11pm

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria