



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES June 22, 2022

Meeting was called to order at 5:30 pm

1. Attendance.

Members in attendance: Stanley Andrews, Don Uitti, Barbara Princiotta, and William Meier
Support Staff: Terri Guarino and Deon Wills

2. Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.

- A. Beaches- Miss Guarino stated that there were three (3) beach failures including Picture Lake, Patuisset Beach, and Sagamore Beach. She stated that this occurred during the first week of beach sampling and was likely due to heavy rain events prior to sampling date. However Miss Guarino clarified that Sagamore Beach lost its variance status due to the elevated bacteria which will now require increased testing.
- B. Cape Cod Mosquito Control Program- Miss Guarino discussed the Cape Cod Mosquito Control Program and the conduction of their routine annual surveillance for presence of mosquitos capable of transmitting VNW, EEE. She stated that there were no positive samples detected yet. However, to avoid any possible exposure, she stated a reminder to dump out standing water, wear EPA approved insect repellent, and to wear protective clothing/ gear during peak mosquito hours this summer.
- C. COVID-19- Miss Guarino provided an update on COVID-19 cases. She stated that over a 14 day active case load, there were 42 cases from lab reports, with a positivity rate of 5.9% in Bourne. Miss Guarino also highlighted that Children ages 6 months to 4 years old are now eligible to receive the Moderna or Pfizer vaccines. She specified that the Pfizer vaccine consists of 3 pediatric doses and that the Moderna vaccine consists of two pediatric doses. Miss Guarino highlighted that appointment booking for these vaccines began on June 21st and that Massachusetts is currently the national leader in vaccination rates with over 84% of eligible residents fully vaccinated and over half of adults are boosted.
- D. Monkey Pox- Miss Guarino stated that as of 6/21/2022 3,098 cases identified globally in 41 countries. 141 of all cases within the United States and 7 cases confirmed in Massachusetts. She clarified that Monkey Pox spreads in various ways such as direct contact with the infectious rash, scabs, or body fluids, respiratory secretions during prolonged, face-to-face contact, or during intimate physical contact, such as kissing, cuddling, or sex, touching items (such as clothing or linens) that previously touched the infectious rash or body fluids, pregnant people can spread the virus to their fetus through the placenta. Miss Guarino also stated that it is possible for people to get Monkey Pox from infected animals, either by being scratched or bitten by the animal or by preparing or eating meat or using products from an infected animal. She also clarified that Monkey Pox can spread from the time symptoms start until the rash has fully healed and a fresh layer of skin has formed. This can take several weeks. People who do not have Monkey Pox symptoms cannot spread the virus to others.

Miss Guarino highlighted the details of infection of the Monkey Pox virus begins with an incubation period. She stated that a person is not contagious during this period. She clarified the following details of Monkey Pox: The incubation period averages 7–14 days but can range from 5–21 days, and that a person does not have symptoms and may feel fine, persons with Monkey Pox will develop an early set of symptoms (prodrome). A person may sometimes be contagious during this period. Miss Guarino stated that the first symptoms include fever, malaise, headache, sometimes sore throat and cough, and lymphadenopathy (swollen lymph nodes). She stated that Lymphadenopathy is a distinguishing feature of Monkey Pox from smallpox. This typically occurs with fever onset, 1–2 days before rash onset, or rarely with rash onset. She said Lymph nodes may swell in the neck (submandibular & cervical), armpits (axillary), or groin (inguinal) and occur on both sides of the body or just one. Following the prodrome, lesions will develop in the mouth and on the body. Lesions progress through several stages before falling off. A person is contagious from the onset of the enanthem through the scab stage once scabs have fallen off.

- E. Public Health Excellence Shared Services Grant- Miss Guarino stated that she is looking for specific aspects into this, specifically related to innovation. She said it is focused on sanitation and food production. She states that she has not yet signed on due to a lack of clarification on the benefits, and that they are fully staffed.
- F. Wastewater Updates Miss Guarino stated that the MassDEP sent notices on June 1st about two regulatory approaches developed and planned to publish for comment in the fall. She stated that MassDEP has scheduled meetings with stakeholders, and ours will happen in July. She clarified that one potential approach is that every septic system within newly designated nitrogen sensitive areas should have enhanced septic systems. She said this is a large adjustment and that they will work to cause the lowest nitrogen levels. Miss Guarino stated that this is concentrated on the Cape and Islands, and that Bourne is looking for a system by system approach. She said in the upcoming meeting with the MassDEP, they will have clarification and further details which will be helpful since this is a large transition. Miss Guarino stated that properties south of the canal will be primarily affected. She and Mr. Andrews emphasized the need to pay attention to this, so that they can soften the blow. Mr. Meier questioned the cost of these septic renovations, and if there will be grants provided for cost relief. Miss Guarino stated there will be funding opportunities available to assist with compliance. Mr. Andrews questioned if the July meeting should be in conjunction with the selectmen, which Miss Guarino confirmed.

3. 17 Scotch House Cove Rd

Jack Landers Cauley P.E. on behalf of owner Chip Lawrence Cohen Jr.- Requesting relief from Bourne Board of Health Regulations. A 47.8 foot variance is requested from the required 150 foot setback from the leaching facility to the top of a coastal bank with the installation of a conventional system. Mr. Landers-Cauley with Mr. Cohen present for the meeting.

Jack Landers Cauley introduced himself, and stated that he, as well as the homeowner Mr. Cohen were both present for the meeting.

Mr. Andrews referenced that since there was a refile of the notification of abutters, they were now accurate procedurally.

Mr. Cauley stated that they are looking for a relief from the setbacks. He states that this property has 4 acres of land, there is flagged wetlands, and there is a flood zone. He states that he designed a new septic system to be as far away from the wetlands as possible. He states that he submitted a letter to the board regarding why the soil absorption system should be placed in this area without the use of I/A technology. He states that in this letter, he clarifies that the system is not in hydraulic failure. He states there are no plans to modify the house, that the new garage has no relation to the septic system, and that there is no increase in flow.

Mr. Cauley states that Mr. Cohen is voluntarily upgrading the system so that it is more compliant with Title V and local BOH regulations. He states that the current septic system flows into a leaching pit, so they are going

to put a soil absorption system in so that this is eliminated. He highlights that the closest point from the soil absorption system to the wetlands is 182 feet, and 193.7 feet on the other. Mr. Cauley states this configuration is a good candidate for relief.

Mr. Andrews highlights that Miss Guarino conveyed information about a building permit on this property from 2018, and with the routing slip, it needs a waiver from the Board of Health to show septic compliance. Mr. Andrews stated that there is a conversion and addition regulation in Bourne which requires an upgrade of system to comply with local regulations of a 150 ft. setback to a coastal bank.

Mr. Andrews highlights that this is not a voluntary upgrade such as Mr. Cauley mentioned, because to have their building permit approved, they would need to upgrade the septic. Mr. Cauley states that this is prior to his time and that he does not remember receiving any documents pertaining to that.

Miss Guarino asks questions the 4 acres of land on the property, and how much of it was upland area. Miss Guarino and Mr. Andrews state that they believe the majority of the property is salt marsh, and below the coastal bank. Mr. Cauley states that he did not come prepared with a specific calculation, but that his estimate would be at least 52,000 sq. ft. which is a bit over an acre. Miss Guarino clarified that she was asking in relation to the nitrogen levels.

Miss. Guarino also highlighted that the existing septic system is a leech pit and since the property is a bedroom home, it will need to be upgraded.

Mr. Meier states that the Board has been diligent with its rulings regarding variances in coastal zones and that he does not feel this property meets the requirements. He states that due to the amount of land that can be lost, 4 acres isn't accurate, so there needs to be a system in place that reflects future geographic changes.

Mr. Cauley states that it is 150ft from vegetative wetland, and 100ft from the top of a coastal bank. He states that there is 2 acres of upland area, and they plan for an 8 bedroom system. Mr. Andrews states that due to the resource, there needs to be an alternative or advanced system. Mr. Andrews highlighted that the anticipated change in regulations is something to keep in mind, to which Mr. Cauley stated that it is unfair for them to weigh a decision off of regulations that have yet to come to fruition.

Mr. Cauley states that this system will be 20ft above the ground water, and the elevation is at 26ft. He said despite the I/A technology, this system is adequate for the property.

Miss Guarino states that the system as proposed is an improvement from the prior system, and that the placement is the farthest distance possible from any resource areas. She continues to highlight the importance of the size of the upland area, so that there can be a better analysis on nitrogen loading.

Mr. Cauley states that he can find and provide that information. Miss Guarino states that the system should be input sooner rather than later, and that she wants to ensure that the installation at a fast rate.

Mr. Cohen, the homeowner, introduces himself, and states that this project has been difficult due to COVID, construction, and confusion regarding protocols. He states that this is a procedural, not a voluntary upgrade. He states that with I/A systems, he cannot see any concrete information regarding nitrogen levels, and that the cost and setup of the proposed system is in compliance. He states that this tedious project has been difficult, and that from his knowledge, his property is larger than prior presented. He states that he is confused regarding regulations and his timeline. He states that he is trying to comply, and that he is attempting to put the system as far as possible from the coastal bank.

Mr. Andrews highlights that the Board lacked essential information from Mr. Cauley, and that there are still unanswered questions that they need prior to a decision.

Mr. Cohen states that he believes there will be a lack of detrimental impacts to the environment, to which Mr. Andrews states that Conservation is not within their jurisdiction.

Mr. Cohen states that they are 180ft away, rather than 150ft for the setback, to which he states that he believes he is in compliance.

Miss Guarino clarifies that the soil absorption system would be beyond the scope of the Conservation Commission. Mr. Andrews states that projects are typically not granted a hearing until there is Conservation approval

Mr. Andrews clarifies that the Building Permit is what triggered the upgrade, to which Mr. Cohen states that he did not know it would trigger that originally.

Miss Guarino states that the sewage disposal system regulations are constantly being updated so that they are new and up to date. She states that even though the Title V passed, the property may not be able to have any upgrades or additions without triggering a septic upgrade.

Mr. Meier states that he thinks they should transition to an I/A system due to the changing regulations, to which Mr. Andrews states that the regulations are not guaranteed, so they should not be required to adhere to those standards. Mr. Andrews states that it is a discussion between the engineer and homeowner.

Mr. Andrews highlighted that Mr. Cauley needs to provide nitrogen numbers due to the need for further information for the board to make a decision on the variance. Mr. Cauley stated that he believes that the calculation will reflect the upland, then the upland and the wetlands. Mr. Andrews highlights that there needs to be technical data and information for the board to see.

Mr. Uitti states that with further information, he will feel comfortable voting. Miss Princiotta states that she agrees that the upland area information and correct nitrogen loading calculations would be essential. She states that she would prefer to see an I/A system installed. Mr. Meier states that he believes that an advanced or alternative system in these conditions would be best to protect the environment, and that he is not comfortable with the proposed system.

Mr. Cauley proceeds to request a continuance. Miss Guarino and Mr. Andrews address possible dates, and Mr. Andrews recommends July 13.

Mr. Cauley asks for clarification on what is needed, to which Mr. Andrews stated the nitrogen loading calculations are essential.

Mr. Cohen questions the upland percentages and their relation to setbacks. He asks for a specific bylaw so that he can confirm compliance. He also emphasizes that an I/A system is not an ordinance, but rather a recommendation, and that he is purely looking to be in compliance. Mr. Andrews states that the regulations have not changed, but that he needs to fulfill the requests.

Miss Princiotta makes a motion to continue the hearing on 17 Scotch House Cove until July 13th. Mr. Uitti seconds the motion. Roll call vote as follows: Mr. Meier- yes, Miss Princiotta- yes, Mr. Uitti- yes, Mr. Andrews- yes. Motion passes unanimously 4-0-0.

4. 128 Emmons Rd

Jack Landers Cauley P.E. on behalf of owners Jonathan and Marni Levitt – Requesting relief from Bourne Board of Health regulations. A 49.9 foot variance is requested from the required 150 foot setback from the leaching facility to the top of a coastal bank.

Mr. Andrews began by confirming with Miss Guarino that the abutters list was properly sent out, to which she confirmed.

Mr. Cauley introduced himself as the representative for the project, and for Jonathan and Marni Levitt. He stated that they are going in front of the board due to their plans to do some renovations upon the house. He stated that this may include an increased number of bedrooms.

The plan presented by Mr. Cauley included the house, the location of the wetlands on the property, and the location of the coastal banks.

Mr. Cauley's proposal is to upgrade the house through a proposed addition, however, he has some proposed drawings contrasting the prior and proposed dwellings.

Mr. Andrews stated that the proposed addition will have a footprint that will not change, but that he would like to know what the changes will be. Mr. Cauley stated that there has yet to be a structural engineer, to which Mr. Andrews stated that he need to guarantee that the plans will not change because they will have to come back in front of the board.

Mr. Cauley emphasizes that the plans presented are conceptual, and that it is seven (7) bedrooms so that they can make sure they fit the bedroom definitions, and that they have an adequate septic.

Mr. Cauley highlights that he is looking for a Title V approved system with I/A technology. He states that the setbacks, the nitrogen loading calculations, and the wetlands have been depicted.

Mr. Andrews states that he counts eleven (11) bedrooms, and that there are not just seven (7) bedrooms as proposed Mr. Cauley states that these are the plans in which the architect submitted. He states that he is willing to take them back if needed, but this was what was provided to him. Mr. Andrews emphasized that a pocket door, despite the size of the opening, still causes it to be constituted as a bedroom.

Peter Coughlin introduced himself from Coughlin Builders, and that he is a direct abutter for the project. He states that they proposed a system that would fit regulations from the start. Mr. Coughlin came to see the plans, to which Mr. Andrews showed to him. Mr. Andrews stated that there needs to be a review of the rooms to confirm if they meet bedroom standards.

Mr. Andrews told Mr. Cauley he needs to meet with the clients to review the needed changes so that they can meet the bedroom count. Miss Guarino stated that she also had 11 bedrooms.

Mr. Cauley confirmed that he needs to have the architect modify the plans to meet the bedroom standards, and he would like to know if the board has an issue with a 7 bedroom design using I/A design.

Mr. Andrews stated that before they approach that step, he needs firm confirmation on the bedroom count.

Ms. Princiotta asked for clarification on if they are expanding on the footprint, to which Mr. Andrews confirmed.

Mr. Andrews questioned the variances, and why they are only requesting one variance. He stated that Mr. Cauley needs to request for several variances.

Mr. Cauley clarifies that they are proposing to remove the prior tank and replace it with Microfast and I/A technology. He states that these are 100.1ft from a coastal bank and 150ft from another coastal bank.

Mr. Andrews stated that more dimensions need to be put on the plans.

Mr. Cauley states that with 7 bedrooms, they would chose the 0.9 Microfast system.

Mr. Cauley states that they are looking for 2 variances from the coastal bank.

Mr. Andrews states that Northwest and Southeast will need variances.

Miss Guarino states that the reserve area is something worked into the agreement and that she is unsure what the Board of Health may need for the flow on the lot. Mr. Andrews said that this is a large increase in flow.

Miss Princiotta stated that due to a new variance, the abutters will have to be re-notified. She stated that she would like to see the nitrogen calculations for the upland area.

Mr. Meier states that he wants to see the corrected architecturals, and the new calculations so that he can review it.

Mr. Andrews states that with new calculations, he may want an upgrade in the soil absorption system.

Mr. Cauley made a request to continue the hearing.

Miss Princiotta made a motion to continue the hearing on 128 Emmons to July 13th. Mr. Uitti seconded the motion. Roll call vote as follows: Mr. Meier-yes, Miss Princiotta-yes, Mr. Uitti-yes and Mr. Andrews-yes. All in favor and the motion to continue passed unanimously 4-0-0.

5. Approve the Minutes

Approve the minutes from the previous meetings dated February 2, 2022, February 16, 2022, May 18, 2022 and May 25, 2022.

Mr. Andrews stated that he, as well as the rest of the board had yet to review the minutes, specifically those from the site assignment meetings for February 2 and February 16.

Mr. Andrews and Miss Guarino agreed that the minutes should be reviewed prior to the next meeting.

6. Set tentative date for next meeting.

Mr. Andrews confirms that the next meeting will occur on July 13th.

7. Adjourn.

Mr. Uitti made a motion to adjourn the June 22, 2022 Board of Health meeting. Miss Princiotta seconded the motion. All those were in favor and the motion passed unanimously.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Administrative Assistant