



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES February 16, 2021

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

Support Staff in attendance: Terri Guarino, Health Agent; Kaitlyn Shea, Health Inspector; Stephanie Fitch, Health Inspector and Syreeta Amaral, Administrative Assistant

Meeting was called to order at 05:00pm

Mr. Barlow asked if anyone was recording at this time.

1. COVID-19 and Phased Re-opening Plans—Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote as necessary.

Miss Guarino shares that as of February 9, 2021, the total COVID-19 cases in Bourne were 944. There has been an overall decrease in percent positivity. Bourne is slightly lower than state-wide and county percent positivity. The State Department of Public Health (DPH) is not releasing vaccines to local BOHs, nor our contract public health nurses. Currently, vaccines are only sent to regional clinics in Barnstable County and it is a very limited supply. Vaccination allocation is not equitable, especially to our elderly population. The elderly are expected to go to mass vaccination sites. The most recent mass vaccination site was opened in Dartmouth, MA (Barnstable County was considered, but not chosen). The closest regional site to Bourne is Barnstable County Fairgrounds.

2. Discussion and possible vote on waiving process to fill vacant seat on the Board of Health due to time frame regarding up-coming election on May 18, 2021.

Mr. Barlow says he submitted the paperwork to the Selectmen, giving them a month to go through their process. The Town Administrator suggested to Mr. Barlow, due to the upcoming elections in May, that the BOH waive the process to fill the vacant seat. Mr. Andrews notes that he believes the selectmen do not have a month. The BOH has a set time to notify the Selectmen and Town Clerk of the BOH death. He believes the Selectmen have had the letter for a few weeks now. He believes the BOH and Selectmen need to convene as two boards to vote on a replacement within seven days once the announcement is made. During the last meeting, the BOH voted to continue with the process from Chapter 41 Section 11. Mr. Andrews stands behind on what was voted last meeting and he believes the BOH needs another member to assist the BOH through the current COVID-19 public health crisis. Mrs. Mastria agrees that the vote last meeting is in the best interest of the BOH and supports working with the Selectmen for an appointment. Mr. Andrews does not believe there needs to be a motion since the vote from the last meeting still stands. Mrs. Mastria asks for clarification on the procedure going forward. Mr. Barlow will contact the Town Administrator and let him know the BOH would like a joint meeting to vote on a new BOH member.

3. Discussion and possible vote position on Town Meeting vote of 1973 on Article 84 indefinitely postponing a Sewer Processing Facility and Outfall into the Cape Cod Canal area.

Mr. Andrews asks why we are revisiting a town meeting vote from 1973; does the BOH have the right to review the vote? Mr. Barlow asks if the BOH stands behind the 1973 decision. Mr. Andrews says he has not had enough time to review the packet. Mr. Barlow believes the vote should go back to town meeting before there is further

discussion about discharging wastewater in the canal. Mr. Barlow would like the BOH to stand behind the vote to indefinitely postpone the outfall to the canal. Mr. Andrews and Mrs. Mastria would like more time to research the issue and review the material. No action taken at this time.

4. Discussion and possible vote on existing Wastewater Disposal Permit issued by the EPA located in the Cape Cod Canal area on Taylor's Point at the Massachusetts Maritime Academy.

Mr. Andrews would like to do a full review and have more time to acquire additional information prior to discussion in front of the BOH. Mr. Barlow is not comfortable with the Buzzards Bay Coalition being the watchdog group on the permit and does not like that the BOH is not receiving updates from EPA or DEP. The former Health Agent was in communication with the EPA. Mrs. Mastria asks for additional time as well. Mr. Barlow will request the updated permit information on behalf of the Board. A member of the audience tries to speak but Mr. Andrews reminds Mr. Barlow that he did not open this topic up for public comment. Mr. MacNally asks how this came in front of the Board at this time. Mr. Barlow says he brought it in front of the Board because it is not clear if the permit is being renewed and if there will be opportunity for public comment. Mr. MacNally agrees that it should be discussed at this time. The MMA outfall is currently not included in the discussion about discharge from the Wareham Wastewater Plant, but this is all helpful information for that conversation. No need to vote at this time. Mr. Barlow will try to find out if the permit is up for renewal with the EPA. Additionally, Mr. Barlow will try to learn why the Health Department stopped receiving notifications from the EPA concerning wastewater discharge into the canal.

5. 24 North Beach Ave - Raul Lizardi-Rivera P.E. of Cape & Islands Engineering, Inc. on behalf of owner Thomas Taborelli - Continued from January 27, 2021 Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include an 86 foot reduction in the required 150 foot setback from the S.A.S. to a wetland. A 7 foot reduction in the required 10 foot setback from the S.A.S. to the Street line. A 5 foot setback from the S.A.S. to the property line. A 1 foot reduction from the required 5 foot separation from the S.A.S. to groundwater. A 4 foot reduction in the required 10 foot setback from the pump chamber to the foundation. A 4 foot reduction in the required 10 foot setback from the septic tank to the foundation. A 6 foot reduction in the required 10 foot setback from the septic tank to the property line and a 3 foot reduction in the required 5 foot unsuitable soil strip out.

Mr. Andrews steps down for the remaining items on the agenda. This project was continued from the last BOH meeting. Mr. Lizardi-Rivera shares that initially, the project was an upgrade to a Title V septic system with a pump chamber. At the first meeting, the waivers were not a concern but the impact on the environment was of concern due to the coastal embankment. Nitrogen being a main issue, the client would like to install a FAST system for denitrification. There will still be a pump system and mounded system for the leaching component. The setbacks changed slightly due to the new tank being larger than the 1000 gallon tank previously submitted. The leaching field was also shifted east, further from the property line. This new revised septic upgrade should meet all previous comments and address the issues that arose due to proximity to Eel Pond. Miss Guarino notes that an I/A disclosure notice will be required and the design flow will require a 2 bedroom count deed restriction since the design flow is less than a 3 bedroom system. Mrs. Mastria has no concerns. No neighbors present. No further comment. Mrs. Mastria makes a motion to approve 24 North Beach Ave represented by Raul Lizardi-Rivera P.E. of Cape & Islands Engineering, Inc. on behalf of owner Thomas Taborelli, granting relief from State and Local Board of Health Title 5 requirements. Variances approved include an 86 foot reduction in the required 150 foot setback from the S.A.S. to a wetland, a 7 foot reduction in the required 10 foot setback from the S.A.S. to the Street line, a 5 foot setback from the S.A.S. to the property line, a 1 foot reduction from the required 5 foot separation from the S.A.S. to groundwater, a 4 foot reduction in the required 10 foot setback from the pump chamber to the foundation, a 4 foot reduction in the required 10 foot setback from the septic tank to the foundation, a 6 foot reduction in the required 10 foot setback from the septic tank to the property line and a 3 foot reduction in the required 5 foot unsuitable soil strip out. In keeping with Bourne Board Regulation an O&M Agreement, an I/A disclosure notice and a Bedroom Count deed restriction are included in this motion. Mr. Uitti seconds the motion. Roll call vote to approve. Mrs. Mastria...yes, Mr. Uitti....yes, Mr. Barlow...yes. All are in favor and the motion passes unanimously.

6. 567 Circuit Ave – Bradley Bertolo P.E of J.C Engineering, Inc on behalf of owner Frank W Mushe Jr. – Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a

44.2 foot reduction in the required 150 setback from the leaching facility to the edge of a salt marsh. A 116.6 foot reduction in the required 150 foot setback from the leaching facility to a coastal bank. A 4.9 foot reduction in the required 10 foot setback from the pump chamber to the front property line. A 5 foot waiver from the required 10 foot setback from the leaching facility to the front property line. An 8 foot reduction from the required 20 foot setback from the leaching facility to the crawl space and a 4.8 foot reduction from the required 10 foot setback from the water service line to the septic tank.

Mr. Bertolo shares that this is an upgrade of an existing system, serviced by a single cesspool. There is a salt marsh and coastal bank across the street from the property. The engineer recently received permission by the Conservation Commission to remove two pine trees. This new system will be completely below grade, but a pump is required. They are proposing a MicroFast treatment system. The MicroFast and pump chamber will be H-20. The entire property was evaluated for space, but the back of the property doesn't offer enough space for this new system. The proposed system is set back greater than 100ft from salt marsh, but within the 150ft setback requirement to resource areas. The entire property is located within the floodplain. Miss Guarino has no questions, but she reminds Mr. Bertolo that an I/A disclosure notice is required. Miss Guarino asks the BOH if they want this property to have a bedroom count deed restriction as well. She says that a deed restriction would ensure there is no increase in bedrooms in the future. Mrs. Mastria has no questions. Mr. Uitti has no questions. No neighbors make comments. Mrs. Mastria makes a motion to approve 567 Circuit Ave, represented by Bradley Bertolo P.E of J.C Engineering, Inc on behalf of owner Frank W Mushe Jr., granting relief from State and Local Board of Health Title 5 requirements. Variances approved include a 44.2 foot reduction in the required 150 setback from the leaching facility to the edge of a salt marsh, a 116.6 foot reduction in the required 150 foot setback from the leaching facility to a coastal bank, a 4.9 foot reduction in the required 10 foot setback from the pump chamber to the front property line, a 5 foot waiver from the required 10 foot setback from the leaching facility to the front property line, an 8 foot reduction from the required 20 foot setback from the leaching facility to the crawl space and a 4.8 foot reduction from the required 10 foot setback from the water service line to the septic tank. An I/A disclosure notice and deed restriction are included in the motion. Mr. Uitti seconds the motion. Mr. Uitti seconds the motion. Roll call vote to approve. Mrs. Mastria...yes, Mr. Uitti...yes, Mr. Barlow ...yes. All are in favor and the motion passes unanimously.

7. Approve the Minutes— Approve the minutes from the previous meetings dated November 18th and December 16th, 2020

Mr. Uitti makes a motion to approve both sets of the minutes. Mrs. Mastria seconds the motion. Roll call vote to approve. Mrs. Mastria...yes, Mr. Uitti...yes, Mr. Barlow...yes. All are in favor and the motion passes unanimously.

8. Set tentative date for next meeting and adjourn

Tentative date set for March 10, 2021, keeping with second and fourth Wednesdays of the month.

Don Uitti made a motion to adjourn the meeting. Kelly Mastria seconded the motion. All were in favor and the meeting adjourned at 5:50pm.

Taped & Typed by Syreeta Amaral, Administrative Assistant

Stanley Andrews _____

Galon Barlow Jr. _____

Don Uitti _____

Kelly Mastria _____