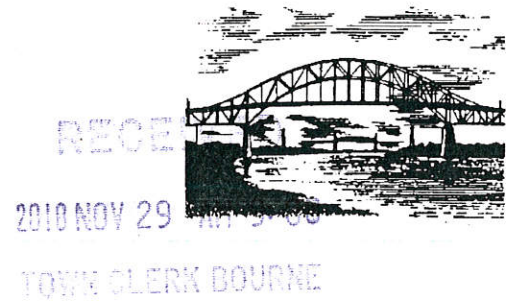


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MINUTES November 14, 2018

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

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Heath 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 indicated they are recording.

1. **10 Alona Avenue—Brad Bertolo of JC Engineering, Inc.-- Hearing requesting local upgrade approvals and variance from Bourne Board of Health 150 Foot Setback Regulation for distances from the septic tank and soil absorption system to the resource area.** Mr. Andrews himself for this agenda item. Brad Bertolo, EIT was present representing the property owner. The plans are to upgrade a septic and single family dwelling to reconstruct a dwelling ruined by fire. The new house matches the exact footprint of the original house. The proposed septic system will include a septic tank with MicroFAST insert and a two chamber leaching facility. Due to lot size restraints, they are asking for multiple variances. Mr. Bertolo reviewed the requested variances and waivers. A 36.5' Variance for the setback from the proposed leaching facility to the top of the coastal bank (50.0' required- 135.5' proposed). A 14.5' Variance for the setback from the proposed septic tank to the top of the coastal back (25.0' required – 10.5' proposed). A 9.0' Variance for the setback from the proposed leaching facility to the proposed dwelling (20.0' required- 11.0' proposed). A 136.5' Variance for the setback from the proposed leaching facility to the top of the coastal bank (150.0' required- 13.5' proposed). A 11.5' Variance for the setback from the proposed leaching facility to the edge of the coastal dune (150.0' required – 138.5' proposed). The original system is in same spot as the proposed tank. They are proposing an alternative treatment septic system. Ms. Peterson stressed whether or not the owner is comfortable with the dwelling being 2 bedrooms because there will need to be a deed restriction per Title 5. Ms. Guarino stated it is maximum feasible compliance for that site and agreed it is a significant improvement over what was existing. Ms. Peterson invited members from the audience to speak, Chris and Liz Connors own 14 Alona Ave, will be purchasing this home and are comfortable having a two bedroom home with the restriction. Ms. Peterson reviewed that the Board does not typically grant variances to the potential buyers, variances are usually granted to current owners. These variances requested will be granted to the current home owners. Mrs. Mastria made a motion to approve the variances for 10 Alona Avenue: A 36.5' variance for the setback from the proposed leaching facility to the top of the coastal bank (50.0' required- 135.5' proposed); A 14.5' variance for the setback from the proposed septic tank to the top of the coastal back (25.0' required – 10.5' proposed); A 9.0' variance for the setback from the proposed leaching facility to the proposed dwelling (20.0' required- 11.0' proposed); A 136.5' variance for the setback from the proposed leaching facility to the top of the coastal bank (150.0' required- 13.5' proposed); and a 11.5' variance for the setback from the proposed leaching facility to the edge of the coastal dune (150.0' required – 138.5' proposed). That is for Brad Bertolo of JC Engineering Inc., with the site plan dated October 10th 2018 revised November 8th 2018 prepared by JC

Engineering Inc., and there will be a two bedroom deed restriction. The owners will need to follow the Town of Bourne's alternative testing policy with a certified approved inspector. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.

2. **43 South Rd—Brad Bertolo of JC Engineering, Inc.—Requesting a waiver from the Board of Health regulations for the continued use of the existing conventional septic system for the four bedroom dwelling within 150 feet of the resource area. Cottage to be rebuilt with new septic system compliant with Title 5 and local regulations.** Mr. Andrews recused himself for this agenda item as well. Brad Bertolo of JC Engineering Inc. representing the home owner. Mr. Bertolo explained that they recently received conservation approval to demolish a one bedroom accessory dwelling to replace with a three bedroom dwelling with garage. Both existing structures on the property are currently serviced by a single septic system. They are proposing to demolish the smaller of the two structures and replace with a 3 bedroom dwelling and install a separate septic system which will pump to separate leaching facility which will place it 150ft outside the nearest Coastal Bank, although it is 346ft from the nearest wetland to resource area. They are asking for a waiver to continue to use and maintain the existing tank and leach field for the existing main dwelling that is not changing bedroom size. Ms. Guarino explained that there were no floor plans for the new cottage submitted. She explained that there was the need for this septic application to go in front of the Board due to the facility as a whole not being in compliance where the existing septic system does not meet the setback requirements. Ms. Peterson clarified the size of the new house being built will be a 3 bedroom replacing a 1 bedroom and that is new construction. Mr. Bertolo confirmed and clarified that the septic system for the new house will be outside the 150ft setback. Mr. Barlow asked if the new system will be able to handle the two buildings, Mr. Bertolo replied it is not. Ms. Peterson asked if the owner is planning to sell one of the houses, Mr. Bertolo replied she is not, just increasing the space for her family. Ms. Guarino approved the building permit for the demo for the cottage on October 18, 2018 with no implied approval for reconstruction. Ms. Peterson requested floor plans to be submitted. Mr. Bertolo said they will be entirely separate, and the intent is for the existing larger dwelling to remain on the existing septic system, and the new dwelling be on the proposed new separate septic system. Ms. Peterson acknowledged some discrepancies with the original permit on file. Mr. Bertolo said that he is taking away flow from the existing system. Ms. Guarino discussed how the new system meets the requirements for the new building, but the facility, being the entire parcel of land, does not. Ms. Peterson and Mr. Barlow again explained the need for architectural plans prior to approving a waiver. Ms. Guarino reviewed the Board of Health's bedroom assessment and agreed with the need for floor plans. Ms. Peterson showed that the old permit shows the large house having 3 bedrooms, and other conflicting information showing 4 bedrooms. Ms. Peterson asked why the existing pit was not inspected, Mr. Bertolo replied that they are not doing any adjustments to the original home or system. Mr. Bertolo stated that the new system is not within 150ft of wetlands and feels both systems meet the requirements. Ms. Peterson again explained the request for a waiver, the need to test the original system. Mrs. Mastria stated that this is a single facility and it should show everything is in good working order. Mr. Barlow spoke about needing to review the floor plans. Ms. Guarino asked if there will be a new or additional well installed or if the existing well is adequate since there are no records on file. Mr. Bertolo said there will be no new or additional well. Ms. Peterson asked Mr. Bertolo what he would like to do; continue or withdraw, and if continued would a week be enough time to get in all of this information. Mr. Bertolo would like for this to be continued. Ms. Barlow asked if the one well is adequate to serve 7 bedrooms in total. Mr. Bertolo said yes. The Board finds no records or permits of the well. **Ms. Peterson said she would like to see some testing on the well as well as the current septic system tested and floor plans for the houses and moved to continue this until November 28th so that additional information can be submitted.** Mr. Barlow seconded the motion. All in favor and the motion to continue passed.
3. **80 Old Dam Rd—Michael Borselli, P.E. of Falmouth Engineering—Requesting variances from 310 CMR 15.211 and Bourne Board of Health Regulations for reduction in minimum setback distances to the to the coastal bank and wetland resource.** Mr. Andrews stepped back on and joined the meeting, now five board members sitting. Michael Borselli, P.E. from Falmouth Engineering was representing the builder. Current owner is

Mr. Pucillo. Mr. Borselli reviewed the site and plans and the addition requested. The property is served by cesspools which will be filled and abandoned. There is no way to get 150ft away from the saltmarshes, so they have chosen the best area with the least environmental impact. There will be no increase in bedrooms. The variances requested are as follows: Bourne Board of Health regulation requiring 150' minimum setback from the S.A.S. to the wetland resource. While the S.A.S. is setback more than 150' from the salt marsh, it occupies a portion of a fragmented coastal bank. 310 CMR 15.211, minimum setback S.A.S. to coastal bank 50'. S.A.S. occupies a portion of a fragmented coastal bank. 310 CMR 15.211, minimum setback septic tank to coastal bank 25'. The septic tank occupies a portion of a fragmented coastal bank. Ms. Guarino reviewed the paperwork submitted and agreed it is a significant improvement and maximum feasible upgrade, especially taking into consideration that there are wetlands across the street. Mr. Barlow asked if we want nutrient removal. Ms. Guarino explained that typically not since this is an upgrade and a significant improvement on the property. She suggested a deed restriction or red stamp to come before the board prior to any improvements or additions. Mr. Borselli understood and the red stamp condition was discussed. **Mr. Andrews made a motion to approve the variances for 80 Old Dam Road using the civil plans received by the office November 6, 2018, drawn by Falmouth engineering, architectural plans received by the office November 6th for the Pucillo residents. The following variances are approved; reduction in 150' from the salt marsh from the fragmented coastal bank, 310 CMR 15.211 min setback S.A.S. to coastal bank the S.A.S. occupies a portion of a fragmented coastal bank. 310 CMR 15.211 Minimum setback septic tank to coastal bank of 25' septic tank occupies a portion of the fragmented coastal bank. This is a major improvement to the existing system and is an improvement to the resource. There will be a red stamp included on this permit. Mr. Uitti second. All in favor.**

4. **217 Presidents Rd—Zac Basinski, P.E of Bracken Engineering-- requesting a waiver from the Bourne Board of Health regulations for the continued use of the existing alternative septic system at 217 Presidents to accommodate proposed renovations of the existing dwelling.** Zac Basinski, P.E. on behalf of John Mitchell. Request to continue to use existing system for an attic renovation. The intent is to convert existing attic space to child's playroom and bathroom. The existing space cannot be a bedroom. The system has been inspected by Wastewater Treatment Services as routine operation and maintenance and is fully functional. Ms. Guarino confirmed that this property is already served by an I/A. system and is up to date with testing requirements. Finishing and renovating the attic will not alter that but would like to point out the conditions of the variances approved in July 2003. Architectural plans were cited at the end of the approval, the garage still currently does not have anything above aside from HVAC. Ms. Guarino said that the previous conditions have been upheld, the only change is the architectural to include the attic play room. **Mr. Andrews made a motion to grant a waiver for 217 Presidents Rd. for the conversion of the third floor playroom with bathroom, plans received November 6, 2018 incorporate the revised architectural plans to be added to the existing architectural plans. Mr. Uitti seconded the motion. All in favor.**
5. **State Sanitary Code, Chapter X, 105 CMR 590.00: Minimum Sanitation Standards for Food Establishments—Discussion of amendments to Retail Food Code and draft local board of health regulations for consideration.** Mr. Barlow recused himself. Ms. Guarino presented to the Board how there are updates with the Retail Food Code which have gone into effect on October 5, 2018. The State Department of Public Health adopted the 2013 Federal Food Code and its supplements. One significant difference is the definition of what a food establishment is. As amended, establishments which we historically have permitted as food establishments that only sell prepackaged, nonhazardous food products are now exempt. The option is for the Board of Health to adopt a local regulation with or without this new regulation. We can continue to permit these small scale establishments who sell only pre-packaged nonhazardous if the Board of Health wants to adopt a local regulation or move in the direction of this new code. Mr. Andrews highlighted the cons of not permitting these establishments and it being beneficial to have the opportunity to visit. Ms. Guarino said that if the Board wants to continue to permit these type of establishments, it would be good to consider a reduction in the fee and complete risk-based inspections so maybe only once per year. Ms. Davis suggested a signed disclosure to not sell outside

of what is exempted in the State regulation. Most convenience stores sell milk, eggs, bacon, butter and other time and temperature control food. Ms. Peterson asked about a cutoff date and if there was time to contemplate. Ms. Guarino said the State regulations are in effect and we are still learning of the new changes. The Board of Health should act before December 1st when food permit application renewals are due. Another new change will be a use-by date on all labels. The Board of Health will prepare a fact sheet to provide. They will also need a diarrhea and vomit kit and maximum registering thermometers for high temperature dishwashers amongst other things. Ms. Peterson asked for this by the next Board of Health meeting. Ms. Davis said they need wording saying the health inspection report is available upon request if it is not posted in a conspicuous location. Ms. Guarino reviewed the layout of the new food inspection sheet and explained that the permit applications are a little different this year to cover all of the bases. Ms. Peterson asked to add this to the upcoming agenda to review food establishment requirements and requested we notify all of the restaurants of the meeting. **Ms. Peterson made a motion to continue this item until November 28th. Seconded by Ms. Mastria. All in favor and the motion passed unanimously.**

6. **Approve the Minutes—** Approve the minutes from the previous meeting dated October 24, 2018. No action.
7. **Set tentative date for next meeting and adjourn.** November 28th 2018, and December 12th 2018. **Mr. Andrews made a motion to adjourn the meeting at 7:14pm Mr. Uitti seconded the motion. All in favor.**

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria