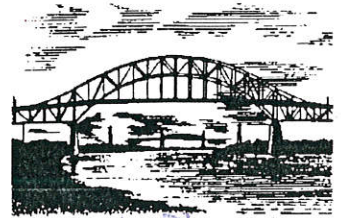


Terri A. Guarino
Health Agent

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 May 8, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; Donald Utti; 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 6:03 pm

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

1. **New Food Establishment Permit— The Bridgeview Grille, 109 Trowbridge Road—Continued from April 24, 2019-- Owners James H. Hildreth, Jr and Robert F. Walton--Discussion and possible vote to approve new food establishment permit in accordance with 105 CMR 590.012. Permit contingent upon pre-operational inspection, compliance with all laws, and other Town approvals. The Bridgeview Grill withdrew and will call the office for inspection. No action.**
2. **25 Shore Rd—Owner Chistin C. Evangelista-Adams—Request for relief from the Bourne Board of Health Poultry regulations for the continued domicile of two roosters, seven poultry and eight waterfowl in excess to current regulations.** Ms. Davis reviewed the visit to the property in reference to the complaint made in regards to the poultry, specifically roosters. Ms. Davis also reviewed the most recent inspection conducted by Carly Cote. Ms. Peterson asked when the owners began to house the poultry indoors until a later morning time. Ms. Chistin Evangelista, homeowner, is present for this item. Ms. Evangelista reviewed she began to house the poultry inside as soon as she was notified of the noise complaint. Ms. Peterson asked Ms. Evangelista if she owns the home. Ms. Evangelista said she does not own the home, her sister does, and she does not have paperwork showing support for these roosters, poultry and fowl. Ms. Peterson reviewed the common concern of roosters within the town of Bourne as it relates to noise disturbance. Ms. Peterson stated that the noise has to stop. Ms. Evangelista said referenced the windowless coop provided in her variance packet and would like to rehouse one of the roosters in there to prevent the roosters from crowing at each other. Ms. Evangelista reviewed the history of these roosters, as they purchased a quantity of chicks and were unaware any were roosters. Ms. Evangelista explained she was unaware there was an issue with noise until the Health Inspectors arrived for an inspection in relation to a complaint they received. Ms. Peterson discussed that the home owners were not permitted to have any poultry. Ms. Peterson quoted the regulations and the distance required for coop setbacks. Abutter, Amy Kullar, said they have had conversations with Ms. Evangelista last April and were led to believe the roosters would not be staying. Ms. Kullar reports her husband hearing the roosters as early as 4am, but they have no issue with chickens or ducks regardless of the ducks tearing up their driveway. Ms. Kullar also questioned the integrity of the coop/hutch structures in regards to the regulation standards. Ms. Kullar states an increase in rodents recently and feels this is due to the proximity of the coop to their house. Ms. Peterson reviewed that a rooster is not needed for eggs. Ms. Evangelista agreed. Ms. Evangelista reviewed how they donate the fertilized eggs within the community. Ms. Evangelista said the plastic sheeting found on the coop is solid plastic similar to what is

used to wrap boats and should be adequate for noise reduction. Ms. Evangelista stated they are in their coops until 7:00am. Ms. Peterson reminded Ms. Evangelista that the roosters were heard at 4:00am this morning. Ms. Evangelista stated they were still in their coops at this time. Ms. Peterson commented on the fact the roosters can be heard even when they are in the coops and reviewed how the homes are located within close proximity to each other and with the warmer weather approaching windows will be open. Ms. Guarino noted it was stated that the two roosters were sounding off at each other, and asked if one is the instigator, if one is more active in the purpose that they use them for, or perhaps having one rooster would eliminate the noise. Mr. Andrews said in a similar situation an owner reduced the rooster count to one and the noise continued. He stated that although Ms. Evangelista made effort to reduce noise, eliminating the noise is preferred. Ms. Evangelista spoke about noise from neighboring dogs. Ms. Andrews reviewed that there are by-laws on dog noise. Mr. Barlow stated we are not discussing dog noise, and reviewed the stress the noise from the roosters is having on the neighbors. Mr. Barlow reviewed how close the dwellings are and that often roosters do not work when this close in proximity. Ms. Evangelista suggested rehoming one of the roosters coop to the far back from the property, which would require a variance for the proximity to dwellings and property lines. Mrs. Mastria asked if for breeding purposes a rooster can be brought in, Ms. Peterson confirmed but said the rooster would have to leave that same day. Ms. Peterson asked about the no crow collar. Ms. Evangelista said the collar reduced the noise some. Mr. Barlow said reduction is not enough, as the noise is still continuing. Ms. Evangelista remarked about wishing she knew this was an issue earlier. Ms. Kullar stated when she first made the owners aware of the problematic noise she was told the roosters will be leaving, and this was over a year ago. Ms. Kullar stated she has waited a year, the noise has continued, and is aware the coop and property has not been inspected. Mrs. Mastria stated the need to stay consistent with other properties with roosters in the area. Ms. Peterson asked how long Ms. Evangelista would need to rehouse the roosters. Ms. Evangelista asked for time to rehome them before having to put them down at the vet. Ms. Peterson suggested reaching out to local farms. Mr. Barlow asked again how long she would need. Ms. Evangelista replied a week would be optimal. Ms. Peterson and Mr. Andrews discussed previous time frames given to similar situations. Ms. Peterson suggested 7 days. Ms. Peterson also requested the coop setbacks be verified prior to the next meeting for the variance requested. **Ms. Peterson made a motion to continue to the next meeting, and within 7 days the 2 roosters will be removed from the property. Mr. Uitti seconded the motion. All in favor.** The variance will not be approved until the setbacks noted in the regulation are verified. Ms. Evangelista asked where to get a to-scale picture of her property. Mr. Andrews reviewed what was needed and the method of locating those dimensions. Ms. Peterson said if she decided to bring a rooster onto her property for breeding purposes she would need to make the Board of Health and neighbors aware. Ms. Peterson also requested Ms. Evangelista obtain a letter from her sister, home owner; verifying the owner is comfortable with Ms. Evangelista having the poultry on property.

3. **15 Sanderling Drive—Jonathan M. Polloni representing the owner, Angel Lorena—Request for abatement of fines accrued to Ms. Lorena due to housing violations. Ms. Lorena believes she has made a good faith effort to comply with the Board of Health's order.** Mr. Jonathan M. Polloni, representing the owner Angel Lorena. Mr. Polloni presented the Board with paperwork he gathered, Mr. Andrews reviewed that the Board cannot accept documents at the meeting, and that any information has to go through the office first to be stamped received. Ms. Peterson asked that the Health Department review the timeline and fines accumulated. Ms. Davis reviewed the timeline and fines, consisting of 5 site visits, 71 days elapsed, total fines of \$21,300. Mr. Polloni reviewed the timeline from his understanding. Ms. Peterson confirmed with Mr. Polloni that the contractor present at the meeting on March 13, 2019, had difficulty understanding the Board of Health regulations as they relate to the Building code regulations. Mr. Polloni noted that at the April 8, 2019 there were still 24hr violations which needed remediation, and Ms. Lorena had sought clarification. Ms. Peterson reviewed that the contractor had conversations and disagreed frequently with the Health Departments regulations. Mr. Barlow reviewed the expectation of the Health Department and Board of Health for property owners to adhere with our regulations. Mr. Andrews reviewed the need for these items to be repaired within short timelines due to public health concerns. Ms. Davis did confirm the documentation of the communication between herself, the contractor and the owners and occupants. Ms. Peterson reviewed that due to the number of visits made, calls, communication and time spent, she would reduce the fine to \$1,000 total. Her reasons for

this was the owner's cooperation with housing the tenants, working with the Health Department and attending the meetings. Mr. Andrews reviewed the quantity of time this housing complaint occupied with the Health Department. **Mr. Andrews made a motion to abate the fine for 15 Sanderling Drive to \$1,000 and gave the owner 7 days to pay the fine. Mr. Uitti second the motion. 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.** Thomas Bunker of BSS Design. Mr. Bunker corrected the agenda notice, stating it is currently designed for a 2 bedroom dwelling. Mr. Bunker detailed the project and the changes since the original design, specifically reducing the plan to a 2 bedroom dwelling with a deed restriction. Mr. Bunker reviewed the nitrogen loading calculations and the reduction of lawn area in regards to this. Mr. Bunker reviewed they lifted the SAS, increasing the ground water separation. Mr. Bunker detailed the distances to the environmental resources. Ms. Peterson asked if all of Ms. Guarino's initial concerns have been addressed. Ms. Guarino said there has been no change in the total percentage of increase at this site. A change to the structure seems to include the 5ft cased opening upstairs, and reviewed the concerns with the ability to achieve privacy in that 5ft cased opening room. Ms. Guarino acknowledged the receipt of the ground monitoring well information which is the same as the percolation log and asked where the monitoring well location is, Mr. Bunker indicated the location on the site plan provided. Ms. Peterson asked if there is anyone in the audience for this. William Fallon, abutter to an abutter located on Grasslands lane. Mr. Fallon asked for more details on this system due to his proximity. Ms. Peterson offered her information on this system, Mr. Bunker reviewed the details of this system, specifically the visual overview of the system. Mr. Fallon asked if this property is year round or seasonal. Mr. Bunker was unsure of this answer. Ms. Peterson stated at this time the Board of Health is still reviewing the documents provided and will address that question as they review it. Mr. Fallon reviewed his knowledge of that area and property. Mr. Andrews asked if they are requesting a variance to the resource area, along with reducing the bedroom count, and size of the leaching area. Mr. Bunker stated he did not understand the question. Mr. Barlow reviewed the how there are options for this property. The Board discussed the layout between themselves. Ms. Guarino reiterated her previous concerns and her expectation that the overall size of the dwelling would be reduced to accommodate the 3 bedroom septic system. Mr. Andrews agreed, and reiterated this expectation of a reduction of the size of the home, keeping the 3 bedroom septic design, and a 2 deed restriction. Mr. Andrews stressed the need to protect the environment. Mr. Bunker agreed, and reviewed many options in regards to the house size and the lot size. Mr. Barlow asked if this has been approved by Conservation Commission. Ms. Peterson confirmed it has. There was discussion of the lawn of the dwelling and the nearby coastal bank. Mr. Bunker said he can make the dwelling smaller, and redesign the floorplan to change the privacy for the cased openings. Mr. Barlow reiterated the expectation that the size of the house would have been reduced to accommodate the 3 bedroom septic system. He continued, saying how sensitive the harbor is and the need to protect this area. Mr. Bunker said that it looks like the footprint of the house needs to be reduced. Mr. Andrews stated that the reduction in the footprint should not be more important than the size of the S.A.S. There were multiple conversations between board members and Mr. Bunker discussing the variances and the need for increased protection to the coastal bank. Mr. Bob Bishop, an abutter and member of the audience, reviewed he is looking at the percentage of the variance. Mr. Andrews reviewed the importance of a coastal bank regardless of size. Mr. Bishop continued to stress his concerns with the setbacks to the harbor. Ms. Peterson replied explaining this discussion may be best for the Conservation Commission as they have different tools to measure protection than the Board of Health, Mrs. Mastria also stated this. Mr. Bishop showed concern for creating variances to continue to build in delicate areas due to proximity to coast banks. Ms. Peterson confirmed they understand what Mr. Bishop is saying, but The Board of Health's main concern is the best septic system for this area, as this is what is under the scope of their regulations. Ms. Peterson reviewed again that his concerns may be best expressed for other Boards. Mr. Bishop stated not all properties should be built on. Mr. Barlow indicated an

understanding, but stated it is not within the Board of Health's purview. Mr. Fallon asked if conservation commission has reviewed this project, which has been confirmed. Mr. Andrews sought clarification on the timeline left for this application. Ms. Guarino stated they have 45 days from April 30, 2019. **Ms. Peterson made a motion to continue 1 Maple Ave to the next Board of Health meeting scheduled for May 22, 2019. Mr. Andrews second the motion. All in favor.**

5. **80 Rocky Point Rd—Thomas J. Bunker, PLS; of BSS Design, Inc. on behalf of Steven and Joan H. Cabral—Request for two variances under Local Board of Health Regulations and reduction of system setbacks to two separate coastal banks for the installation of a MicroFAST system for a tear down and rebuild of a 5 bedroom dwelling.** Thomas Bunker of BSS Design, is representing the homeowners. Ms. Peterson reviewed that she has heard from the attorney of the abutter and they expressed their support. Mr. Bunker discussed the proposed new house, and the existing and proposed floor plans. He reviewed the details on the proposed septic system. Mr. Bunker displayed an aerial photo of the location to further demonstrate the details of the property. He continued, saying it is an existing 5 bedroom dwelling seeking local variances. The Board of Health members discussed where this property is between themselves. Mr. Andrews questioned a water service that crossed the septic system and no suggestion of a sleeve. Mr. Bunker detailed the relocation of the proposed water service on the site plan. Mr. Andrews requested the Board of Health be notified when the water service/main moved. Ms. Guarino noted a typo on the plans, Mr. Bunker confirmed this and initialed the office copy of the site plan noting the correction of these typos. Ms. Guarino reviewed the need for the general conditions for the standard conditions for all alternative type absorptions systems for remedial use to have no permanent structures created above and requested this be noted on the as-built. **Ms. Peterson made a motion to approve 80 Rocky Point Rd, Bourne MA, owners Steven and Joan Cabral, plans dated received April 30, 2019, amended this evening May 8, 2019, architectural received April 30, 2019, as-built is to have the alternative placement noted. Mr. Andrews seconded the motion. All in favor.**
6. **10 Samoset Road—Zachary Basinski, PE of Bracken Engineering, Inc. on behalf of applicant John Duggan—request to discuss the review of a Nitrogen Loading Facilities Aggregation for the proposal to construct a two bedroom dwelling.** Mr. Zachary Basinski of Bracken Engineering Inc., representing John Duggan. Mr. Basinski reviewed past requests made in Board of Health meetings and some confusion on this. Mr. Duggan is seeking to establish the markers for this property, and the difficulty to navigate throughout the environment in this area. Ms. Peterson confirmed the dynamic of this area based on previous site visits by Ms. Guarino. Mr. Basinski asked if there is anything else requested to be detailed at this survey. Ms. Peterson asked about the extra easement needed to be detailed on this plan. Ms. Peterson stressed the need for accurate easements detailed on this, as there are multiple easements. The Board members discussed the different types of bounds that could be used with Mr. Basinski. There were multiple small conversations between board members, health department staff, and Mr. Basinski. Ms. Peterson requested a topographic map to be provided. Mr. Basinski confirmed he will provide some good witness bounds. **No motion was made.**
7. **2 Second Ave—Manufactured Mobile Home owned by Sandra Fisher, located at The Park at Pocasset—Discussion and possible vote as this dwelling has been found unfit for human habitation in accordance with M.G.L. c. 111, 127B and Chapter II of the State sanitary Code, 105 CMR 410.000 as of April 30, 2019. Electricity and gas were found to be disconnected and unavailable to this dwelling at time of inspection.** Ms. Peterson questioned if Sandra Fisher owns the mobile home. Ms. Davis and Mr. Phil Austin; manager of the Park at Pocasset, confirmed Sandra Fisher is the owner. Ms. Guarino reviewed previously she had been evicted and allowed back when the Park was in receivership. Ms. Davis reviewed the details and timeline of this agenda item. Ms. Davis had been notified by Mr. Austin, who had received a call from a neighbor in the park. This neighbor had expressed concern that Ms. Fisher was inhabiting this unit as there appeared to be no utilities provided and it was reported she appeared to have poor health. Ms. Davis

detailed that during this latest site visit with the fire department Ms. Fischer requested to go to the hospital. Ms. Davis conformed there were no utilities hooked up to this unit at the time of the visit. Mr. Austin reviewed his findings of poor living conditions and continued difficulty with ensuring the safety and wellbeing of Ms. Fischer. Ms. Peterson asked what the Health Department would like to see. Ms. Guarino stated they would like the board to vote to sustain the finding of unfit for human habitation. **Mr. Uitti made a motion to sustain the finding of 2 Second Avenue unfit for human habitation in accordance with M.G.L. c. 111, 127B and Chapter II of the State sanitary Code, 105 CMR 410.000 as of April 30, 2019. Mr. Andrews second the motion.** Ms. Guarino stated this is not only a hoarder situation, but it is in squalor and will continue to cause a nuisance if not corrected. Ms. Guarino suggested Mr. Austin to contact his lawyer as to his options as this will create a nuisance due to odor. Ms. Peterson encouraged Mr. Austin to contact the office with

8. **Recreation camps— Discussion and update about late applications and possibility of late fees implemented.** Ms. Davis reviewed the packets she would like to distribute to the recreational camps outlining the items needed to be considered a complete packet. Ms. Guarino discussed the potential for late fees. **Ms. Peterson made a motion to implement a late fee for incomplete packets, or packets received later than 90 days. Mrs. Mastria second the motion. All in favor.**
9. **Food regulations—Discussion on drafting Food Regulations, updating fee's, and retail permits may now fall under exemptions.** Ms. Peterson made a motion to move this item to the next meeting, May 22, 2019. Mr. Uitti second the motion. All in favor.
10. **Approve the Minutes— Approve the minutes from the previous meeting April 10, 2019 and April 24, 2019. Mr. Andrews made a motion to approve April 10, 2019. Mr. Uitti second the motion. Mr. Andrews clarified section 5 on April 24, 2019.**
11. **Set tentative date for next meeting and adjourn. May 22, 2019.**

Mr. Andrews made a motion to adjourn the meeting. All were in favor and the meeting adjourned at 7:56pm.

Mr. Andrews made a motion to reopen the meeting dated April 24, 2019 at 7:56pm. Mr. Uitti seconded the motion. Mr. Barlow made a motion to amend the motion made to reflect approval of the minutes for April 24, 2019 pending change in the motion for agenda item number (5) to include second motion made and favor. Mr. Andrews seconded the motion.

Mr. Andrews made a motion to adjourn the meeting. All in favor and the meeting adjourned at 7:58pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

