



TOWN OF BOURNE BOARD OF HEALTH

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TOWN CLERK BOURNE

MINUTES December 14, 2016

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

Support Staff in attendance: Terri Guarino, Health Agent; Jamie Butler, Health Inspector and Lisa Collett, Secretary

MEETING WAS CALLED TO ORDER AT 7:03pm

- 1. 124 MEGANSETT ROAD—Matthew Farrell of J.M. O'Reilly & Associates, Inc.--**
Discussion to modify Title 5 variances for the construction of a four bedroom dwelling originally approved by the Board of Health on July 13, 2016. Review new architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which requires a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. **CONTINUED from November 16, 2016.** Matt Farrell of J.M. O'Reilly & Associates and a representative from Reef Builders were present for this hearing. At the last meeting the Board of Health had questions as to whether or not Conservation and the Building Departments had a chance to approve the new plans. Ms. Guarino stated that there has been an administrative approval from the Conservation Agent, and that the Building Inspector did review the new architectural plans with the changes in the flood zone elevations. The Board of Health members did not have any further questions on the project. Mr. Farrell confirmed that the plans on record are up to date. **Mr. Barlow made a motion to approve the new variance request for 124 Megansett Road. The variances are for the construction of a four bedroom dwelling and are approved based on the architectural plan dated October 12, 2016 and septic plan dated October 19, 2016 which require a 5 foot variance from the proposed soil absorption system and reserve area to the front property line. Mr. Andrews seconded the motion. It was a unanimous vote.**
- 2. 63 BELLAVISTA DRIVE – Zachary Basinski of Bracken Engineering representing Mark A. Leary – Request variance from Town of Bourne, Board of Health Regulations for proposed construction of a new sewage disposal system with Microfast de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to adjacent non-water dependent coastal bank from 150' to 50' (100' variance).** Mr. Basinski of Bracken Engineering representing Mark A. Leary was present for this hearing. Mr. Basinski stated that the existing house was built in 1949. Mr. Leary would like to raze the house and build a new dwelling on the property. Mr. Basinski stated that the existing septic system will be moved the furthest away from the water resource area as allowed by the lot. The water resource

area is a coastal bank by definition. A nitrogen reduction system is being proposed to reduce the nitrogen loading from 10.9ppm to 6.8ppm. Mr. Basinski is requesting a 100' variance from both the primary soil absorption and also the reserve area. Mr. Basinski is also requesting relief from requiring pressure distribution. Conservation Commission has reviewed and approved this. There is an open, unfinished basement in the dwelling. The dwelling has four bedrooms by definition, but the system is designed as a five bedroom system. Ms. Guarino despite the fifth bedroom, because of the advanced treatment the nitrogen is reduced. Ms. Guarino also stated that because the elevation is so high the separation to groundwater is good. Ms. Peterson stated that a 5 bedroom deed restriction will need to be filed for this property. **Mr. Andrews made a motion to approve the variance request for 63 Bellavista Drive for proposed construction of a new sewage disposal system with Microfast de-nitrification unit and an alternative testing system to accommodate the raze and rebuild of the single family dwelling: a reduction in setback distance for the proposed soil absorption system to adjacent non-water dependent coastal bank from 150' to 50' (100' variance).** This approval is based on the septic system design received by the office on November 1, 2016 drawn by Bracken Engineering and the architectural received by the office on November 1, 2016. Prior to the permit being issued a 5 bedroom deed restriction must be filed. Mr. Barlow seconded the motion. The vote was unanimous.

3. **POCASSET MOBILE HOME PARK – Attorney Charles Sabatt – Discussion and possible vote on renewal of annual manufactured housing community license pursuant to MGL c. 140 §32B for the Pocasset Mobile Home Park. Update on wastewater treatment facility, receivership status, portable water service lines, and other matters of interest.** Attorney Charles Sabatt receiver for the PMHP and contractor Peter Valeri were present for this hearing. Atty. Sabatt updated the Board of Health on the current status of the PMHP. The wastewater treatment plant is fully operational at this time. A wastewater test was conducted earlier this month by DEP, and successfully passed. The leaching fields are complete and are in the process of being backfilled. The current sewer connection system is now connected to the plant. Effective as of last week, waste from the PMHP is being processed through the wastewater treatment plant. The new sewer collection system is in the process of being constructed. Fifth Avenue, Fourth Avenue, Third Avenue, and Second Avenue are complete. A manhole is currently being installed for First Street. First Street is estimated to be complete next week. First Avenue, the smaller streets, and Sixth Avenue is estimated to be completed by mid-February. The units will be connected in the future. Underneath the units will be connected by a plumber. The lines will then travel underground into the stub connection that is located at the end of each unit. The connection process is estimated to begin in March. Once the units are connected, they will be online immediately. Atty. Sabatt expects that the receivership will terminate in the month of April. The final piece that will need to be accomplished will be the resurfacing of the roadways. They will be resurfaced sometime in the spring. Once the sewer system is up and operational, Atty. Sabatt will begin to transfer receivership to the Austin Family. Atty. Sabatt stated that in the feasibility study he conducted in 2012, he recommended that the water system needed to be replaced. This recommendation was not based on emerging emergencies or due to public health concerns, but rather it was based on the need to update the system. Atty. Sabatt stated that he was not granted the authority from the court to update the water system. There is no money awarded to update the water system. The DEP has not mandated any update at this juncture. Atty. Sabatt is not anticipating that he will undertake the project of updating the water system given the rulings of the court. Atty. Sabatt stated that he reviewed the recent status of repairs for the water system and reported that in 2014 there were 3 breaks in the water system and 8 sewer problems. Those water system issues included a break in the water line which constituted a \$300 repair. Atty. Sabatt stated that Mr. Valeri has informed him that this occurs because the heat tape on those pipes break down. This is a line outside the unit, it is not the line operated by the PMHP but rather it is considered the owner of the unit's responsibility. The

second water system issue in 2014 was another break in the water line that required new parts and constituted a \$440 repair. Atty. Sabatt believes that this repair was due to an issue at the unit. The third repair to the water system in 2014 was conducted at the manager's unit where the main underneath the unit failed and constituted a \$500 repair. A significant water repair was made in 2014 for Sixth Avenue that required the excavation of the water main and the replacement of valves. In 2015, there was only one water main break in the entire year, which constituted a \$1500 repair. In 2016 there was one issue which essentially began at the lines leading into the units. The manager recommended a repair person that resides within the park. Atty. Sabatt believes that the individual managed to break the valve to the main that leads into the unit. The individual was excavating to try to locate the problem and that led to a necessity to repair the line that was coming into the unit. Atty. Sabatt stated that over the past three years all the water system issues were immediately addressed and that the septic problems far outweigh the water problems. Mr. Andrews asked why there was a 6 month delay in the estimated water treatment plant completion date which was expected be completed in July of 2016. Atty. Sabatt stated that there were delays in the winter time with the contractor. There also was a delay in the electric service. The PMHP is required to have a three phase electric service. The deposit was paid in October of 2015. By June of 2016 the three phase electric was still not installed. There was an effort by the owner, Mr. Austin, to secure permission for an underground service that resulted in some motions at the Superior Court in Boston which lead to some delay. The three phase service was not installed into that plant until late September of 2016. Everything was idle while waiting for that service. Mr. Andrews stated that at last year's Board of Health meeting Atty. Sabatt stated that a water delivery system was in the process of being designed. Atty. Sabatt stated that it was designed and that initially he and the owners had come to an agreement to install a new water system. Then, there was a parting of the ways on that issue. The owners elected to obtain an alternative plan. Atty. Sabatt stated that updating the water system was not going to be a workable scenario if working in tandem with the owners. Atty. Sabatt stated that he is intending to pave the roadways 20' in width and to add bluestone on either side, or some other similar material, which will enable the owners to come in after the fact and install a new water system if that's what they intend to do. Mr. Andrews stated that that is a very narrow roadway. Mr. Andrews asked if the plans for the wastewater treatment plan have been delivered to the Board of Health office. Atty. Sabatt stated that he will provide the office with a copy. Ms. Peterson also would like an O&M contract and a schedule on file with the office. Atty. Sabatt stated that the Austin Family has put up 2.7 million dollars, a significant amount of money. That money is all but expended on the wastewater treatment plant. Mr. Andrews stated that the owners have a responsibility to provide a safe environment for the occupants, and it took a court order in order to get the septic issues taken care of. Mr. Andrews stated that as part of the licensure, the Board of Health has always asked for the water system to be updated. Mr. Andrews stated that some of the materials used to construct the existing water system are more commonly seen on an irrigation system. Atty. Sabatt stated that the owner died and his children, the new owners, are a new generation that were not involved in the earlier events. Mr. Andrews stated that clean water is necessary for the park. Ms. Peterson stated that licenses are non-transferable and the Board of Health may not issue a license to a new owner without the water system being updated. Ms. Peterson stated that the Bourne Water District had to be called in to the park within the past month for issues with the water at the PHMP. Ms. Peterson asked if Mr. Austin has plans for the park, why he hasn't addressed the Board of Health himself. Atty. Sabatt questioned Ms. Peterson on the transfer of the license, and stated that the owner will remain the same so it will not be a "transferred license". Ms. Guarino asked if the \$863,650.00 cost mentioned in the 2012 feasibility study for the water distribution system was accurate. Atty. Sabatt stated that the system that was more recently designed was not priced out, but that the cost in the feasibility study should be accurate. Ms. Guarino also asked about the \$434,300.00 estimated roadway construction cost listed in the 2012 feasibility study. Atty. Sabatt stated that the roadway estimate probably was for 40' in width roadways. Ms. Guarino stated that the 2012

feasibility study had some great ideas to generate funds to support projects, such as the updating the water system. Ms. Guarino stated that the feasibility study lists alternative options to generate income such as selling off parcel 14. A portion of the wastewater treatment plant is on the parcel 14. Atty. Sabatt stated that the reason why he suggested selling off parcel 14 was because there were no funds back in 2012. Ms. Guarino asked about the possibility of subdividing the parcel and selling the remaining to generate funds. Atty. Sabatt states that expanding residences into that area will increase occupancy, effluent, and also increase income. Mr. Andrews asked about the number of units. Atty. Sabatt stated there are 89 units currently, and that with the wastewater treatment plant the park has the potential for 110 units. Mr. Andrews asked how many years after the park is operational that the DEP will re-evaluate flows. Ms. Guarino stated that there are flow meters installed. Ms. Guarino said it is tracked regularly as part of the monitoring. Ms. Guarino stated that she spoke to DEP about the water distribution system and that they were concerned. Ms. Guarino stated that under the regulations, basic utilities are supposed to be in good repair. Ms. Guarino mentioned that water is curtailed to the park when repairs are made. Ms. Guarino stated that it is in the regulations that an operator shall not willfully interrupt any utility service. Mr. Barlow asked if there are fire hydrants in the park. Ms. Guarino stated no. Mr. Barlow stated the without fire prevention installed in the park, it is a major safety issue. Mr. Valeri states that he does septic repairs, water repairs, and insulation for the past 25 years for the park. Mr. Valeri stated the breakages in the water lines 90% of the time occur in the tenant owned connection line that runs from the unit to the ground. Mr. Valeri stated that the majority of these breakages occur in the winter time. This is largely part due to the tenants not turning on the heat tapes, because of the expense. When the heat tapes are not turned on, the water lines freeze and break. Mr. Valeri stated that the main valve to the entire park is only shut off in extreme conditions. Each road can be shut off separately. Mr. Valeri stated that in the past, there are a few tenants that call the Board of Health the second the water is shut off. Mr. Valeri stated that the tenants let their water run excessively to prevent the lines from freezing rather than turning the heat tapes on. Ms. Peterson sees water mains as the only option. Fire hydrants cannot be installed without a water system. Mr. Valeri stated that it is the tenants issue if they do not turn on their heat tape. Atty. Sabatt would like the Board of Health to grant a temporary license to the PMHP until June 1, 2017. Atty. Sabatt would like to reappear at a meeting of the Board of Health to discuss the water system after he has a chance to consult Mr. Austin. Mr. Andrews asked which part of the license would be modified. Atty. Sabatt stated that conditions #6 and #7 would be deleted. Ms. Peterson stated that the water distribution system must be installed. **Mr. Andrews made a motion to issue a temporary 6 month license to the Pocasset Mobile Home Park with a required review after 90 days has elapsed. The existing conditions of the license will be used with the deletion of #6 & #7 from the list of conditions issued to the PMHP. Mr. Barlow seconded this motion. The vote was unanimous.**

4. **BOURNE BOARD OF HEALTH FEE SCHEDULE – Terri Guarino, Health Agent – Discuss and possibly vote to make changes to current schedule of fees which was effective as of December 1, 2015. Discuss amending description of Filing fee, Late Fee, Septic System Permit Fee for non-gravity systems, and Mobile Food licensing to provide clarity and add detail in definitions. Discuss amending fee for Temporary Food Permits so that they do not exceed the charge of an annual retail food permit. Update Tobacco Violation Fees to \$300.00 for each offense and add reference to current Tobacco Regulation. Possibly add new \$25.00 fee for Irrigation Well Installation Permit which was free of charge. Review all items and address any inquiries.**

Mr. Barlow made a motion to separate the vote for food items from the other items. Mr. Andrews seconded the vote. It was unanimous. Ms. Guarino stated that this list is posted on the Town of Bourne website. Ms. Guarino stated that on the first page it was recommended by Atty. Sabatt to re-word the writing for filing fee to *Application Fee for All Other Forms of Relief*.

On the second page, the wording for the Mobile Home Park License is changed to *Manufactured Housing Community/ Mobile Home Park Annual License Fee*. Ms. Guarino stated that trailers pay a monthly tax as well that is recorded in the Board of Health office but is submitted to the tax collector's office. Ms. Guarino stated that there were some questions submitted to the office in the past year on the difference between the two fees. Ms. Guarino stated that wording the Annual License Fee in this way will provide clarity. The Late fee wording is being changed to *Late Fee for Non-Renewal of Annual License/ Permit* to provide clarity. Mr. Andrews stated that with a plumbing permit, most towns charge double if the permit is late. Ms. Guarino stated that this fee is for operating without a license. Mr. Andrews stated that there is a grace period listed for the Late Fee. Mr. Andrews does not want a grace period for annual permits because the annual license holders should be aware that their license is due. Ms. Guarino stated that the grace period is a good idea especially since the cutoff date falls on a weekend this year. Mr. Barlow supports the grace period. Ms. Guarino stated that doubling the fees would be a consistent practice. Mr. Barlow stated the rubbish haulers license is \$500.00 and the septic permit fee is \$150.00. If the fees were doubled then the rubbish hauler would have to pay a late fee of \$500.00 and the septic permit applicant would only have to pay a late fee of \$150.00. Mr. Barlow stated that one flat fee might be more efficient and fair to the license holders. Mr. Andrews stated that he sees doubled fees all the time. Ms. Guarino stated that arguments are brought to the office that they were not operating. Ms. Butler feels that doubling the fee will cause more confusion in the office. Ms. Butler does not think it is fair that the late fees would be different amounts for different establishments, and feels that this will generate more arguments. Mr. Barlow feels that charging people a re-occurring fee will get license holders to submit their applications on time. Mr. Barlow stated that there is a difference between seasonal establishments and year round establishments. Ms. Butler agrees and stated that the seasonal establishments argue that they were not operating so they cannot be fined. Ms. Guarino stated a flat fee of \$50.00 should be charged for every week that the application is late. The Board agrees with this. Ms. Peterson stated that under the Medical Marijuana Treatment Center License a new category entitled *Retail Sale of Marijuana Infused Products* \$250.00 is being proposed. Ms. Peterson wants and/or added to this so that the new category will read *Retail Sale of Marijuana and/ or Infused Products* \$250.00. Mr. Andrews stated that those three categories are treated different in the regulations so they may require different fees. Ms. Peterson stated that this will be discussed in the January meeting. Ms. Guarino stated that under the category Septic System Permits \$200.00, that *Innovative/Alternative Technology, Pumped Systems, Pressure Dosed, and New Construction/Upgrades* was added underneath for clarity on which types of systems will be charged the \$200.00 fee. Under the Tobacco Violation Fee *See Regulation* was added for clarity, and the fees were adjusted to reflect the current Tobacco Regulation. Ms. Guarino stated that a *Well Installation Permit for Irrigation Well* \$25.00 was added because the Board of Health has a well regulation that requires permits for both irrigation wells and drinking water wells. Ms. Guarino stated that in the past irrigation wells were no charge, but that it is not unreasonable to have a charge for these wells because they do require office review. Ms. Guarino stated that there is more review required for a drinking water well and that is why the fee for the irrigation well should be \$25.00 because it is a lower fee than the \$50.00 fee for a drinking water well. **Mr. Andrews made a motion to accept all of the non-food proposed and discussed changes to the schedule of fees. Ms. Mastria seconded the motion. The vote was unanimous.**

Mr. Barlow stepped off for this item. Ms. Guarino stated that the current State Food Regulation is in the process of being amended. Ms. Guarino stated that in the past Mobile Food was separated into two categories. However, she feels that making Mobile Food into one category and charging a \$100.00 fee is more consistent. Changing the fee for a Temporary Food Establishment from \$50.00 to \$40.00 is also being proposed. Ms. Guarino stated that this will also be changing in the new Food Regulation. Farmers Markets and Temporary Events are becoming more popular. Ms. Guarino stated that in the proposed changes to the new Food

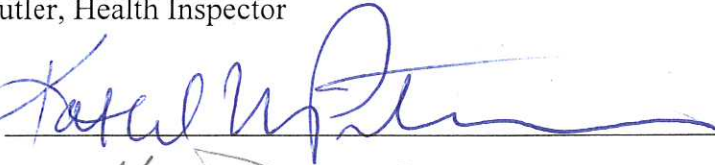
Regulation it states that the total fee for temporary food establishments cannot exceed the fee for the lowest annual food license. Ms. Guarino stated the lowest annual food license fee is \$40.00, and that is why it is being proposed to lower the Temporary Food License to \$40.00. Mr. Andrews asked if they are inspected. Ms. Guarino stated that Ms. Butler inspects these events which are typically on the weekends. Ms. Butler stated that with Farmers Markets, they are re-occurring events and that you can either charge the event one fee or you can charge the individual vendors. Ms. Butler stated that the total sum of the charges cannot exceed the cost for an annual food permit. Ms. Butler also stated that because these events will typically have the same vendors, the event does not have to be inspected every weekend. **Mr. Andrews made a motion to accept the proposed changes to Mobile Food and Temporary Food Establishments in the schedule of fees. Ms. Mastria seconded the motion. The vote was unanimous.**

5. **188 CAPTAINS ROW – Terri Guarino, Health Agent – Property owned by the Folan Family – Discuss and possibly vote on enforcement action for failure to upgrade failed septic system. Owners have been previously notified of upgrade requirement and violations of Title 5 of the State Environmental Code and the Bourne Board Title 5 inspection Regulations.** – No one was present for the meeting. Ms. Guarino stated that she spoke to Peter Valeri, the installer, whom stated that the plan was recently designed and should be submitted to the office soon. **No action was taken.**
6. **APPROVE THE MINUTES – From the meeting dated October 26, 2016 and November 16, 2016. Mr. Andrews made a motion to approve the minutes dated October 26, 2016. Ms. Mastria seconded the vote. It was a unanimous vote. Ms. Mastria made a motion to approve the minutes dated November 16, 2016. Mr. Andrews seconded the vote. It was a unanimous vote.**

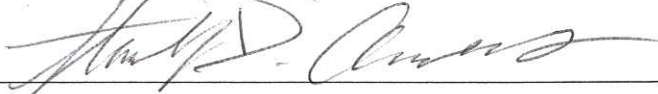
Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. It was a unanimous vote and the meeting adjourned at 8:46 PM.

Taped by Lisa Collett, Secretary
Typed by Jamie Butler, Health Inspector

Kathleen Peterson



Stanley Andrews



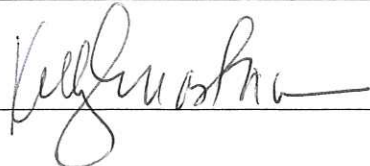
Galon Barlow



Don Uitti

not in attendance

Kelly Mastria –



cc Board of Selectmen/Town Clerk