



Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

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### MINUTES October 23, 2019

Members in attendance: Stanley Andrews, Acting Chairperson; Galon Barlow Jr.; and Kelly Mastria.

Support Staff in attendance: Terri Guarino, Health Agent; Carly Cote, Health Inspector; and Syreeta Amaral, Administrative Assistant.

### Meeting was called to order at 6:00 pm

*Mr. Andrews asked if anyone was recording at this time. Michael Rausch and Debra Craig indicated that they were recording the meeting.*

1. **206 Phillips Rd – Richard J. Tabaczynski, P.E. of Atlantic Design Engineers on behalf of owner Debra A Craig—*CONTINUED from 10/8/2019*--Requesting relief from Title 5 and Bourne Board of Health 150' Setback Regulations for the placement of a leaching facility within 29.9 feet of a bordering vegetated wetland to accommodate the raze and rebuild of a 2-bedroom dwelling.** Mr. Christopher King from Atlantic Design Engineers representing Debra Craig was present and clarified the discrepancy between the records relating to the groundwater elevation. Atlantic Engineering amended the plans since the previous meeting and used groundwater elevation numbers from 2 neighboring properties 204 and 206A Phillips Rd. Mr. King then addressed the question of the corresponding model numbers for the type of I/A system being used. He stated that the model number being used is the M400N. The clarification was also noted on the revised plans provided to the Board of Health. Mr. Andrews asked Miss Guarino if she had any questions or comments. Miss Guarino asked Mr. King a few questions concerning the validity of the groundwater elevations and what datum was being used and noted that she would like to see documented proof from a monitoring well of groundwater elevations. There was discussion amongst the board and applicants to which it was concurred that installation of a monitoring well is appropriate to confirm the maximum estimated seasonal high groundwater elevation. There will also be a two-bedroom deed restriction and I/A disclosure notice required in the deed of the property pursuant to Title 5 and board of health regulations. **Mr. Barlow motioned to approve the variances requested with the exception that they provide documented proof from a monitoring well that there is at least 4 foot separation from groundwater in the plans provided. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.**
2. **Body Art Regulations— *CONTINUED from 10/8/2019*--Discussion and possible vote to make amendments and additions to the Bourne Board of Health Body Art Regulations pursuant to M.G.L. c. 111, §31.** Miss Guarino started by asking if the Board members had any questions about what was amended in the body art regulations and reviewed at the previous meeting. There were none. Mr. Andrews asked if anyone from the public had any questions about the new Body Art Regulations. Mr. Michael Rausch asked specifically what had been changed in the new regulations. Miss Cote explained that the significant changes were in regards to cosmetic tattooing, an option for a temporary body art license had been added to the application, bodily fluid exposure control plans would be required from all body art establishments, and medical waste removal contracts would be

required from all body establishments. Cosmetic tattooing includes microblading that mimics hair follicles most commonly done on eyebrows to make them look fuller. This has become an increasingly popular procedure. **Mrs. Mastria motioned to approve the amendments and additions to the Bourne Board of Health Body Art Regulations pursuant to M.G.L. c. 111 § 31. Mr. Barlow seconded the motion. All were in favor and the motion passed unanimously.** All amendments will be in effect following a summary publication in the newspaper.

3. **Board of Health Schedule of Fees— *CONTINUED from 10/8/2019*--Amend existing fee schedule for various Board of Health licenses, permits, application fees, inspections, and regulatory compliance.** Mr. Andrews asked Mr. Barlow if he was comfortable discussing the items that did not relate to food. Mr. Barlow agreed. Mr. Andrews asked if the changes had been made to reflect the re-inspection fees for all categories that had been discussed at the last meeting. Miss Guarino replied that it had been changed and that it now has its own separate category. She went on to inquire about the rental property registration fees. Mr. Andrews stated that he would be comfortable with not charging a rental registration fee. The Board agreed. Miss Guarino continued with the fees for Marijuana Establishments. She noted that the application fee had been changed to \$500.00 to reflect the Board's suggestion at the last meeting. In regards to other Marijuana items on the fee schedule she suggested adding a Marijuana transporter license fee of \$300.00. Mr. Andrews asked if there were any questions from the Board or from the public. There were none. **Mr. Barlow made a motion to accept all changes to the fee schedule omitting any items regarding food. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously. Mrs. Mastria motioned to continue all food permit related fees until the next meeting. Mr. Andrews seconded the motion. Mr. Barlow abstained. The motion to continue those items passed.**
4. **920 Scenic Highway – Daniel A. Ojala P.E. of Down Cape Engineering on behalf of owner Stephen Doran-- Requesting variances from Title 5 and Bourne Board of Health Regulations requiring a 50' setback from SAS to coastal bank, a 25' setback from a septic tank to a coastal bank and a 150' setback from a leaching facility to a coastal bank.** Mr. Daniel Gonsalves, P.E. from Down Cape Engineering representing owner Stephen Doran introduced himself to the Board. Mr. Gonsalves started with explaining that the existing single cesspool system was in failure and that this was the best option for the area in question considering the property is set on a bank about 80 feet above the canal. He noted that the system would include a 1500 gallon tank and a couple of concrete chambers. He added that it would be in the same general area as the existing system due to the slope of said bank. Miss Guarino agreed that this was the best option for the area. Mr. Andrews inquired about breakout protection for the proposed system. Miss Guarino noted that the breakout protection would be a 40 mil barrier that would extend 15 feet in all directions. Mr. Andrews asked if there were any questions or comments from the Board or from the public. There was no comment. **Mr. Barlow motioned to approve the variances requested for 920 Scenic Highway noting that he felt this was a significant upgrade to the failed system in operation at this time. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.**
5. **Food Establishment Regulations—Discussion and possible vote to promulgate local health regulations pursuant to M.G.L. c. 111, §31. Establish standards for food establishments that are stricter than 105 CMR 590.00 and the 2013 Federal Food Code.** Mr. Barlow motioned to continue the Food Establishment Regulations item until the next meeting. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.
6. **Marijuana Regulations— Discussion and possible vote to amend existing regulations Restricting the Sale of Marijuana pursuant to M.G.L. c. 111, §31.** Miss Guarino started with explaining that these regulations were promulgated by the Board of Health in 2017 and were amended by the Board in March 2018 and August of 2018. Since then there were regulatory changes from Department of Public Health being the licensing authority for medical use establishments to fall under the Cannabis Control Commission. The Cannabis Control Commission adopted two new sets of regulations. With that some of the Board of Health's terms and definitions were made obsolete. These updates add information inclusive of the 12/23/18 Cannabis Control Commission Regulations for the Medical Use of Marijuana (935CMR501.00) and Colocated Adult-Use & Medical-Use Marijuana Operations (935CMR502.00). The December 2017 MassDPH regulations (105CMR735.00) applicable to registered marijuana

dispensaries are no longer in effect. Definitions in §C were updated to be consistent with the state language, Agent Permits will no longer be required, and separate application fees were added. Mr. Andrews asked if these local changes were made to comply with the changes in the state regulations. Miss Guarino replied that they were. Mr. Rausch asked for clarification on the different regulations and types of establishments. There was discussion amongst the board about changing the maximum number of licenses issued, to which no amendments were made. **Mr. Barlow motioned to approve the regulations restricting the Sale of Marijuana as amended. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.**

7. **Approve the Minutes— Approve the minutes from the previous meetings on September 25, 2019 and October 8, 2019.** Mr. Barlow asked to recuse himself from the approval of the September 25, 2019 due to not being present. Mr. Andrews agreed. **Mrs. Mastria motioned to approve the minutes from September 25<sup>th</sup>, 2019. Mr. Andrews seconded the motion. Mr. Barlow abstained. The motion to approve passed.** Mrs. Mastria asked to recuse herself from the approval of the October 8<sup>th</sup>, 2019 meeting due to not being present. Mr. Andrews agreed. **Mr. Barlow motioned to approve the minutes from October 8<sup>th</sup>, 2019. Mr. Andrews seconded the motion. Mrs. Mastria abstained. The motion to approve passed.**
8. **Set tentative date for next meeting and adjourn.** Next meeting TBD

**Mr. Barlow made a motion to adjourn the meeting. Mrs. Mastria seconded the motion. All were in favor and the meeting adjourned at 7:17 pm.**

Taped & Typed by Syreeta Amah, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria