



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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MINUTES March 6, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson, joined at 6:27pm; Galon Barlow Jr.; Donald Uitti; and Kelly Mastria, via remote participation.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health Inspector; Carly Cote, Health Inspector; Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time Michael Rausch and Beth Treffeisen indicated they were recording.

1. **32 Buzzards Bay Avenue—Continued from February 13, 2019--Owner Thomas Gagne; requesting hearing before Board of Health to discuss inspection on January 23, 2019 and Housing Code violations pursuant to 105 CMR 410.850. Discussion and possible vote.** Mr. Gagne, home owner, was present for this agenda item. Ms. Guarino reviewed the details of this situation. She explained that the tenant, Deb Kolozie, contacted the Health Department on January 17, 2019 with complaints about her unit. Since this initial complaint, there was noted difficulty maintaining contact with this tenant. The owner, Thomas Gagne, did request a hearing with the Health Department within the 7 day timeframe allowed in the code. The owner reports considerable back and forth with the tenant in attempt to gain access to the unit. Ms. Guarino continued, stating that the state sanitary code does require reasonable notice to the tenant for any need to access the unit. She explained that a notice of the violations found at the inspection were submitted to both tenant and homeowner the day after the inspection. Mr. Gagne confirmed there has been advance notice given to the tenant in attempt to gain access to make repairs. Mr. Gagne has given the Health Department Office receipts of items purchased to correct orders. Ms. Guarino reviewed that the tenant will be deemed incompliant for not allowing access to the dwelling. Ms. Guarino also noted that the cesspool will need to be pumped out, as it was overfull at the time of inspection, and it may be in need of repair. She reviewed that the cesspool was the most critical item at the time of inspection and it has been currently corrected temporarily. Ms. Peterson asked if there was anyone present in the audience for this item. The tenant, Deb Kolozie, was not present. The owner, Thomas Gagne, was present, and shared that the Board of Health inspected the dwelling in late June/July 2017 prior to the tenant moving in and reported no issues at the time. Mr. Gagne expressed that the violations indicated are not within normal wear and tear, and feels these are malicious. He questioned why he is responsible to fix these items. Ms. Peterson reviewed that when a complaint is received, the Health Department Office has 24 hours to respond, and will inspect all areas. Mr. Barlow stated when the Health Department office conducts an inspection they have to report all Board of Health Code violations, and if he feels this is malicious he should go to the police. Mr. Gagne asked if the unit was inspected in 2017 and the unit was found in good condition, why is he responsible now? Mr. Gagne clarified, saying he was told by Health Inspector, Kayla Davis, if any future issues happen it would be the tenants responsibility to repair/replace. This statement was deemed to be a misunderstanding on Mr. Gagne's end. Mr. Gagne stated he filled for "14day to quit" in August 2018 and has not got to it or proceeded with this. Ms. Peterson stated the

tenant is not here and the regulation in the Town of Bourne is to fine the tenant and the landlord. She reviewed that the owner has not been allowed access to the unit to assess the violations or make repairs. Mr. Gagne agreed he has not been allowed access, and he has made 3 attempts. Ms. Peterson said since he has not allowed access and the tenant has not come to the meeting, Ms. Kolozie will be fined retroactively from the date the board of health conducted the initial inspection. Ms. Peterson suggested the homeowner document when he attempts to make access or not, and recommended the cesspool should be pumped more often. Mr. Gagne stated he has never been made aware of this cesspool issue or any others by the tenant. Mrs. Mastria suggested he schedule a reoccurring time, perhaps once a month, to have access and check on these things and the rental unit. Mr. Gagne agreed to this. Ms. Peterson explained that when the Health Department staff went in they found issues that needed immediate attention and he is responsible for this as the homeowner. Mr. Gagne continued to indicate that although he understood, he did not agree and still felt he should not be responsible for these repairs. Ms. Peterson asked how long Mr. Gagne will need secure a building permit and repair the issues. Mr. Gagne stated he is unable to answer since he has not had access to view the issues. Ms. Peterson then asked when he can obtain a building permit and he replied tomorrow, Thursday March 7, 2019. Ms. Peterson agreed this would show a good faith effort. Mr. Uitti suggested fining the tenant. Ms. Peterson and Mr. Barlow agreed with Mr. Uitti. Ms. Peterson suggested \$150.00 a day, as \$300.00 a day is typically what is suggested, and the fine is to both tenant and owner separately. Mr. Barlow reviewed that Mr. Gagne should go in and get a building permit tomorrow based on the violations indicated on the inspection report from the Health Department, March 7, 2019. Mrs. Mastria suggested the cesspool be pumped monthly. Mr. Gagne reviewed the timeline of tenants he has rented to and the issues related to this. Ms. Peterson told Mr. Gagne what will be asked of him; to obtain a building permit with the order attached. **Ms. Peterson made a motion to give an additional 90 days to complete work or request an extension, no new tenant will be allowed to occupy this dwelling until violations are corrected and it is re-inspected by the Board of Health, the tenant will be fined \$150.00 per day until she allows access to the dwelling for the repairs, and the tenant is required to submit in writing when she will allow the owner access to the dwelling.** Mr. Barlow second the motion and added that once the tenant has allowed access to the unit for repairs and all the work is complete, she can come before the Board of Health to appeal the fines. Ms. Peterson sought to clarify the date to start the fines. Ms. Guarino showed retroactively it will be January 24, 2019. Mrs. Mastria agreed. Ms. Peterson made a motion to include that amendment for the tenant to approach the Board of Health to request relief of fines once access is allowed and violations are repaired to her original motion. Mr. Barlow seconded the amended motion. Roll call vote to approve: Mrs. Mastria; yes, Mr. Barlow; yes, Mr. Uitti; yes, Ms. Peterson; yes. All in favor. Ms. Guarino stated she will evaluate the cesspool to determine if a maintenance plan is required. Mrs. Mastria reviewed that there are responsibilities of being a landlord. Mr. Gagne agreed and said there are responsibilities as a tenant.

2. **1 & 5 Lighthouse Lane-- Discussion and possible vote to modify or amend motion made February 13, 2019 in regard to the installation of a well at 1 Lighthouse Lane, owned by Lighthouse Realty Trust. Review well permits and completion reports for 1 & 5 Lighthouse Lane. Correspondence to 5 Lighthouse Lane, owned by Newman Flanagan, about possible underground storage tank removal.** Ms. Peterson reviewed that at the last meeting it was brought to the Board of Health's attention that there is an underground tank at the neighbor's yard. Ms. Peterson explained that a variance is not required for a propane tank. Ms. Guarino concurred, and reviewed if it was a tank with oil or diesel fuel it should be removed, if it is propane it can remain. She added there are other underground storage propane tanks for heating in this neighborhood as well. John Cook was present in the audience, on behalf of the homeowner, Newman Flanagan. Mr. Cook is Mr. Flanagan's plumber. Mr. Cook confirmed there is no history of underground fuel tanks located at this property. Currently there is a 500 gallon propane tank which AmeriGas services. Mr. Cook submitted pictures of the tank, tags and the site plan with setbacks from the house and property line. **Ms. Peterson made a motion due to it not being fuel, gas, or other chemical that no variance is required for a propane tank. No issue with this underground tank. Mr. Uitti seconded the motion. Roll call vote to approve: Mr. Uitti; yes, Mr. Barlow; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**

3. **229 Shore Rd—Greg MacDougall Surveying & Associates on behalf of homeowner, David Basler—Request 14.6' variance from Board of Health 150' setback regulations to install a leaching facility 135.4' from a coastal bank. Proposing an addition to the dwelling and constructing a garage.** Ms. Guarino reviewed the history of the septic system installed in 1994 and was only approved for the repair/upgrade as it did not meet the Title 5 requirements and/or the Board of Health requirements and it was not adequate for any additions, renovations, replacements or upgrades to the sanitary sewage facility or dwelling. The septic system from 1994 will be abandoned and a new system will be installed. It will still require variances due to the setbacks to the coastal bank. Ms. Peterson said this project was almost approved administratively but due to the location it was brought before the Board of Health. Mr. Barlow asked if it was an I/A system. Ms. Guarino stated it is a conventional gravity fed system, which she feels is an improvement to the property. Mr. Andrews stepped on, joining The Board of Health at this time. Dave Flaherty, reviewed the resources they are working with. He explained there are no new bedrooms proposed, just an increase in living space. They are trying to keep all setbacks optimal from the resources. He continued, saying the conservation commission has already given approval and since that meeting the plan has been revised, improving the location of the septic system. Mr. Barlow stated that the Board of Health does not typically approve plans prior to conservation commission. Ms. Peterson suggested allowing the Health Agent to grant administrative approval for this project pending approval from conservation. Ms. Guarino has a copy of the plans that were submitted to conservation commission and reviewed the differences between the two versions. She reviewed that per her request they moved the S.A.S. to improve setbacks and conservation had approved her suggestions. Mr. Flaherty reviewed these changes in the plan. Mr. MacDougall also showed details on the displayed plan. No one in the audience is here for this item. **Mr. Barlow made a motion to approve the plans for the septic system at 229 Shore Rd Bourne MA, prepared for David and Patricia Basler, received February 28 2019, with floor plans received by the office February, 28 2019. Changes in most recent plan will be administratively approved because they are significantly better than the previous plans, contingent upon the conservation commission signing off. Mr. Uitti seconded the motion. Mr. Barlow amended his original motion to include a deed restriction for 2 bedroom dwelling. Mr. Uitti second this motion amendment. Ms. Guarino sought to review the floor plans to clarify the proposed bedroom count, questioning the area over the garage. Mr. Andrews indicated 3 bedroom on the architectural plans. Mr. Barlow made a motion to amend his previous motions to include a deed restriction for a 3 bedroom dwelling. Mr. Uitti seconded this additional amendment. Roll call vote to approve: Mrs. Mastria; yes, Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; abstained; Ms. Peterson; yes.**
4. **871 Scenic Highway--Scenic View Motel— Owned by Dennis Waitekunas of AJ Michael Realty, LLC – Hearing to discuss and possibly vote to suspend or revoke the Scenic View Motel's license to operate a motel In accordance with §15 of the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations and Chapter 140, §§32A-D of the Massachusetts General Laws for ongoing and repeat violations of Massachusetts General Laws, Board of Health Regulations, and Chapters I and II of the State Sanitary Code.** Mr. Barlow recused himself for this item. Ms. Peterson reviewed this agenda item was posted in the Cape Cod Times Saturday March 2, 2019. Ms. Peterson then asked who was present in the audience for this. Deputy Chief Ryan Haden was present and participated in the inspection conducted February 27, 2019. Ms. Guarino reviewed there have been 3 inspections this February. This is not the first time this establishment has been before the Board of Health for violations. She explained there is a history of violations and notices being issued. The owner, Dennis Watekunas, has not corrected them. Most recently, an order dated March 1, 2019 includes reoccurring violations of The Board of Health's regulations, State Sanitary Code issues, and Mass General Laws that regulate licenses for these types of establishments. Another significant issue is the interference with inspections and inability to access the entire facility. To this day Ms. Guarino has not been allowed to access facility in its entirety. Mrs. Mastria asked why she was not allowed. Ms. Guarino reviewed that the Health Inspector, Kayla Davis, has been allowed access to specific areas or rooms in the past, but Ms. Guarino has never been allowed access to all areas of the establishment. At this most recent inspection, the Health Department was denied access to specific rooms. Ms. Guarino stated this establishment is not being used as a motel at this time. There are residents staying longer than 3 weeks which is not allowed. There are 2 efficiency units permitted for 90day stays; a cottage located in the rear and an

apartment on the second floor which have concerns. Ms. Peterson asked if there are readily available records for guests. Ms. Guarino replied she has never been provided with such records and shared that Ms. Davis reported in February of 2019 small pieces of paper as records and many signs posted saying they only accept cash payments. Ms. Guarino continued stating, that at this time, she is unaware of what their method of record keeping is, but it currently is insufficient per The Board of Health's regulations. Mr. Andrews stated in 2018 the Board of Health had a meeting to review the motel/hotel regulations and some changes with many Hotel owners and managers, and asked if Vicky Brady, the manager, had been present. Ms. Brady responded she had been present for this meeting. Mr. Andrews questioned if she had heard the tone of how serious the Board was in regards to these, to which she replied yes. Ms. Peterson reviewed this is for short term stays not for people to live there. Mr. Andrews reviewed his concerns in regards to this due the clarity and ease the changes and requirements were presented at the prior Board of Health meeting, including documents and discussions made available. Deputy Chief Haden reviewed what was found at the joint inspection February 26, and 27 2019 with the Health Department. Unit 6 had extension cords which are not allowed. Unit 1 had several electric appliances not permitted; a hot plate and an electrical stove. These were removed immediately. Unit 5 had missing carbon monoxide and smoke detectors which resulted in his direction to Ms. Brady to cease operation and rental of this unit until replaced and inspected by the fire department. Smoking materials and ashes were also present in unit 5. In unit 3, an electric oven was found and removed immediately. There were smoking materials and ashes present on the nightstand of unit 3. The occupant of unit 3 was present and admitted to smoking within the unit. There were exposed wires found in ground in front of the main office used to power Christmas decorations, which was referred to electrical department. Trash, debris, and multiple propane tanks were found around property which added to the need for a sprinkler system to be installed. Stairs in main office were found to be blocked by various items. The manager was advised of the immediate need to remove these items. Service and inspection of fire alarm system should be maintained with the fire department. Ms. Peterson asked of there has been any contact from the motel for a re-inspection. Mr. Andrews clarified if they have requested a re-inspection. Deputy Chief Haden replied the fire department has not been contacted, and he has made attempts to contact the establishment with no response. Ms. Peterson asked Ms. Guarino if the Health Department has been contacted for a re-inspection, Ms. Guarino replied they had not been contacted by the establishment at this time. Vicky Brady, the manager, is present for this establishment. The owner, Dennis Waitekunnas, is not present. Ms. Brady reviewed that she resides at this establishment, and the only reason the motel got like this is because her personal life got out of hand and she is ashamed. Ms. Peterson corrected her that she is not responsible for these issues, and directed the ownership for this issues to Mr. Waitekunnas. Ms. Brady submitted a report to the Board of Health from Griggs and Brown for pest control. Ms. Brady explained there have been people there longer than 3 weeks and she did not kick them because these individuals do not have the money to go elsewhere. She has not called for re-inspection as she felt it would be best to wait for the meeting this evening. Ms. Brady said that the locks have been repaired, all the interior and exterior lights have been covered. Ms. Peterson said not to continue to review what is being done as the Board of Health needs to be back to re-inspect all of the violations. Ms. Peterson inquired about room 10 as the Health Department had not been allowed access to this unit. Ms. Brady replied she just could not locate a key. Ms. Peterson agreed Ms. Brady is trying hard. Mrs. Mastria agreed the decrepit part is not her responsibility, but as the manager she disagrees with Ms. Peterson and feels it is Ms. Brady's responsibility to provide keys and is not operating within the motel license. Mrs. Mastria said no one should be living there until these corrections have been made. Ms. Peterson asked if the owner has given her a timeline for the repairs. Ms. Brady said she was told to get tenants in there to generate an income to fund these repairs. Ms. Peterson asked if any Inspectional staff have been allowed in the main quarters or laundry. Ms. Guarino and Deputy Chief Haden replied they had not. Ms. Guarino questioned the number of efficiency rooms as the permit listed 4 efficiency rooms and asked Ms. Brady to describe. Ms. Guarino counts 12 rooms total and the permit indicate 14. Mrs. Mastria asked where the owner is and how to get his attention as one manager cannot be responsible to repair this. Mr. Uitti suggested suspending the license until all repairs are made. Mr. Andrews suggested allowing the operation of one unit at a time, with fire department approval as violations are amended. Ms. Peterson suggested a 120 day suspension to have these items fixed. She stated it is beyond the manager's responsibility to repair. Ms. Peterson asked how long it will take her to move out of the establishment, Ms. Brady responded she is unaware. Ms. Guarino asked again

about the 14 rooms being listed, and only counting 12. Mr. Andrews stated the owners/managers quarters may be considered separate than the rental rooms. He reviewed that there are no specific violations for that unit as of yet, and no access has been allowed. Mr. Andrews reiterated that the 24 hour items needed to be addressed, especially the concerns brought forth by the fire department. Mr. Andrews stated there will be no occupancy in any other rooms outside the owner's quarters. Mr. Andrews stated the life safety system needs to be repaired and inspected immediately. Mr. Andrews asked about the smoke and carbon monoxide detectors. Ms. Brady stated they have been fixed. Mr. Andrews asked if Ms. Brady was available for a re-inspection. She stated that she was. Deputy Chief Haden said the Fire Department would be available for a re-inspection as needed. Mrs. Mastria stated Ms. Guarino should be allowed access to all rooms at any time, and the Fire Department should be allowed access as well. Ms. Peterson stated that if the managers unit is not found to be fit for habitation, the owner will have to pay for a hotel until it is made habitable. **Mr. Andrews made a motion to suspend the license for 90 days, allowing occupancy of manager to manage repairs, with passing inspection of the managers unit, life safety systems need to be inspected and checked by Fire Chief, access shall be granted to the Health Department at all times, and if the managers unit is not habitable the owner is responsible to pay for the manager to stay in a hotel until it is re-inspected and found fit for human habitation. Mr. Uitti seconded the motion. Roll call vote to approve: Mr. Uitti; yes, Mrs. Mastria; yes, Mr. Andrews; yes, Mr. Peterson; yes. Ms. Peterson reiterated that the manger unit will be inspected tomorrow, March 7, 2019 by the Health Department and if found uninhabitable she will be put in a hotel at the owner's expense.**

5. **Tobacco Violation—Seaside Wine and Spirits—Owner Paresh Patel; Manager Paula Cote-- 2nd violation of the Family Smoking Prevention and Tobacco Control Act and Board of Health Tobacco Regulations.** Mr. Barlow stepped back on the Board for this Agenda item. Ms. Paula Cote, manager, was present for this agenda item. Ms. Peterson reviewed that the Board of Health has implied previously that the state and county will be out conducting stings due to the many violations as of late. Ms. Peterson sought to verify the date of this violation, as it happened a few months previous. Ms. Cote confirmed this violation happened back in October of 2018. Ms. Cote said she was able to review the surveillance tapes and watched the employee not check for identification. Ms. Cote reviewed her conversations with her employee and his reasoning for not requesting the identification. Ms. Peterson questioned whether Seaside Wine and Spirits had already been fined at the time of the violation. Ms. Cote explained she received no fine but was given a list of items to amend and adhere to in order to prevent future violations. Mr. Andrews indicated that this is the second offense in 18 months. Mr. Barlow stated concerns about not implementing any action or fine. **Ms. Peterson made a motion to fine \$300.00 for Seaside Wine and Spirits. Mr. Uitti seconded the motion. Mr. Andrews reviewed his concern with this being the second offense in 18months and there should be an increased reaction from the board. Mr. Barlow stated there has already been suggestions implemented by the federal agency. Ms. Peterson stated historically on a second offense the Board of Health has not suspended a license. Mrs. Mastria agreed. Ms. Peterson stated that if a third offense takes place, establishments are told to bring their license as the Board of Health may vote to suspend it. Mr. Andrews reviewed that the first violation happened in June of 2018, and they have not made it 6 months without a violation. Ms. Cote reviewed that she has been to other meetings due to violations. Since then, she has trained her employees with intent to eliminate future violations, she has fired employees with past violations, and at time of hire, it is reviewed with all employees that if a violation were to occur they are responsible for the fines. Ms. Cote reviewed she implements a "no license, no sale" moto. She continued, saying she will interrupt sales to ensure licenses are checked. Ms. Cote indicated she gives extensive training on requiring identification. Mr. Andrews second the motion. Roll call vote to approve: Mastria; yes, Mr. Uitti; yes, Mr. Barlow; yes, and Ms. Peterson; yes. All in favor. Ms. Cote confirmed she will bring the fine money to the office Thursday March 7, 2019.**
6. **55 Gilder Road—Owned by Donald and Vivian Sweet—Title 5 Inspection Requires Further Evaluation by BOH--Property is for sale as a 3 bedroom dwelling. A one bedroom deed restriction was required by the Board of Health as a condition of approval of a waiver for continued use of the existing septic system, permit #38-94, and renovations to the dwelling in 2000. Existing septic system passed**

inspection on 4/24/18 but number of bedrooms exceeds approved capacity. Present in the audience for this agenda item are Monique Ward of Kinlin and Grover, realtor for the property, and Peter Valeri, Septic Inspector/Installer. Ms. Guarino reviewed that the original septic system was installed in 1994 and did not meet all requirements, specifically the setbacks to the wetlands. There was a proposed renovation to the dwelling made in 2000 which required review by the Board of Health at a public meeting because the permit was stamped no additions or renovations. It was only valid for a repair/upgrade of that system. In 1994, it was designed for 3 bedrooms. In 2000, the condition of the approval for the renovation included removing walls and some structural changes to reduce it to a 1 bedroom single family dwelling, as indicated in the deed restriction. The assessors department has it listed as a 3 bedroom, as does the current listing. The Title 5 inspection report does state it is a 3 bedroom dwelling, but this conflicts with the Board of Health's approvals in 2000 that were recorded with the registry of deeds. Ms. Peterson asked if Ms. Guarino has any recommendations. Ms. Guarino reviewed it is in close proximity to resource areas, perhaps less than 50ft using the GIS aerial mapping and as-built for reference. Mrs. Ward reviewed she was the original agent in 1994, at the time the new septic system was installed. She had a letter provided from the son who inherited the property when his parents passed away. This letter was submitted for review and is included as "Exhibit A" with the meeting minutes. Mrs. Ward described two bedrooms on the lower level, one on the main when she sold the house to the Sweets in 1994 as a 3 bedroom dwelling. The reconstruction in 2000 was to knock down a wall between the living room and a small bedroom on the first floor to make one large master bedroom. The living room was then relocated to the other side of the house. During this process there continued to be 2 bedrooms on the lower level. Mrs. Ward read the letter prepared by the son, Don Sweet. Mr. Sweet explained in the letter that when his parents purchased the home it was a three bedroom, one bedroom on main floor, two bedrooms in walkout lower level. In 2000, they renovated the dwelling to relocate the kitchen and enlarge the master bedroom. This was renovated in hopes to accommodate his mother's deteriorating vision. Mr. Sweet detailed that no work had been done to the lower level floor at that time. Mr. Sweet indicted remembering the relationship between his parents and the contractor as "rocky." He stated that there were conflicts and confusion during the renovation process and feels his mother would have never signed the deed restriction. Mr. Sweet described the passing Title 5 inspection conducted by Peter Valeri in 2018, and detailed that window and door repairs were made as well, with no mention of the deed restriction. He continued to explain in the letter that the town Assessor recently reassessed and found no changes in the original bedroom count of 3. Mr. Sweet explained there is a potential buyer who is content with the house as is. Mr. Uitti asked what bedroom count the septic design was for. Ms. Guarino showed the system was designed for 3 bedrooms in 1994. Mr. Valeri, septic installer and inspector, reviewed that when he came to the office to gather the material for the inspection, he was never made aware of the deed restriction. Mr. Andrews reviewed the renovations requested in 2000 and asked about an I/A system. Mr. Andrews also asked if there is a kitchen in the lower level. Mrs. Ward said only sinks and counters. Mr. Valeri asked to see the deed restriction. Ms. Guarino displayed the deed restriction. Mrs. Ward stated the deed restriction letter is inaccurate as it does not include the lower level. Ms. Peterson agreed and read the deed restriction letter aloud. Ms. Peterson questioned if the letter was referencing the basement. Mr. Barlow stated a deed restriction is never put on a level, it is put on a property and reviewed the building permit. Mr. Andrews asked if there are architectural plans. Ms. Guarino shared the floor plans from 2000. Mr. Andrews read that two bedrooms were proposed to become one. Mr. Barlow stated the office does not follow up on all projects and if it is not done it is the owner's responsibility to inform the office. Mr. Barlow asked if other than the fact it is not an I/A system and it was built for 3 bedrooms, and it is showing a 3 bedroom, what action the board can take to amend the deed restriction. Ms. Peterson said they would have to amend the deed restriction, upgrade the septic system and relocate the system to the front of the house to improve the proximity to the resources, which can take up to two years. Mrs. Ward said there are questions as to whether Mrs. Sweet was able to see and understand the deed restriction. Mr. Andrews stated that they have the signed deed restriction with her signature. Mr. Barlow said it is a legal document. Mr. Andrews said they would have to file an application to change the deed restriction and ask what is required. Ms. Peterson stated they would amend the deed restriction and reviewed the process of writing the letter. Ms. Peterson suggested a timeline of 2 years to upgrade the septic system with nitrogen reduction. Mr. Valeri said it is not the system that needs to change, it is the location. He explained that the original system was permitted in 1994 and asked what was said in the permit. Mr. Valeri reviewed the plan, Mr. Andrews

reviewed the process, Mr. Valeri asked the bedroom count in 1994. Ms. Guarino confirmed it was 3. Ms. Peterson reviewed there is a 3 bedroom home with a 1 bedroom deed restriction and they have to figure out how to fix this. Ms. Peterson said this system has to be upgraded to amend the deed restriction to 3 bedrooms. Mr. Barlow suggested selling the home as a 1 bedroom to appease the deed restriction. Mr. Andrews reviewed the reasoning behind the deed restriction. Ms. Ward said she feels the contractor was only working on the first floor. Ms. Peterson suggested to Mrs. Ward continue for 2 weeks and speak with the seller, buyer, and Mr. Valeri to discuss a plan. **Mr. Barlow made a motion to continue 55 Gilder until the next meeting to give Mrs. Ward the opportunity to discuss this with the buyer, seller, and installer and propose a plan. Mr. Andrews seconded the motion.** Mr. Valeri asked about the buyer agreeing to a 2 bedroom deed restriction. Ms. Guarino said she would like to see the setbacks to the resources. Mr. Barlow said this will be discussed if presented in 2 weeks. Ms. Peterson reviewed they can add 2 years to complete the work. Ms. Guarino reviewed the few options: submit plans to modify the dwelling to become the 1 bedroom property indicated in the deed restriction, another alternative is to upgrade the septic system to include environment protection for a 3 bedroom dwelling and propose to amend the deed restriction, and perhaps a proposal for a reduction to 2 bedrooms could be discussed as well. Mr. Valeri asked more about making the home a 2 bedroom. Ms. Guarino stated that verifying the setbacks will be critical in determining this. Ms. Peterson asked Mrs. Ward if she would allow one of the Health Department staff to review the home. Ms. Guarino stated she feels there are a few different options and the setbacks will help to determine which will be best for the property. **All in favor. Roll call vote to approve: Mr. Uitti; yes, Mrs. Mastria; yes, Skip yes, Andrews yes, Kathy yes.**

7. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019. The minutes were not available to approve.

8. Set tentative date for next meeting and adjourn. March 13, 2019 6pm

Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Ms. Mastria, yes. All were in favor and the meeting adjourned at 7:48 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

[Handwritten signatures in blue ink over the names above]

Via remote vote

