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TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES June 14, 2023

Meeting was called to order at 06:00 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

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2023 AUG 24 PM 3:41
TOWN CLERK BOURNE

1. Attendance.

Members in Attendance: William Meier, William Doherty, Robert Collett
Professional Staff: Terri Guarino, Stacey Burgess, and Deon Wills

Michael Rausch of The Bourne Enterprise informed the Board that he was recording the meeting audio.

2. Board of Health Business – Introduce new members.*

Mr. William (Bill) Doherty introduced himself and explained that he was a write-in for a 1-year term. He stated that he is currently a Trustee of the Veteran's Community Center with Mr. Meier, and that he is also on the Veteran's Council in Falmouth. Mr. Doherty has experience in wastewater management because he founded the County's Wastewater Management Committee.

Mr. Robert (Bob) Collett, another new member, was not able to introduce himself due to technological difficulties. Mr. Doherty suggested that if interested, people can view the article in The Bourne Enterprise about the candidates so that they can see more information on the new Board members.

Miss Guarino expressed that she is unsure of whether Ms. Princiotta was attending because she seemed adamant about implementing changes to the agenda and had informed the Board she would be present, but, she was not.

Mr. Doherty questioned why he was not informed of the agenda changes. Miss Guarino stated that he was emailed regarding the changes and provided the original and revised copies of the agenda.

Mr. Doherty questioned the process of the posting of the agenda. Miss Guarino answered.

Mr. Collett rejoins at 6:13, and states that he missed the last few minutes of what occurred.

Mr. Doherty continues to question the agenda and what was removed. Mr. Meier states that they will be reviewing 25 Winsor Rd, 162 Phillips Rd, 30 Kenwood Rd, 1048 Sandwich Rd, and approval of the minutes. Mr. Meier states that they will be unable to approve the minutes because the absence of other Board members.

Mr. Meier asks if Miss Guarino has any updates.

Miss Guarino states that she had a series of updates that she wanted to bring up and discuss such as how and when the new members would like to receive information. She also states that she wanted to see potential scheduling for upcoming agenda items so that they can assess their priorities. Miss Guarino also offers to provide the new Board members with any information they would like to learn about.

Miss Guarino states at 6:16pm that Mr. Collett has dropped off the meeting again. She questions how they should

proceed. Mr. Meier states that they cannot proceed since they do not have a majority of the Board, so they would have to postpone the meeting and schedule it for a further time.

Mr. Collett returned at 6:17pm, and attempts to sort out his technological difficulties.

3. **25 Winsor Road – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant, Edward G. Nardi – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of an upgraded sewage disposal system; a 118' waiver from the local setback requirement for a 38' setback from a Coastal Bank to a Soil Absorption System; an 89' waiver from local setback requirements for a 61' setback from a salt marsh to a Soil Absorption System; and, a 12' waiver from the Title 5 setback requirements for a 38' setback from a Coastal Bank to a Soil Absorption System.**

Robert Dewar introduced himself, he will be standing in for Mr. Zac Basinski. Via Zoom, he shared his screen to show the aerial view of Winsor Rd and engineered plans. He shows that the dwelling is an existing 3-bedroom house, and in 1994 the latest septic system with a 1,000-gallon tank was installed. He states that they will be implementing an I/A nitrogen reducing system from Singular. He states that it is the highest point of the lot. They are looking for a variance from local regulations to the coastal bank and salt marsh. He explains the variances that they are requesting.

Mr. Dewar explains that they did obtain approval from the Conservation Commission and that they were provided with an order of conditions. With this project and the voluntary upgrade, it brings the nitrogen loading from 7ppm to 3.1ppm, so this is a significant upgrade.

Mr. Meier questions the notification of the abutters, and Miss Guarino states that they were properly notified, and the department has the green cards.

Mr. Doherty stated that he is concerned about the location and if the property is in a flood zone since it would be bad if the nitrogen loading is high. Miss Guarino had asked the Conservation Commission to review this project, and that they deemed this to be an improvement from what exists.

Mr. Doherty questions why one of the soil absorption systems was chosen over the other. Mr. Dewar states that one is the leeching field, and the Singular is the I/A tank.

Mr. Doherty expresses concern over how there is a shorter setback and that the project is close to a salt marsh, even if Conservation passed it. Mr. Dewar shows how there is the same setback for the project. Mr. Doherty asks what kind of system the older system was, and Mr. Dewar states that it is a concrete chamber that is 13-14 inches tall, surrounded by crushed stone. Mr. Doherty asks if they are taking away the crushed stone. Mr. Dewar states that they will be removing all of the components of the existing system, and any soil beneath it that may be spoiled.

Mr. Meier asked if Mr. Collett had any questions. Mr. Collett states that he trusts the opinion of the Conservation Commission, and that it gives him confidence to approve the project.

Mr. Meier questions the H-10 loading and the additional anti-flotation measures. Mr. Dewar states that there will be balance provided to hold the tank down. Mr. Meier states that he believes that they should have the specifics on the print. Miss Guarino points out that on the bottom right of the proposed pump chamber, there are buoyancy calculations provided for the H-10 tanks, and that the comment means that they would need to do something additional in the field if determined to be necessary, but that the plan meets the minimum requirements for approval.

Mr. Meier stated that he is satisfied as long as Mr. Dewar makes the changes with Miss Guarino in the office. He also notes that he is satisfied with the improvement in the nitrogen loading.

Miss Guarino stated that prior to the motion, she wanted to clarify a point of confusion. She stated that for seasonal use and bedroom count, the applicant has met the qualifications and that the seasonal use deed restriction was from over 30 years ago, and not properly recorded. She states that the homeowner was in communication with the office and that they are looking for clarification because the prior record was not clear.

Mr. Doherty questions new requirements, and if the square footage of the property is considered for when it meets the seasonal or year-round status. Miss Guarino explains that the year-round status was more relevant when there were construction restrictions regarding weather proofing of a property. Miss Guarino stated that the most relevant piece of data is the number of bedrooms.

Mr. Doherty asked if Miss Guarino believes if the property is in compliance according to the number of bedrooms and the flow. Miss Guarino explains that she does believe that they are in compliance and that this is a substantial improvement to the site.

Mr. Doherty made a motion to approve the system with the changes that were suggested.

Mr. Dewar asked to clarify that with the seasonal restrictions, when the existing septic was approved, was when they instituted the seasonal deed restriction. It was referenced in the order of conditions, and that the BOH placed a deed restriction on the house, but that was never properly done. Mr. Dewar stated that they would like to request a 3 bedroom deed restriction be recorded, but that there is no seasonal restriction in place.

Miss Guarino stated that if the Board of Health wishes to approve the project with the conditions of the tank and the agreement to rectify the deed restrictions then that could be accomplished.

Mr. Doherty questions if the inspection was made as just a seasonal property or a dwelling for year-round occupancy. Miss Guarino states that it is not clear from the records but that from her understanding, the construction standards meet year-round usage requirements.

Mr. Collett seconded the motion.

Roll call vote as follows: Mr. Doherty-yes, Mr. Collett-yes, Mr. Meier-yes. Motion passes unanimously.

4. 162 Phillips Rd – Joseph Sorenti – Update on outstanding violations of 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation and the State Sanitary Code dated August 12, 2022.

Mr. Meier asks Miss Guarino if she is able to explain the situation to the Board.

Miss Guarino states that the Health Department conducted a comprehensive inspection of 162 Phillips Rd on August 12, 2022. The occupants at that time moved due to concerns with the home. Miss Guarino explains that Mr. Sorenti swiftly attempted to correct the violations, and that he has been in contact with Health Inspector, Deon Wills, to update the office and keep them aware of the work that has been done. Miss Guarino states that she is aware that Mr. Sorenti has been working to correct the issues and highlights how the internal inspection was postponed and that the Health Department is comfortable with deferring that to a later date. The remaining outstanding violations include work in the bathrooms and the roof.

Mr. Sorenti highlights how rather than repairing the bathroom, they are remodeling it. There has been an abundance of rainy weather which has been delaying the work on the roof. Mr. Sorenti emphasizes that the roof is already halfway done. Mr. Sorenti explains they are fixing wiring within the roof and that he will be able to determine that further.

Mr. Sorenti will be leaving for Texas in 3 days, but that he will be back June 21st, and then he is scheduled to have an operation on the 22nd. They should be back to working on it the house after his surgery. He anticipates the work to be done by the first week of July.

Mr. Doherty questions the ground wiring to the roof, and Mr. Sorenti describes the repairs.

Mr. Sorenti confirms that the violations will be fixed by the second week of July.

Mr. Doherty asks for details on the roof, and he and Mr. Sorenti discuss the details of the project and how the weather can affect it.

Mr. Collett questions the timeline that was initially put in place for the violations, and Mr. Sorenti explained that there was no timeline provided and that their building permits will last a year.

Miss Guarino confirms that there were different time limits for different violations, and that there were obstacles. Miss Guarino states that some items were subject to pulling a building permit, and Miss Guarino believes that Mr. Sorenti has put in swift and diligent effort. Mr. Sorenti confirmed that there is no one who is occupying the residence, but that there is someone who is leasing it and having their things stored there, but that they are sleeping and living somewhere else.

Mr. Sorenti also confirms that there was no mold on the property and that he frequently sprays for insects.

Miss Guarino expresses concern over how someone is leasing the property because the prior agreement was that no one will be occupying the residence, and a lease would be in violation of that.

Mr. Sorenti expresses his confidence that there is a lack of insects on the property.

Mr. Meier suggests that they set a reasonable date for a cutoff point for when the violations need to be corrected.

Miss Guarino states that she is happy to collaborate with other departments so that they can make sure that an inspection can be set.

Mr. Doherty states that the date that he would be comfortable with is the 21st of July so that Mr. Sorenti can repair the issues despite any weather or family issues.

Mr. Meier states that he thinks that Miss Guarino and the other town departments should be able to come up with a date that they are comfortable with since they are more familiar with the process.

Mr. Doherty states that he is concerned due to the various safety issues, and he questioned how much control Miss Guarino has over the permitting process.

Miss Guarino explains that this project is long overdue and that any timeframes to be established have lapsed and that the priority is to just maintain the public health in our community. She states that she would like to set a date for the violations to be corrected and that there be fines imposed if it surpasses that. She states that finding out that there is a lease on this property is a concern, and that it changes the situation.

Mr. Sorenti states that there is no one occupying it.

Mr. Doherty states that the vote that Miss Guarino has asked for is a reasonable request, and that if the other boards or departments cannot comply with that timeline, then they can handle that in the future. He emphasizes the importance of setting a date. He states that they could potentially do July 28th, so that they can account for the cooperation of other entities.

Mr. Doherty makes a motion for the work to be completed by July 28th.

Mr. Meier asks Mr. Collett for his opinion but he is not on the meeting and his Wi-Fi connection dropped.

Mr. Doherty makes another motion for the work to be completed by July 28th or else the Board of Health would enforce fines. Mr. Collett seconded the motion. Roll call vote as follows: Mr. Collett-yes, Mr. Doherty-yes, Mr. Meier-yes. Motion passes unanimously.

5. 30 Kenwood Rd – Lisa Norftill, Owner – Update on ongoing violations of the Bourne Board of Health Illicit Discharge Regulation for the continued use of a sump pump which discharges water onto abutting and town properties.

Mr. Doherty emphasizes that he would like to cover the other items on the agenda and that he would like to continue the meeting. Mr. Collett agrees.

Mr. Doherty states that he has a question on the fine, and he questions if it is cheaper for the homeowner to pay the fines or for them to fix the item.

Miss Guarino questions if they have fully proceeded to cover 30 Kenwood Rd.

Miss Guarino requests to take a moment. She states that she did send the Board members an email regarding 30 Kenwood Rd and 1048 Sandwich Rd because the owners in question were not able to attend and she thinks that a further meeting would be a better opportunity to discuss the issues. She states that they are mostly resolved,

especially considering how they are outstanding issues. She also emphasizes that she has an inability to answer Mr. Doherty's questions because she does not have the specific figures.
Mr. Doherty questioned if Miss Guarino would like to postpone, and she confirmed.

Mr. Doherty made a motion to continue 30 Kenwood Rd to a future meeting date. Mr. Collett seconded the motion. No roll call vote was held, but Mr. Meier agreed to continue it to a later date.

6. 1048 Sandwich Rd – Joel Anderson – Noncompliance with the Bourne Board of Health Stable Regulations for the keeping of two alpacas without obtaining a permit.

Miss Guarino states that this issue has been long overdue and that a stable permit application has been received and that the applicants are unable to attend but that they are willing to put the information together for the next Board of Health meeting.

Mr. Doherty mentioned that he is aware that alpacas have been used for agricultural purposes, and he questions if this is what is occurring and that he would like to know if this is a commercial venture.

Mr. Doherty made a motion to continue 1048 Sandwich Rd to a later meeting date. Mr. Meier seconded the motion. Roll call vote as follows: Mr. Collett-yes, Mr. Doherty-yes, Mr. Meier-yes. Motion passes unanimously.

7. Approve the Minutes – Approve the minutes from the previous meetings dated September 14, 2022, February 8, 2023, February 22, 2023, March 8, 2023, March 22, 2023, and May 10, 2023.

No quorum to approve minutes. Continued.

8. Adjourn.

Mr. Meier sets a date for the next meeting for June 28th at 5:30pm. Mr. Doherty stated that he will be available. Mr. Collett agreed.

Mr. Doherty makes a motion to adjourn. Mr. Meier seconded the motion. Roll call vote as follows: Mr. Collett-yes, Mr. Doherty-yes, Mr. Meier-yes. All were in favor, and the meeting adjourned at 7:19pm.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Stacey Burgess, Administrative Assistant