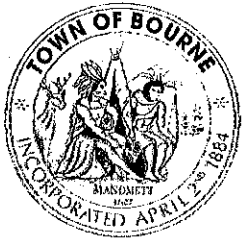


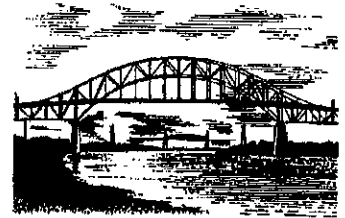
Board of Health to  
LCP  
Local Comprehensive Planning Committee

**2019**

**VOL. 4**



# Town of Bourne Board of Health Meeting Notice



Agenda January 9, 2019

Date  
Wednesday  
January 9, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

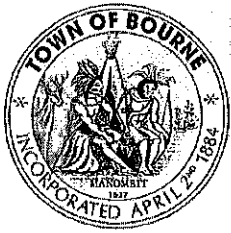
*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## **OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. 81 Phillips Rd.—Continued from December 12, 2018—Brad Bertolo of JC Engineering, Inc.—Representing the owners Darrell and Joanne McLaughlin. Requesting a variance for the installation of a septic system upgrade within the buffer zone of a Boarding Vegetated Wetlands and Coastal Dune. A pump chamber and elevated leaching facility will be installed.
2. 276 Scraggy Neck Rd—Continued from December 12, 2018—Zachary L. Basinski, P.E. of Bracken Engineering, Inc.—Representing the owners John C and Sarah P Dawley. Requesting a variance of 150' setback from Wetland resource to repair an existing sewage disposal system to service a newly proposed 5 bedroom dwelling.
3. Approve the Minutes— Approve the minutes from the previous meeting dated December 12, 2018.
4. Set tentative date for next meeting and adjourn.

Signed: *CH*  
Title: Secretary  
Date: January 7, 2019

RECEIVED  
2019 JAN 7 11:50  
TOWN CLERK BOURNE



Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532

Phone (508) 759-0600 ext. 1513

Fax (508) 759-0679



2019 FEB 21 PM 1:00

TOWN CLERK BOURNE

### MINUTES

January 9, 2019

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

Support Staff in attendance: Terri Guarino, Health Agent; and Cassie Hammond, Administrative Assistant.

### Meeting was called to order at 6:01 pm

*Ms. Peterson asked if anyone was recording at this time, no one present was recording.*

Ms. Peterson stated that Kelly Mastria will be participating remotely this evening. Mr. Andrews, in favor; Mr. Uitti, yes; Mr. Barlow, yes; and Ms. Peterson, in favor of remote participation at 6:03 pm.

1. **81 Phillips Rd.—Continued from December 12, 2018—Brad Bertolo of JC Engineering, Inc--**  
**Representing the owners Darrell and Joanne McLaughlin. Requesting a variance for the installation of a septic system upgrade within the buffer zone of a Boarding Vegetated Wetlands and Coastal Dune. A pump chamber and elevated leaching facility will be installed.** Mr. Stanley Andrews recused himself for this agenda item. Brad Bertolo of J.C. Engineering, was present representing the home owners. Mr. Bertolo indicated the need for this new system due to the sale of the property due to evidence of the system failing at an earlier time. He discussed the details of the project, proposing to install a new pump chamber and elevated leaching facility located in the driveway. Mr. Bertolo said he had discussed with the homeowners the possibility of an I.A. system, but the homeowners had reservations due to the cost. Ms. Peterson referenced the meeting minutes from December 12, 2018 where the Board of Health indicated the desire for an I.A. system to be installed at this property. Ms. Peterson also stated the DEP regulations which state the need for 3 sets of prices showing why an I.A. system is cost prohibitive. Mr. Bertolo accepted this and agreed he would produce this information if it is requested by the Board of Health. Ms. Peterson reviewed the history as to why variances come in front of The Board of Health as opposed to being administratively approved by the Health Agent. Mr. Barlow indicated his desire and reasoning to see an I.A. system installed at this location, highlighting the opportunity to install nitrogen removal system near a public recreational beach and the need to protect the eroding coastal bank. Mr. Uitti agreed with Mr. Barlow. Mrs. Mastria agreed with Mr. Barlow as well in support of protecting the environment and stressed how it is the Board of Health's opportunity to make sure it is protected. Ms. Guarino agreed, and stated that is a waterbody with frequent use ranging from public bathing, recreational, boating, and shell fishing. Mr. Bertolo asked if the plans were revised with an I/A if it could be administratively approved. Ms. Peterson replied the Board of Health would like to see the plans, he could withdrawal and he will be first on the next meeting. Mr. Bertolo said he would make sure to submit everything a week prior to the next meeting date. **Mr. Bertolo chose to withdraw. Roll call to approve the withdrawal. Mr. Barlow, yes; Mr. Uitti, yes; Ms. Peterson, yes; and Mrs. Mastria, yes. All were in favor.** Mr. Bertolo asked why he would file a withdrawal and not a continuance. Ms. Peterson indicated this may surpass the 45 day mark depending when the Board is able to meet next.

2. **276 Scraggy Neck Rd—Continued from December 12, 2018--Zachary L. Basinski, P.E. of Bracken Engineering, Inc.—Representing the owners John C and Sarah P Dawley. Requesting a variance of 150' setback from Wetland resource to repair an existing sewage disposal system to service a newly proposed 5 bedroom dwelling.** Mr. Andrews stepped back on the Board of Health. Zachary Basinski, P.E. of Bracken Engineering, was present representing the owners. Mr. Basinski had submitted floor plans of the proposed dwelling and revised site plans including an I/A technology. Ms. Guarino noted on the architectural plans there is a room above the garage and questioned this. Mr. Basinski stated it is storage with pull down access. Ms. Guarino indicated it would be 4 bedrooms per floor plans due to the cased openings, although the septic system is designed at 5, which is what the existing structure is. **Mr. Andrews made a motion to grant a variance for 276 Scraggy Neck Rd, a 72ft variance from the Bourne Board of Health 150' setback regulation from the leaching facility to the non-eroding coastal bank.** Mr. Andrews identified this as a vast improvement to this site with the addition of the I.A. system, and the Town of Bourne's regulation on alternative septic system testing will apply. **Second by Mr. Barlow. Roll call vote to approve: Mr. Andrews, yes; Mr. Barlow, yes; Mr. Uitti, yes; Ms. Peterson, yes; and Mrs. Mastria, yes. All in favor and the motion passed unanimously.**
3. **Approve the Minutes—** Approve the minutes from the previous meeting December 12, 2018. Mr. Barlow made a motion to approve the minutes. Mr. Uitti second the motion. Mr. Andrews, yes; Mr. Barlow, yes; Mr. Uitti, yes; Ms. Peterson, yes; and Mrs. Mastria, yes. All in favor and the motion passed unanimously.
4. **Set tentative date for next meeting and adjourn.** Tentatively February 13<sup>th</sup>.

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 Mrs. Mastria, yes. All were in favor and the meeting adjourned at 6:21 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

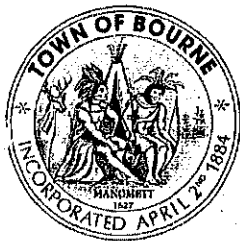
Kathleen Peterson \_\_\_\_\_

Stanley Andrews \_\_\_\_\_

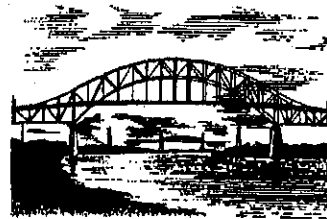
Galon Barlow Jr. \_\_\_\_\_

Don Uitti \_\_\_\_\_

Kelly Mastria \_\_\_\_\_



# Town of Bourne Board of Health Meeting Notice



Amended Agenda February 13, 2019

\*\* Agenda amended February 11, 2019 \*\*

Date

Wednesday  
February 13, 2019

Time

5:30 p.m.

Location

Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay


*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

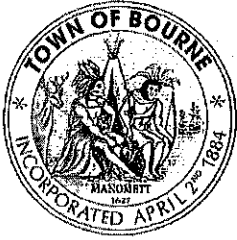
*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

**OPEN SESSION 5:30 P.M. – Call meeting to order. Contact Kelly Mastria for remote participation.**

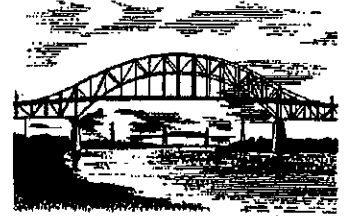
1. 81 Phillips Road—Continued from January 9, 2019—Brad Bertolo of JC Engineering, Inc. on behalf of owners, Darrell and Joanne McLaughlin. Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the proposed leaching facility within 109.2' of the Bordering Vegetated Wetlands and 91.4' from the Coastal Dune. A MicroFAST 0.5 unit has been added to the revised septic plans dated January 23, 2019.
2. Review and discuss Town Counsel memorandum dated February 5, 2019 relative to the Savery Avenue Septic System.
3. 1 Lighthouse Lane—Zachary Basinski, P.E. of Bracken Engineering, on behalf of Lighthouse Realty Trust—Requesting relief from the Bourne Board of Health Well Regulations for the repair of an existing potable drinking water well at the site.
4. All Cape Well Drilling— discussion and possible vote for violation of Board of Health well regulations for commencing construction of a well at 1 Lighthouse Lane without proper permits.
5. 32 Buzzards Bay Avenue—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.
6. 60 Kenwood Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc. on behalf of Thomas and Susan Curry-- Requesting a waiver from Board of Health regulations to continue to use the existing septic system along with proposed renovations to dwelling—from December 12, 2018.
7. 15 Sanderling Rd—Lorena Carlozzi, Owner-- Hearing to determine whether the dwelling or portion thereof is unfit for human habitation, and whether an order to secure and vacate should be issued. Discussion and possible vote on violations of State Sanitary Code, 105 CMR 410.00.

8. Approve the Minutes— Approve the minutes from the previous meeting dated January 9, 2019.
9. Set tentative date for next meeting and adjourn.

Signed:   
Title: Secretary  
Date: February 11, 2019



# Town of Bourne Board of Health Meeting Notice



## Agenda February 13, 2019

Date  
Wednesday  
February 13, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay


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TOWN CLERK BOURNE

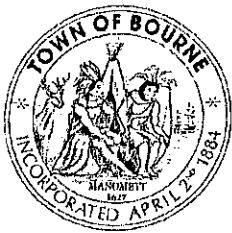
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

### OPEN SESSION 6:00 P.M. – Call meeting to order.

1. 81 Phillips Road—Continued from January 9, 2019—Brad Bertolo of JC Engineering, Inc. on behalf of owners, Darrell and Joanne McLaughlin. Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the proposed leaching facility within 109.2' of the Bordering Vegetated Wetlands and 91.4' from the Coastal Dune. A MicroFAST 0.5 unit has been added to the revised septic plans dated January 23, 2019.
2. 1 Lighthouse Lane—Zachary Basinski, P.E. of Bracken Engineering, on behalf of Lighthouse Realty Trust—Requesting relief from the Bourne Board of Health Well Regulations for the repair of an existing potable drinking water well at the site.
3. 32 Buzzards Bay Avenue—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.
4. 60 Kenwood Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc. on behalf of Thomas and Susan Curry—Requesting a waiver from Board of Health regulations to continue to use the existing septic system along with proposed renovations to dwelling—from December 12, 2018.
5. Approve the Minutes— Approve the minutes from the previous meeting dated January 9, 2019.
6. Set tentative date for next meeting and adjourn.

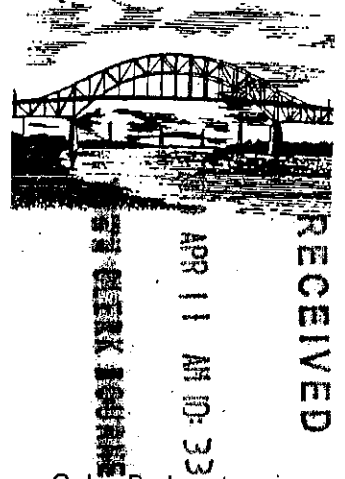
Signed:   
Title: Secretary  
Date: February 6, 2019



Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



### MINUTES February 13, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow Jr.; Donald Uitti via remote participation; and Kelly Mastria via remote participation.

Support Staff in attendance: Kayla Davis, Health Inspector; and Cassie Hammond, Administrative Assistant.

### Meeting was called to order at 5:30 pm

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

*Ms. Peterson stated that Kelly Mastria and Don Uitti will be participating remotely this evening. Mr. Andrews, in favor; Mr. Barlow, yes; and Ms. Peterson, in favor of remote participation. Items on the Agenda were taken out of order at the discretion of the Chair.*

1. **Moved to item number 1. Review and discuss Town Counsel memorandum dated February 5, 2019 relative to the Savery Avenue Septic System.** Ms. Peterson confirmed that all members of The Board of Health have read the document. Mrs. Mastria commented that it is a complicated venture and should be explained further. Mr. Andrews suggested to have Town Counsel explain the memo in full. Ms. Peterson agreed it would be a good idea. Mrs. Mastria agreed with this. **Mr. Barlow made a motion to have Health Agent Ms. Guarino contact Town Counsel and have him explain how to perceive his memo and opinion. Mr. Andrews second the motion. Roll call vote to approve: Mrs. Mastria, yes; Mr. Uitti, yes; Ms. Peterson, yes; Mr. Barlow, yes; and Mr. Andrews, yes. All in favor.**
2. **Moved to item number 2. All Cape Well Drilling— discussion and possible vote for violation of Board of Health well regulations for commencing construction of a well at 1 Lighthouse Lane without proper permits.** Mary and Shaun Harrington are present as well as the owners and operators at All Cape Well Drilling. Mr. Harrington explained they never drilled, and their intention was to set up the old well. Mrs. Harrington confirmed they never put anything in the ground, and never took well stock off the truck. Mrs. Harrington stated they set up the machine to develop the first well and this is when the Health Inspector, Kayla Davis, arrived. Mrs. Harrington reviewed the conversation between All Cape Well Drilling and the Health Inspector, Ms. Davis, who had requested All Cape Well Drilling to cease any work until a permit is obtained. Mr. Harrington explained he and his wife came into the Health Department, completed the application, and the Health Agent informed them they needed to present a certified plan. Mr. and Mrs. Harrington contacted Bracken Engineering. Ms. Peterson explained that any well permit needs to be submitted 30 days in advance. The Harrington's both said they were unaware of this timeframe and questioned this in regards to an emergency for drinking water. Ms. Peterson explained emergencies are handled on a case by case basis and it expected, in all normal circumstances, to apply for a permit 30 days in advance. Mr. Barlow reviewed that this is not a location specific requirement, but a town wide regulation. Mr. Andrews stated that it is the Health Departments decision if it is considered an emergency. Ms. Peterson explained that completion reports, pumping records and lab analysis are required to be submitted to the Health Department within no more than 5 days after completion. Mr. Harrington acknowledged he was unaware, but has found an



issue with the county turning around a water sample in under 2 weeks. Mrs. Harrington suggested they could charge higher in the Town of Bourne to cover the cost of expedited reports. Mr. Harrington stated that as far as the completion reports go, The Board of Health is welcome to contact the state as they keep shutting them down. Mr. Harrington agreed to adhere to the guidelines set forth and agreed they were remiss but will strive to improve this. Ms. Peterson reviewed that if this happens a second time, All Cape Well Drilling will be asked to go in front of The Board of Health, which may or may not result in loss of license to well drill in the Town of Bourne. The Harrington's both agreed. Mr. Harrington stated this was an oversight on their end and they did not install a well. Ms. Peterson agreed they had not installed a well but indicated they had drilled. Mr. and Mrs. Harrington both denied drilling and explained they had not put anything into the ground. Mrs. Mastria asked why they are in front of the board and to define the violation. Ms. Peterson replied that the violation is they started without proper permits. Ms. Peterson further explained that the Harrington's are saying they set up without a permit but when the Health Inspector arrived they stopped. Mrs. Harrington clarified they had never commenced the work. They had gone out to the location to develop the old well first which requires the rig, but never put anything in the ground. Mr. Harrington reviewed that as soon as the Health Inspector Ms. Davis came to the location they stopped and did not continue. Mr. Harrington reviewed that they removed the equipment from the site the next day and contacted Bracken Engineering. Mrs. Harrington stated there seems to be some confusion with what happened. Mr. Andrews agreed that there had been a lack of communication. Mr. Andrews recommended that if The Harrington's are doing work on a well and they run into trouble to check in with the Health Department prior to initiating. **Ms. Peterson made a motion to take no action at this time, she requested a copy of the well regulation signed by both Mr. and Mrs. Harrington acknowledging they understand the regulations, and this will be considered if this were to happen again. Mr. Andrews second. Roll call vote to approve: Mr. Barlow, yes; Mr. Uitti, yes; and Mrs. Mastria, yes. All in favor.**

3. **Moved to item number 3. 32 Buzzards Bay Avenue—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. No action and moved to next meeting at request of Owner.**
4. **Moved to item number 4. 60 Kenwood Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc. on behalf of Thomas and Susan Curry-- Requesting a waiver from Board of Health regulations to continue to use the existing septic system along with proposed renovations to dwelling—from December 12, 2018. Zachary Basinski, P.E. of Bracken Engineering, was present along with the home owners. Mr. Basinski reviewed the homeowners desire to complete some renovations to their home, and the requests made by The Board of Health; including an inspection of the system, ground water elevations. He and the Health Agent, Terri Guarino, completed a Title 5 inspection of this system, and it was determined it was in compliance. Mr. Basinski had set a monitoring well and the results have been submitted, confirming the existing elevations that were on the plot plan, and there is over 4ft separation to the ground water. Mr. Andrews asked if he had caught a moon tide. Mr. Basinski confirmed this. Mr. Basinski explained that he and the Health Agent, Ms. Guarino, had looked this over, and found it to be very consistent with the ground water in the area. Ms. Peterson asked if they would start construction right away. Mr. Basinski said the homeowners would be sending this out to bid for contractors. Ms. Peterson asked the homeowners if they would like to comment on anything. Mr. and Mrs. Curry, homeowners, explained that it is just repairs they are asking to do on the house. Mrs. Curry explained that her father built the house when she was 2 years old and although he had limited finances, he installed a Title 5 compliant system with the understanding there would be no a red stamp. Mrs. Peterson responded that the rules have changed over the years. There were no further questions from The Board of Health members. **Mr. Andrews made a motion to approve plans valid for one year. Mr. Uitti second the motion. Roll call vote to approve: Mrs. Mastria, yes; Mr. Andrews, yes; Mr. Barlow, yes; Mr. Uitti, yes; and Ms. Peterson, yes. All in favor.****
5. **Moved to item number 5. 81 Phillips Road—Continued from January 9, 2019—Brad Bertolo of JC Engineering, Inc. on behalf of owners, Darrell and Joanne McLaughlin. Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the proposed leaching facility within 109.2' of the Bordering Vegetated Wetlands and 91.4' from the Coastal Dune. A MicroFAST 0.5 unit has been added**

to the revised septic plans dated January 23, 2019. Mr. Andrews will be sitting off out of necessity and will not be commenting or engaging in any way. Brad Bertolo of J.C. Engineering, was present, representing the home owners. Mr. Bertolo explained the current septic system is in need of repair due to the upcoming sale of the property. He proposed a new MicroFAST system, with new leaching field. He reviewed the proximity to coastal dune and vegetated wetlands and the variances requested. Mr. Bertolo explained the history of having withdrawn his previously application and reapplied with the advanced technology. Mr. Barlow asked if the project has been through conservation, Mr. Bertolo confirmed that it had. Ms. Peterson reviewed that the septic application is missing an installer's signature. Mr. Bertolo explained the project has to go out to bid then the permit will be signed. Ms. Peterson requested an I.A. disclosure and contract prior to issuing a permit, to which Mr. Bertolo agreed. Ms. Peterson questioned the number of bedrooms, Mr. Bertolo stated it is a 3 bedroom dwelling at this time. Mr. Barlow suggested a deed restriction be included in the approval. Mrs. Mastria asked if Ms. Davis, Health Inspector; is weighing in for Ms. Guarino, the Health Agent and their approval of this. Ms. Peterson confirmed that Ms. Davis and Ms. Guarino are in support. **Mr. Barlow made a motion to approve the variances requested, 150 Foot Setback Regulations for the proposed leaching facility within 109.2' of the Bordering Vegetated Wetlands and 91.4' from the Coastal Dune. Ms. Petterson requested a 3 bedroom deed restriction, IA disclosure, and signature on permit prior to issuing the permit. Mr. Barlow amended his motion to include Ms. Peterson's requests. Mr. Uitti second the motion. Roll call vote to approve: Mr. Utti, yes; Mrs. Mastria, yes; Mr. Barlow, yes; Ms. Peterson, yes. All in favor.**

6. **Moved to item number 6. 15 Sanderling Rd—Lorena Carlozzi, Owner-- Hearing to determine whether the dwelling or portion thereof is unfit for human habitation, and whether an order to secure and vacate should be issued. Discussion and possible vote on violations of State Sanitary Code, 105 CMR 410.00.** Mr. Andrews stepped back on the Board of Health for this item. Pipi Webb Sawyer, niece of the homeowner; was present and represented the home owner. Mrs. Webb Sawyer read the letter prepared by Lorena Carlozzi, home owner. This letter detailed the history of owning this property, tenants, evictions, and Mrs. Carlozzi's desire to live at her property with her family. Ms. Peterson said she understands the history and stressed the need to focus on the issues indicated in the housing inspection. Mrs. Webb Sawyer continued reading the letter, reviewing complaints Mrs. Carlozzi had received in regards to the property. Mr. Barlow explained the board cannot get into the issues outside of the items on the agenda and referenced the violations that need immediate attention. Ms. Peterson asked what has been done since this inspection. Ms. Peterson quoted the items that needed to be done within 24hrs as indicated on the housing inspection form: upstairs bathroom shower tub, toilet seat in disrepair. Mrs. Mastria interrupted asking what has been done. Mrs. Webb Sawyer said the fire code item had been done. Ms. Peterson asked if the leaking oil tank had been fixed. Mrs. Webb Sawyer replied that it has not been scheduled. Ms. Peterson reviewed that The Board of Health cannot have people occupying the dwelling with these current violations. Ms. Peterson asked if the occupants were present at the meeting. Jessica St. Lawrence, an occupant, was present for this meeting. Ms. Petterson asked if Ms. St. Lawrence had been contacted and if she had denied access. Ms. St. Lawrence said she had not been contacted nor denied access. Ms. Peterson reviewed the need for the occupants to allow workers into the dwelling to address the violations. Ms. St. Lawrence agreed, and stated she has not been contacted. Ms. Petterson stated that the home owner will have to rehome the occupants until the items of most importance are completed as shown on the housing inspection form as needing attention either ASAP or within 24hrs. Ms. St. Lawrence said she had purchased 2 toilet seats, carbon monoxide detectors, fire detectors, and lightbulbs for fixtures. Mr. Andrews asked if the access to the doors and windows had been made clear of debris. Ms. St. Lawrence stated she had removed large amounts of trash from the property. Ms. Peterson asked if the leaking oil tank had been fixed. Mrs. Webb Sawyer said the handy man was unable to fix it at this time. Ms. Peterson questioned if the dropped ceiling, egress, shower temperature and fixtures, and toilet seats had all have been fixed. Ms. St. Lawrence said the toilet seats, carbon monoxide detectors, fire detectors, and fixtures on lamps in front bedroom had been fixed and all debris has been moved from in front of the boiler. Ms. Peterson asked when a plumber could be contracted. Ms. Peterson also reviewed that the dryer is not vented and this needs to be remedied. Mrs. Webb Sawyer replied that they had unplugged the dryer. Mr. Andrews said this has to be addressed, not just unplugged. Ms. Peterson explained that if the homeowner cannot get someone

there to fix the violations within 24hrs, the homeowner will have to relocate the occupants indicated on the lease to a hotel at the cost to the homeowner. Mrs. Webb Sawyer questioned the need to do this if the homeowner is in the process of evicting the tenants. Ms. Peterson reviewed that The Board of Health is not housing court and would not be discussing such issues. Mrs. Mastria explained The Board of Health's role as to uphold the standards of human habitation in The Town of Bourne. Mrs. Webb Sawyer discussed concerns with the tenants relating to rent payments and the disrepair of the dwelling. Ms. Peterson again reviewed that The Board of Health will only discuss items indicated on the agenda and urged Mrs. Webb Sawyer to not bring up topics of payments and rent. Mr. Andrews reviewed the violations that have to be fixed within 24hrs, and the process of contacting the Health Department when complete as to schedule a time to re-inspect. Ms. Peterson asked the Health Inspector, Ms. Davis, if the dwelling is fit for human habitation, which Ms. Davis confirmed. Ms. Peterson suggested to put in the motion to rehouse the occupants, indicated on the lease only, to a hotel at the owners' expense, including all children. Ms. St Lawrence stated she has permission in text showing she can sublet and left to go get the documentation from her car. (Mrs. Mastria disconnected from remote participation at 6:09 PM.—three members present and one via remote participation) Mrs. Webb Sawyer asked questions about the process of eviction. Ms. Peterson asked her not to bring up these topics again as they do not pertain to the agenda. Mr. Barlow and Mr. Andrews explained how The Board of Health can only review the current complaints indicated on the housing inspection form. Ms. Davis explained to Mrs. Webb Sawyer that the faster she and the homeowner can get someone in to do repairs, the earlier The Health Department will be able to re-inspect the dwelling and allow the tenants to move back. Ms. Peterson said they will need to rehouse the tenants starting this evening and reviewed the expectation for the homeowner or Mrs. Webb Sawyer to contact someone to make repairs within 24hrs and to contact The Health Department with this information. Ms. St. Lawrence returned to the meeting with the documents, but did not produce the documentation on subletting approval. Ms. Peterson asked that Ms. St. Lawrence and Mrs. Webb Sawyer step out of the meeting to work together to locate a hotel for the tenants and return with a reservation. Ms. Peterson reviewed a timeline for the evening, instructing the owners of the property to obtain items within thirty minutes from the end of the meeting, and to relocate the children and all tenants as the property will be deemed unfit for human habitation. **Ms. Peterson made a motion to move the occupants shown on the lease, including all children, to a hotel at the owners' expense until the violations requiring immediate repair are complete. After the meeting Ms. St. Lawrence and Mrs. Webb Sawyer will inform the Board of Health of the location of the hotel they have made the reservation with. Mr. Andrews second the motion. Roll call vote to approve: Mr. Uitti, yes; Mr. Barlow, yes; Ms. Peterson, yes; and Mr. Andrews, yes. All members in favor and the motion passed unanimously.**

7. **Moved to item number 7. 1 Lighthouse Lane—Zachary Basinski, P.E. of Bracken Engineering, on behalf of Lighthouse Realty Trust—Requesting relief from the Bourne Board of Health Well Regulations for the repair of an existing potable drinking water well at the site.** Zachary Basinski, P.E. of Bracken Engineering, was present along with the home owners. Mr. Andrews identified many wells on the site plan and requested Mr. Basinski indicate the well they are referencing in this project, Mr. Basinski located the well in discussion. Mr. Basinski reviewed the variances requested and identified them on the site plan. Mr. Andrews discussed the sewer line shown on the site plan, Mr. Basinski reviewed that it is approved and will be double sleeved when installed. Mr. Andrews reviewed a previous approval and Mr. Basinski identified it is in Land Court and will be coming back to the Board of Health to request additional variances. Ms. Peterson asked Mr. Basinski was aware there is a buried propane tank on a neighboring property. Mr. Basinski replied that he was unaware. Mr. Harrington, a member of the audience and the well driller for this project, asked if it is on the property next door as there is a tank partially visible. Mr. Barlow asked Mr. Harrington to point it out on the site plan. Mr. Harrington identified the proposed location of this propane tank on the site plan as 5 Lighthouse Ln. Mr. Andrews requested the propane tank and all utilities laid out on the plan including that propane tank, Mr. Basinski agreed to this request. Mr. Uitti had no questions. Mr. Stan Budryk, a member of the audience requested to speak, he stated he is an abutter to an abutter. Mr. Budryk asked the location of the existing well on the plan. Mr. Basinski identified this on the site plan. Mr. Budryk shared that he remembers Mr. Harrington being in this same location last year stating he was putting in a pump on the well in discussion. Mr. Budryk stated he called The Board of Health asking if this required a permit,

which he was told it did not since it was considered a repair. Mr. Budryk then asked why they are installing an additional well in this same area if it had been repaired. Ms. Peterson explained they are replacing the existing well that is in failure. Mr. Budryk stated there are people staying at the lighthouse on the property. Ms. Peterson said that is not on the agenda and The Board of Health will only discuss items listed on the current agenda. Mr. Budryk explained he measured the distance where All Cape Drilling had set up their big rig and has concerns about the setback distances. Mr. Andrews again stated no drilling had taken place. Mr. Barlow reviewed they were testing an existing well, not drilling a new well. Ms. Peterson reviewed that Mr. Basinski states the well is in need of repair, and The Board of Health has already requested additional information to be added to the plan. Mr. Budryk again began to explain his findings when he measured, Ms. Peterson reviewed that this information is considered hearsay. Mr. Budryk said 4 trucks had showed up with a big rig. Ms. Peterson confirmed this information. Mr. Budryk then reported he called The Board of Health to inquire if a permit had been pulled and he was told there was not. Ms. Peterson confirmed this and said The Health Inspector then went to the location prior to any drilling commencing. Mr. Budryk said the big rig was drilling. Mrs. Harrington said they had not drilled. Mr. Budryk said he could hear and see the big rig drilling, and that Mr. Harrington started swearing at Mrs. Budryk. Ms. Peterson said we need to stick to facts and the items listed on the agenda. Mr. Budryk said the distance between where the big rig was located and the S.A.S. is less than 100ft. Mr. Barlow explained that everyone in that location has private wells, and over time these wells will fail, and they will need to be replaced as the properties need water, and stressed the need to supply water to homes. Ms. Peterson reviewed a previous agenda in regards to bedroom counts on Lighthouse Ln and stressed the need to be consistent, and how he cannot compare his measurements to Bracken Engineers; but offered Mr. Budryk to contract his own engineer. Mr. Budryk asked Ms. Davis if she had been out there and asked if she had seen the sand around the big rig and indicated the sand was proof they were drilling. This was not confirmed or denied. Mr. Barlow asked Mr. Basinski what reliefs he is requesting. Mr. Basinski stated the variances being requested at this time as the following; 19ft variance to the property line, 19ft variance to the private way, 41ft variance to the double sleeve sewer line, and a 2ft variance to the existing dwelling. **Mr. Barlow made a motion to approve the variances stated by Mr. Basinski requested for in this meeting. Mr. Budryk questioned the tank. Ms. Peterson asked Mr. Basinski to locate the well and let the Board of Health know what variances are required for the well, which Mr. Basinski agreed to. Ms. Peterson and Mr. Andrews clarified this agenda item may have to be continued until the next meeting only to approve variances for an underground tank. Mr. Barlow made a motion to amend his motion to including continuing this item until the next meeting for a variance for an underground tank. Mr. Andrews second the motion. Ms. Peterson clarified again that 1 Lighthouse Lane will only be on the agenda for the variance required for the underground tank. Mr. Budryk said at the last hearing about two years ago that he asked that the board grants variances on a routine variances and feels this is a large waste of time and there is two structures on their property. Ms. Peterson said that is for zoning board of appeals. Mr. Andrews said the well that services this property has failed and they need to replace it, without water the house is uninhabitable. Mr. Andrews continued that since the homeowners have an opportunity to replace that well The Board of Health have to grant the variances required for that due to the special circumstances needed for that. The home owners had a well there and it had all the same variances and it needs repair and the installer, Mr. Harrington of All Cape Well Drilling; says he needs to drive a new well because Mr. Harrington tried to recondition that well already and was unsuccessful. Ms. Peterson stated that the well needs repair. Mr. Harrington stated he had never swore at Mr. Budryk wife. Mr. Andrews replied that is not relevant to this agenda item. Ms. Peterson reviewed the reprimand given to Mr. Harrington including the signed copy of well regulations for the Town of Bourne. Mr. Budryk said he had already reported Mr. Harrington to the DEP. Ms. Peterson said the Board of Health would not discuss that issue. Mr. Andrews reviewed that The Board of Health cannot deviate from the agenda item. **Ms. Peterson and Mr. Andrews clarified that Mr. Andrews had seconded the amended motion made by Mr. Barlow. Roll call vote to approve: Mr. Uitti, yes; Mr. Barlow, yes, and Ms. Peterson, yes. All in favor.**<sup>1</sup>**

8. **Approve the Minutes— Approve the minutes from the previous meeting dated January 9, 2019. Mr. Andrews made a motion to approve the minutes. Mr. Barlow second the motion. Roll call vote to approve: Mr. Uitti, yes; Mr. Barlow, yes; Mr. Andrews, yes; and Ms. Peterson, yes. All in favor.**

<sup>1</sup> Discussion and clarification of meeting vote also took place during March 6, 2019 Board of Health Meeting.

9. Set tentative date for next meeting and adjourn. February 28, 2019 at 6:00pm.

Mr. Andrews made a motion to adjourn the meeting. Ms. Peterson seconded his motion. Roll call vote to adjourn: Mr. Barlow, yes; Mr. Andrews, yes; Ms. Peterson, yes; and Mr. Uitti, yes. All were in favor and the meeting adjourned at 6:33pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

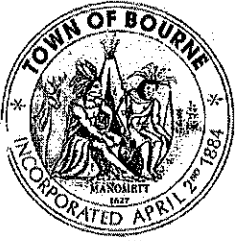
Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

*[Handwritten signature of Kathleen Peterson]*  
*[Handwritten signature of Stanley Andrews]*  
*[Handwritten signature of Galon Barlow Jr.]*  
*[Handwritten signature of Don Uitti]*  
*[Handwritten signature of Kelly Mastria]*  
via remote vote



# Town of Bourne Board of Health Special Meeting Notice



Agenda March 6, 2019

Date  
Wednesday  
March 6, 2019

Time  
6:00 p.m.

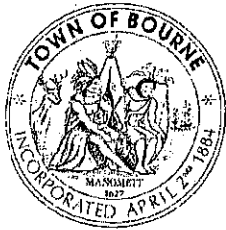
Location  
Room 2  
Bourne Community Building  
239 Main Street, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## OPEN SESSION 6:00 P.M. – Call meeting to order.

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.
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 for 1 & 5 Lighthouse Lane. Correspondence to 5 Lighthouse Lane, owned by Newman



Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



OWN CLERK BOURNE

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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 noncompliant 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

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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 Waitekunas, 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 if 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

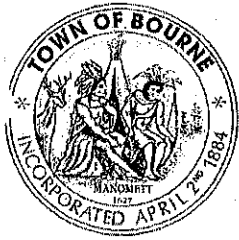
Galon Barlow Jr.

Don Uitti

Kelly Mastria

VIA Remote vote





# Town of Bourne Board of Health Meeting Notice



Agenda March 13, 2019

Date  
Wednesday  
March 13, 2019

Time  
6:00 p.m.


Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

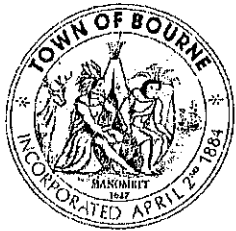
*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

**OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. 55 Gilder Road—Don Sweet, Owner—Continued from March 6, 2019—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.
2. 15 Sanderling Road—Angel Lorena, Owner—Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner has requested extension to complete the violations.
3. 55 Lewis Point Road—Zachary Basinski, P.E. of Bracken Engineering, on behalf of owners, Virginia and Jarvis Peddicord--Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the replacement of the existing septic tank with a MicroFAST de-nitrification unit to accommodate the renovations to the single-family dwelling.
4. 924 Shore Road—Earl Young, Owner—Referral from the Building Inspector--Property is in violation of 105 CMR 410.000: The State Sanitary Code, Bourne Board of Health Blight regulations, and M.G.L. c. 111, s.122 which require prompt attention. Possible referral to the Abandoned Housing Initiative.
5. Laura Kelly—Requesting to be heard before the Board of Health to discuss Organic Pest Management regulations.
6. Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.
7. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019.
8. Set tentative date for next meeting and adjourn.

Signed:   
Title: Administrative Assistant  
Date: March 8, 2019





Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



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TOWN OF BOURNE

### MINUTES March 13, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Gail 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 no one indicated they are recording at this time.*

*Mr. Uitti made a motion to call Mrs. Mastria for remote participation. Mr. Andrews second the motion. Mrs. Mastria was called and joined the meeting.*

*Ms. Carly Cote was introduced as the newest Health Inspector.*

1. **55 Gilder Road—Don Sweet, Owner—Continued from March 6, 2019—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. Ms. Peterson reviewed the members involved in working on this agenda item: Don Sweet, homeowner, Monique Ward, Realtor, and Peter Valeri, septic inspector and installer. Mr. Valeri, representing the owner and realtor, is present for this agenda item. The owner and potential buyer are all in agreement to install the new Denitrification system. Bracken Engineering has drafted a site plan. This draft was stamped in and distributed for the Board of Health members to review. Mr. Valeri explained that this is a draft plan and it will be updated after the perc test results and further discussions. Ms. Peterson explained we will discuss this evening to establish timelines to have work completed. There was discussion between the Board of Health members, Health department staff, and Mr. Valeri as to what the deed will be amended to and the wording. Mr. Barlow explained why the deed restriction was put in place, as the lot is small. Mr. Valeri questioned the draft agreement not specifying a number of bedrooms. Ms. Guarino clarified there was no number due to no plans being present. Ms. Guarino added to the draft agreement that the amended deed will not exceed three bedrooms. Mr. Valeri asked if the timeline can be established between him and Ms. Guarino. Ms. Peterson made a motion to amend a draft agreement to start not to exceed three bedroom. The draft site plans were developed and submitted as a show of good faith by the owner and all parties involved. Mr. Uitti seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; Yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.**
2. **15 Sanderling Road—Angel Lorena, Owner—Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner has requested extension to complete the violations. Kayla Davis; Health Inspector, reviewed the letter received by the health department requesting a continuance.**

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towns on Cape Cod and Martha's Vineyard. She explained she will often meet with the selectmen first then she will meet with the Health Department. Ms. Peterson reviewed she had asked Ms. Kelly not use the phrase "public health risk" as Ms. Kelly is not qualified to make that determination. Ms. Kelly agreed, and reviewed that she is not a scientist. Ms. Kelly went over the agencies she has been working with to review and gather research all within the United States, including the Massachusetts Pesticide Board. While attending their conferences she determined it is not set up for the ecology of Cape Cod. She continued, saying she feels they are finding that the state is not willing to move forward to change regulations to protect our drinking water which led her to approaching the towns asking them to volunteer. She understands they cannot ban sale of pesticide products, and reviewed they are often more harmful to bees than people. Feels this issue is not going away and is gaining momentum and feels this can be amended through education. Ms. Kelly explained that she approached the selectman to ask will you volunteer not to use Glyphosate products in town owned land. Ms. Kelly referenced an email from the selectman. Ms. Peterson said she cannot consider this email as more than hearsay due to the Board of Health not receiving this information. Ms. Kelly confirmed she understood this. Ms. Peterson stated she was looking to see more peer reviewed studies. Ms. Kelly said she has half a dozen in the last year. Ms. Peterson reviewed the importance of peer review studies, and how she has spoken with Cape Cod Co-op and UMASS, and one of the things she heard is that The Boards of Health are being asked to write regulations on things that people far above them to go out to test the chemicals and felt The Board of Health may not have the personal to test and manage these regulations. Ms. Peterson reviewed the potential lengthy timeline needed writing these timelines. Ms. Peterson quoted that glyphosate is inert once it dries and does not leach into the soil because it gets completely tied with organic matter up and technically does not dissipate completely upon drying because it is translocating within the plant both stems and roots, which is why it both effective and safe when used properly. Ms. Peterson continued, explaining it is her understanding that Canada banned then overturned it once it was found non-carcinogenic. Ms. Peterson detailed that she has this information available from multiple sources and asked Ms. Kelly if she agreed. Ms. Kelly responded, asking if she could finish her presentation and perhaps it would answer Ms. Peterson's questions. Ms. Kelly explained that 15 countries have banned the sale and use of glyphosate both farmers and personal use. Ms. Kelly identified that Costco has volunteered not to put it not on their shelves, she specified the product as Round-up. Ms. Peterson interjected, reminding her she had specifically requested Ms. Kelly not to use the brand name Round-up due to its legal implications. Ms. Kelly agrees it is very controversial as it is has been used for 30 years, and she encouraged everyone to do their own research. Ms. Kelly reviewed the levels of carcinogens and how it has moved from less harmful to more harmful and third party studies are able to show this, and she is willing to give more abstracts. Ms. Kelly said she heard from the selectmen that all departments responsible for maintaining the town, and verified the Town of Bourne is not using this product. Ms. Peterson agreed it takes someone's passion to change the world. Ms. Peterson reviewed the timeline to write these regulations would be 2-3 years due to the amount of time to research and prepare along with the hearings necessary. Mrs. Mastria confirmed we would need a lot of research to make a decision. Ms. Kelly confirmed she will give more information via the health department office email. Mr. Andrews redirected Ms. Kelly to contact the landfill in regards to her intent to discuss recycling. Mr. Barlow suggested she speak with Phil Goddard to get on the local cable show about an environmental review. Ms. Kelly said her ultimate goal is hoping to have The Board of Health to write a regulation, and offered a team of people to assist with this as she is willing to work and listen and learn together. Ms. Kelly asked if she can add an additional item to the agenda. Ms. Peterson said she will not allow an additional item to be added as was reviewed in previous emails. Ms. Peterson reviewed the process The Board of Health uses to create regulations, and how The Board of Health cannot make a vote prior to establishing a regulation. Mr. Barlow confirmed this is not something The Board of Health does not want to do, but there is many people The Board of Health would have to work with and this will take a great amount of time to meet and hear from everyone. Ms. Kelly again acknowledged her understanding that Town of Bourne is not using this pesticide. Mr. Barlow stated they would have to work with everyone, not just the town owned land as the regulation would cover the entire town, not specific land. Ms. Kelly stated she will continued to write to the board. Ms. Peterson thanked her for her passion. Ms. Peterson suggested pending with what will happen with the landfill this fall she can come back on the board on hopes some research will have been done by the board. Ms. Peterson said she would like to invite additional speakers at the same time as a learning experience for everyone. Ms. Peterson said this next meeting could



take place in early to mid-fall. Ms. Peterson explained how the regulation could be created and the research that would need go into this. Mr. Barlow said The Board of Health would need to know what Ms. Kelly is wanting to do and why, and everyone impacted would have to be notified and given a chance to attend and be heard at a hearing. Ms. Kelly said she would like to come back in fall, but said the deadline is April 19, 2019 to write a letter. A member of the audience, Lorene Young, shared her enthusiasm to learn more in future meetings.

7. **Approve the Minutes**— Approve the minutes from the previous meeting dated February 13, 2019. The board has not had a chance to review. Ms. Peterson made a motion to move to the next meeting. Mr. Andrews seconded the motion. Roll call vote to approve: Mr. Barlow; yes, Mr. Uitti; yes, Mr. Andrews; yes, Mrs. Mastria; yes, Ms. Peterson; yes. All in favor.
8. **Set tentative date for next meeting and adjourn.** April 10, 2019. Mr. Uitti will be available via remote participation.

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 7:04 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

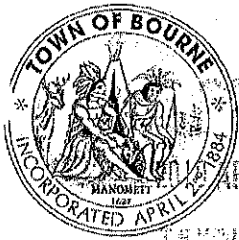
Stanley Andrews

Calon Barlow Jr.

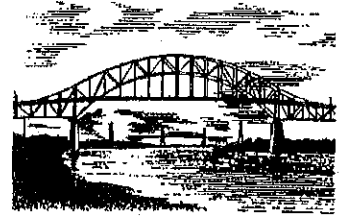
Don Uitti Via remote vote

Kelly Mastria





# Town of Bourne Board of Health Meeting Notice



Agenda April 10, 2019

<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday April 10, 2019	6:00 p.m.	Lower Conference Room Bourne Town Hall 24 Perry Avenue, Buzzards Bay

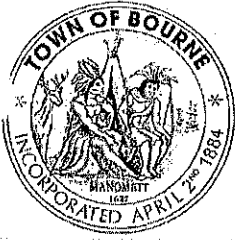
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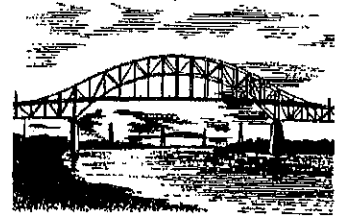
## OPEN SESSION 6:00 P.M. – Call meeting to order.

1. 15 Sanderling Road—Angel Lorena, Owner—*Continued from March 13, 2019*-- Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner had requested extension to complete the violations on March 13, 2019. Update and discussion on corrected violations.
2. 55 Lewis Point Road—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of owners, Virginia and Jarvis Peddicord--Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the replacement of the existing septic tank with a MicroFAST de-nitrification unit to accommodate the renovations to the single-family dwelling.
3. 38 Massasoit Avenue—Brad Bertollo EIT, CSE of JC Engineering, Inc.; on behalf of owner; Mary Jo Diogo.—Request to install tight tanks as opposed to the installation of a Title 5 septic system at a seasonal dwelling.
4. 80 Off County Horse Stable—Heather Bankston; owner—Hearing before the Board of Health for approval of annual horse stable license.
5. 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.
6. 18 Winsor Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of the owners John and Elizabeth LoMedico—Requesting a setback variance from the proposed soil absorption system to a fragmented, non-eroding coastal bank to accommodate the raze and rebuild of the existing single-family dwelling and installation of a MicroFAST system.
7. Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades.





# Town of Bourne Board of Health Meeting Notice



Amended Agenda April 10, 2019

\*\* Agenda amended April 8, 2018 2:30pm \*\*

2019 APR 8 PM 11:00  
TOWN OF BOURNE  
CLERK

Date  
Wednesday  
April 10, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*


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7. 101 Maple Street—Jaspers Too Motel—Judith Tubbs, owner—Hearing to discuss and possibly vote to take appropriate action; including but not limited to suspending or revoking the motel license for Jasper's Too Motel due to repeat violations of 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation, Massachusetts General Laws, and the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations.
8. Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades.
9. *Continued from March 13, 2019*—Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.
10. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019, March 6 2019, and March 13 2019.
11. Set tentative date for next meeting and adjourn.

Signed:   
Title: Administrative Assistant  
Date: April 8, 2019



8. *Continued from March 13, 2019*--Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.
9. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019, March 6 2019, and March 13 2019.
10. Set tentative date for next meeting and adjourn.

Signed: 

Title: Administrative Assistant

Date: April 4, 2019





Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
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TOWN OF BOURNE  
2019 MAY -9 MID: 2  
REC'D CIV ENG

## MINUTES April 10, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; Kelly Mastria via phone participation; and Donald Uitti via phone 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, no one in the audience indicated they were.*

*Mr. Uitti and Mrs. Mastria were called to participate remotely in the Board of Health Meeting.*

1. **15 Sanderling Road—Angel Lorena, Owner—Continued from March 13, 2019—** Owner is in noncompliance for order to correct violations of State Sanitary Code, 105 CMR 410.00. Owner had requested extension to complete the violations on March 13, 2019. Update and discussion on **corrected violations.** Ms. Davis; Health Inspector, gave an update detailing the most recent inspection on April 8, 2019. Ms. Peterson summarized the amount of time spent on this issue by the office, including the multiple repeat inspections, determining it has been too many. Mr. Andrews reviewed the violations deemed 24hr still being out of compliance. Ms. Webb Sawyer, niece of Lorena Angel; owner, and Edward Moritz the licensed contractor are present for this item. Mr. Moritz reviewed his findings in relation to the remaining violations. There is staining on interior roof but feels it is not current and explained the history of this, and reviewed that per the previous tenant some of the staining had been there since moving in. Ms. Peterson explained how this has been in front of the Board since February 8, 2019 and regardless of the contractor's opinion the Health Inspector deemed this in need of immediate repair. Ms. Peterson asked him when he would be able to make these repairs. Mr. Moritz responded he could complete it by this Monday. Ms. Peterson requested Ms. Webb Sawyer give her opinion of when the items can be amended or that she get the owner on the phone. Mr. Barlow asked if there is a list of priority items, and reminded Ms. Webb Sawyer it is not up to her to determine what is most important. Mr. Moritz said he cannot say when these things will be repaired due to needing to purchase items and explained he needs a list. The Health Department staff reminded him the list has been distributed multiple times. Ms. Peterson reviewed the timeline and expectations detailed in each meeting, email, and correspondence and stressed that this does not fall on the contractor, the homeowner or her representative is responsible. **Ms. Peterson made a motion that all items to be corrected, giving the contractor some leeway as he has not seen the list, to be completed by Wednesday April 18th 2019. Start fining since February 7, 2019 at \$300.00 per day and continuing until re-inspection. For the re-inspection a call should be made when all the items have been completed. Mr. Andrews seconded the motion. Mrs. Mastria asked if April 18, 2019 was enough time, Ms. Guarino replied they had since February 7, 2019 to correct these violations. Mr. Andrews said he felt this could be completed within 3 days. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.** Mr. Moritz requested a more specific list. Ms. Peterson explained it cannot get any more specific and the Board of Health will not be telling him how to complete his job.



2. **38 Massasoit Avenue—Brad Bertollo EIT, CSE of JC Engineering, Inc.; on behalf of owner; Mary Jo Diogo—Request to install tight tanks as opposed to the installation of a Title 5 septic system at a seasonal dwelling.** Mr. Andrews has recused himself but is remaining on the board due to necessity. Mr. Brad Bertollo of JC Engineering reviewed the project and the variance request. He explained there are limited setbacks from the front property lines to the marsh. Ms. Peterson asked if the owner is aware of the regulations on tight tanks, Mr. Bertollo confirmed they are. Mr. Barlow asked how he will ensure the tanks will not dislodge during a flood. Mr. Bertollo reviewed 28,000lbs will be distributed over the tanks. Ms. Guarino confirmed she has no questions as she has discussed this with Mr. Bertollo. **Mr. Barlow made a motion to approve the tight tanks on 38 Massasoit Ave, plans received March 6, 2019 for Mary JO Diogo, Deed restriction to 4 bedrooms, and it should remain a seasonal property. Mrs. Mastria seconded. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Ms. Peterson; yes.**
3. **80 Off County Horse Stable—Heather Bankston; owner—Hearing before the Board of Health for approval of annual horse stable license.** Mr. Andrews rejoined the Board. Heather and Jonathan Bankston are present in the audience. Ms. Guarino reviewed that initially Ms. Bankston was interested in poultry and goats but now owns a miniature horse. Ronald Cox, a member of the audience and an abutter, reviewed that they keep their property well maintained and clean and they have no complaints or concerns. Ms. Peterson reviewed the manure plan. Mr. Andrews stated it looks like everything has been covered and she has reviewed the regulations well. **Mr. Barlow made a motion to approve the horse stable license. Mr. Andrews second. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. 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.** Ms. Peterson reviewed it is now an LLC that owns the property; Greco group LLC. Mr. Thomas Bunker representing Tara R. Greco, Trustee of the Dante R. Greco Revocable Trust (Greco LLC), reviewed there is a structure on the property that the town does not have any historic information on and he is proposing to build a 4 bedroom home. Mr. Bunker reviewed the details of the property and the potential MicroFAST system to be installed. Mr. Andrews sought to clarify the distances from the SAS to the wetlands. Ms. Guarino explained she did a preliminary review of the plans and requested details that were not reflected on the revised plans. These details included calculations for the pump chamber ground water elevation feels as if it should have the monitoring well due to the proximity to the waterbody and an adjusted calculation would not be accurate to calculate that. The floor plans were submitted late. Assessors have it listed as 0 bedrooms. Bob Bishop, a member of the audience and an abutter asked Mr. Andrews to repeat himself. Steps are over the corner of the manifold and Ms. Guarino asked Mr. Bunker to clarify. Mr. Bunker said he is unsure and will check with the architect and reviewed he is unsure of the location of the post and feels the manifold can be moved further out from the leach field. Mr. Barlow asked if this has gone before conservation commission. Mr. Andrews asked if there is a ruling that the resource is not a concern. Mr. Bunker said this was not ruled on. Ms. Peterson stated due to all the questions a site visit will be required. Mr. Bishop stated this has always been a shed with no septic. Clarified this is not an upgrade, Ms. Peterson confirmed it is a new construction. Mr. Bishop showed concern with rising tides the system may be impacted and leach into the harbor. He was thankful for the boards review. Ms. Peterson said she would like to see order of conditions from conservation commission. Mr. Andrews requested a monitoring well with results. Possibly lifting the pressure dosing beds and this will determine the separation is good practice. The Health Department office has put together a full list of concerns and requested and this should have been addressed, and if they will not be included please be prepared to explain why. Ms. Peterson asked how long he will need to compile this information in regards to the 45 day. Ms. Guarino clarified she considers this to be an incomplete application so this timeline has not begun. Ms. Peterson reviewed that the abutters will need to be notified again of any new meeting. Ms. Guarino reviewed the nitrogen counts. **Ms. Peterson made a motion to make no action until a complete packet is submitted to the Health Department. Mr. Andrews Seconded the motion. Roll**





Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

5. **55 Lewis Point Road—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of owners, Virginia and Jarvis Peddicord—Requesting variances from the Bourne Board of Health 150 Foot Setback Regulations for the replacement of the existing septic tank with a MicroFAST de-nitrification unit to accommodate the renovations to the single-family dwelling.** Zac Basinski of Bracken Engineering representing the Peddicords. Mr. Basinski reviewed the details of the project and the variances requested. It was noted on the previous septic application from 2001 that if any renovations were to be made a MicroFAST system should be installed. Ms. Peterson reviewed that in the minutes from 2004 it referenced a bathroom downstairs. Ms. Guarino explained that she is unsure if this is referencing the basement or main floor. Ms. Peterson asked Mr. Peddicord for clarification. Mr. Peddicord reviewed there is not a bathroom in the basement but laundry. Ms. Guarino read from the minutes April 14, 2004. Mr. Peddicord reviewed when they purchased the home they changed everything and there are no systems tied to cesspools. Ms. Guarino stated the existing SAS was inspected in 2019 and passed. Mr. Andrews confirmed this will be a new MicroFAST system and will be subject to the testing policy, Mr. Basinski confirmed. Mr. Andrews asked about a 3 bedroom deed restriction. Mr. Basinski asked Mr. Peddicord. Mr. Peddicord said he would like to discuss this with his wife, as this is her project. Ms. Guarino said there was a 3 bedroom deed restriction requested in 2007 but there is difficulty in locating this document. Mr. Andrews reviewed the testing policy. Mr. Peddicord said he will go forward and if his wife chooses not to they will not install the system. Mr. Barlow stressed the need to locate the deed restriction, Ms. Peterson clarified there will be a 3 bedroom deed restriction regardless. **Mr. Andrews made a motion to approve the variances received March 20, 2019 with the following conditions, 3 bedroom deed restriction which was previously requested, IA testing policy.** Ms. Peterson seconded the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.
6. **18 Winsor Rd—Zachary Basinski, P.E. of Bracken Engineering, Inc., on behalf of the owners John and Elizabeth LoMedico—Requesting a setback variance from the proposed soil absorption system to a fragmented, non-eroding coastal bank to accommodate the raze and rebuild of the existing single-family dwelling and installation of a MicroFAST system.** Mr. Zac Basinski professional engineer of Bracken Engineering representing the how owners. Since the last meeting the homeowner has reduced the project and has agreed to install a MicroFAST system. Mr. Basinski reviewed the variances requested and the details of the MicroFAST system. Ms. Guarino stated she counted bedrooms and found them to be consistent with the plans submitted. Clarified the boat house and pictures that had been submitted and confirmed with the building department, bringing the total number of bedrooms to 6. Ms. Guarino said it is going from a conventional system for 9 bedrooms to a MicroFAST GeoFlow drip for 6 bedrooms, which is a significant reduction in bedrooms resulting in a reduction in nitrogen. Ms. Peterson praised the reduction in bedrooms and installation of the IA system. **Mr. Andrews made a motion to grant a 50ft variance from Title V, 150ft variance from Board of Health regulations, architectures received April 2, 2019; septic plan received April 2, 2019; major improvement and reduction in scope showing the 6.6 parts per million 2.4 parts per million.** Mr. Barlow seconded the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.
7. **101 Maple Street—Jaspers Too Motel—Judith Tubbs, owner—Hearing to discuss and possibly vote to take appropriate action; including but not limited to suspending or revoking the motel license for Jasper's Too Motel due to repeat violations of 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation, Massachusetts General Laws, and the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations.** Mr. Barlow has recused himself but is remaining on the board due to necessity. Ms. Person reviewed Jaspers Too Motel has been in front of the Board of Health 50 or more times for different items. Ms. Peterson has read through all of the minutes each of the times Jaspers Too Motel has been in front of the Board. Ms. Peterson stated that a driver's license and car registration should be requested at time of stay and such logs have been unable to be produced for the Board to review. Ms. Cote, Health Inspector,



reviewed the inspection on March 22, 2109 and detailed the inspection and stated it had showed cleanliness. There was a scheduled re-inspection March with the Building Inspector, and there were some visible improvements. The next inspection in April showed trash and debris had tripled, the bathrooms and bedrooms were in disarray, there was evidence of smoking in all rooms and evidence of longer than 2 week stays. Ms. Guarino stated that at this latest inspection it was reported by the Health Inspector that it appeared as if the tenants had moved in due to the increase of personal belongings. Mr. Andrews asked if the inspection on March 22, 2019 was annual, which Ms. Cote confirmed. Ms. Cote continued, saying the motel was aware they would be going back on March 25, 2019 but the motel was unaware The Health Department would be returning in April 5, 2019. Ms. Peterson said this is the concern and consistent with the previous history. Mrs. Tubbs, owner of the motel, was present in the audience. Mrs. Tubbs stated her daughter will be the manager as she can no longer manage the motel. Mrs. Tubbs continued to explain that she will be bringing in a head housekeeper from another location. Mrs. Tubbs stated again she cannot take care of this anymore and listed the property for sale. Ms. Vasconcelos, daughter of Judith Tubbs, was present in the audience. Ms. Vasconcelos submitted the listing for sale of the motel for the Board of Health to review. Mr. Uitti suggested closing for 90 days until everything is fixed. Mrs. Tubbs said she cannot make the repairs necessary without money coming in. Mrs. Tubbs reviewed the potential details of repairs she is planning to make if she is allowed to stay open but feels she cannot make repairs if she closes. Ms. Vasconcelos reviewed that since she has taken responsibility for JT's, a food establishment in the Town of Bourne, she feels she has made great improvements. Ms. Peterson asked when Ms. Vasconcelos had taken responsibility of the motel, she replied as of Monday. Mrs. Mastria asked if everyone had been evicted. Ms. Vasconcelos said she is unaware and is here to find out what needs to be done. Mrs. Tubbs explained there are still people renting for different reasons. Ms. Peterson questioned why there hadn't been a log of tenants. Mrs. Tubbs sent her husband to the car to locate the books. Ms. Peterson asked why she waited to appoint a new manager 2 days before the meeting. Ms. Guarino questioned the deposit fee indicated on the website. Mrs. Tubbs explained she was unaware of the website. Ms. Guarino clarified, saying the website has been updated recently. Mrs. Tubbs apologized. Mrs. Vasconcelos reviewed her cleaning schedule and the new regulations she will impose. Ms. Peterson said she cannot give her an exception as this has been ongoing. Mrs. Tubbs confirmed she will sell the business but would like the opportunity to clean the business. Ms. Peterson said closing the business will benefit the town due to the time and money spent. Mrs. Mastria questioned the precedent we are setting in the Town of Bourne with allowing these violations. Mr. Andrews reviewed with Ms. Tubbs that there has been frequent loss of license to operate a motel. Mrs. Tubbs explained that she closed another business that was causing her great losses. Mr. Andrews stated their concern is that they find these violations and they look very similar to the violations they had in years previous and he has concerns over the habitualness of it and this is why they are brought before The Board of Health. He knows Ms. Vasconcelos would love to run this, but she is not responsible for the current violations. Ms. Andrews explained that by looking at the consistent issues he feels he has to close the motel, and if Tabitha would like to come in and reapply this could be considered. Ms. Guarino sought to clarify the business as an LLC and the history of this. Mrs. Tubbs stated if the motel is closed down it will not get any better. Mrs. Mastria stated it will get better as there will no longer be violations. Mrs. Mastria stated she feels it may be too late to turn this business around. Mrs. Tubbs requested to pay a fine for the Board of Health to come out and re-inspect after allowing her to continue to run the business. Ms. Peterson felt a suspension would be in order until Mrs. Vasconcelos can take ownership. Ms. Peterson reviewed the listing has not been signed. Ms. Vasconcelos asked how much it will cost to reapply for a license. Ms. Guarino clarified it will be \$300.00 for 12 rooms. Ms. Peterson said this is in comparison to fining \$300 a day since the initial inspection. Mrs. Vasconcelos was given a copy of the violations cited by the Board of Health to review. Mrs. Vasconcelos asked if she can apply with the outstanding violations. Ms. Peterson confirmed she can. Mrs. Vasconcelos asked how soon she can open after submitting an application. Ms. Guarino clarified she cannot guarantee Ms. Vasconcelos can have an inspection the same day the application is submitted. **Mr. Andrews made a motion to suspend the license for Jaspers Too from Mrs. Judith Tubbs. Mrs. Mastria second the motion. Roll Call vote: Mr. Uitti; yes, Mrs. Mastria; Yes, Mr. Andrews; yes, Ms. Peterson; yes.** Ms. Guarino sought clarification that the suspension will be starting tomorrow, April 11, 2019. Mr. Andrews stated the all new applicants come in front of the Board of Health.



8. Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades. Mr. Barlow stepped back on the Board. Mrs. Mastria stepped off for the remainder of the meeting. Ms. Peterson stated there is nothing official and there is nothing to discuss at this time as it is with the town attorney. Mr. Andrews said he felt The Board of Health did a good job putting this together. Mr. Andrews sought to clarify that we are unable to discuss at the meeting. Ms. Peterson clarified that the Board needs to write a policy to administratively approve shared septic systems. Mr. Barlow sated he feels the project at Savary Ave is complicated. Mr. Andrews clarified it is a policy to administratively approve any item. Mr. Zac Basinski of Bracken Engineering was present in the audience for this item. He explained there was a professional engineering firm on Nantucket when sewer systems go in and gives the potential that when your system fail you can tie in to the system. Mr. Basinski explained, for example; if at Savary Avenue something comes along with better technology those homeowners have a timeframe to connect. Ms. Peterson explained the Savary Ave project presents some concerns, and certain easements would keep The Board of Health from approving. She explained the Board of Health are the only oversight for approving this. She was hopeful to get to the point where there was something concrete. The administrative consent order was brought in and it referenced Provincetown, which has shared systems and they do not want properties on shared systems for any length of time when they are getting sewer. Ms. Peterson stated tonight's agenda item is incase an administrative consent order is needed, this is a little part of being able to do that in case we should need to down the road. Ms. Peterson felt there were a lot of questions with the town attorney but has not heard back. Mr. Barlow said he remembers when the system at Savary Ave went in. Ms. Peterson is unsure if it will go before the town meeting. Mr. Andrews stated Ms. Basinski has brought forth potential plans on how to make this work. Mr. Barlow discussed how complicated this is and mentioned feeling people were misled. Ms. Peterson stated we will need people trained to monitor the system, and this responsibility will come on the Board of Health including proper paperwork. Ms. Peterson stressed the need to have all the tools. Mr. Andrews called this administrative consent a tool. Mr. Andrews stressed he would like to discuss admin consent as a tool for the Board of Health to use. Ms. Peterson clarified this does not get written until the document is drawn up, but if we do not have an administrative consent order we do not have the ability to approve. Mr. Andrews questioned what administrative orders do, and what do they offer. Mr. Basinski confirmed it is a tool for the Board of Health to enter an agreement with the homeowner. Mr. Basinski then gave a detailed example. Mr. Andrews clarified that after this agreement if this does not go further they will be required to install a septic. Ms. Guarino stated it needs to be a Town of Bourne Board of Health regulation Ms. Peterson made a motion to move until the next meeting. Mr. Andrews second the motion. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

9. Continued from March 13, 2019--Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.

Mr. Andrews made a motion to continue to the nest meeting. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

10. Approve the Minutes— Approve the minutes from the previous meeting dated February 13, 2019, March 6 2019, and March 13 2019. Mr. Andrews made the motion to approve the minutes. Mr. Barlow Second the motion. Roll Call vote: Mr. Uitti; yes, Mr. Barlow; yes, Mr. Andrews; yes, Ms. Peterson; yes. All in Favor.

11. Set tentative date for next meeting and adjourn. April 24, 2019

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 8:11pm



Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

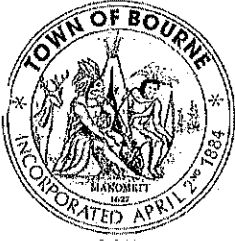
Galon Barlow Jr.

Don Uitti

Kelly Mastria







# Town of Bourne Board of Health Meeting Notice



Amended Agenda April 24, 2019

Date  
Wednesday  
April 24, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay


RECEIVED  
2019 APR 22 PM 3:30  
TOWN CLERK OFFICE

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

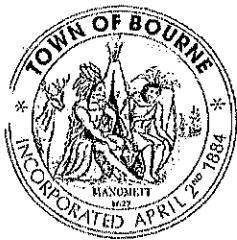
*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## OPEN SESSION 6:00 P.M. – Call meeting to order.

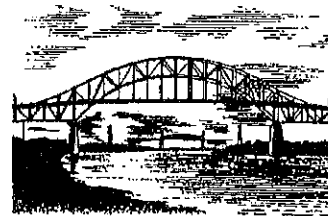
1. New Food Establishment Permit— The Bridgeview Grille, 109 Trowbridge Road—, owners James H. Hildreth, Jr and Robert F. Walton--Discussion and possible vote to approve new food establishment permit in accordance with 105 CMR 590.012. Permit contingent upon pre-operational inspection, compliance with all laws, and other Town approvals.
2. 10 Harbor Way—Zachary Basinski, P.E. of Bracken Engineering, representing the owner Elizabeth Gillis Warden— Request to extend the variance issued on May, 18, 2017 for two years due to an appeal of the project in Land Court causing the site work and house construction to be on hold.
3. Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades continued from April 10, 2019.
4. Continued from March 13, 2019--Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.
5. Approve the Minutes— Approve the minutes from the previous meeting dated April 10, 2019.
6. 15 Sanderling Rd— Angel Lorena, Owner--Completed order to correct violations of State Sanitary Code, 105 CMR 410.00. Update and discussion on corrected violations.
7. Set tentative date for next meeting and adjourn.

Signed:   
Title: Administrative Assistant  
Date: April 22, 2019





# Town of Bourne Board of Health Meeting Notice



Agenda April 24, 2019

Date

Wednesday  
April 24, 2019

Time

6:00 p.m.

Location

Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

RECEIVED  
2019 APR 16 PM 2:53  
TOWN OF BOURNE

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

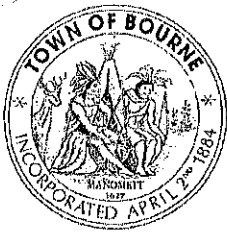
**OPEN SESSION 6:00 P.M. – Call meeting to order.**

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5. Approve the Minutes— Approve the minutes from the previous meeting dated April 10, 2019.
6. Set tentative date for next meeting and adjourn.

Signed: 

Title: Administrative Assistant

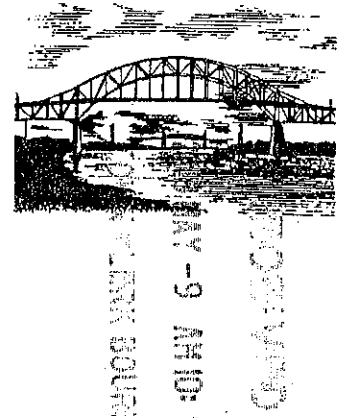
Date: April 18, 2019



Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

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### MINUTES April 24, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow Jr.; Donald Uitti.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Heath 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; Beth Treffeisen of the Cape Cod Times indicated she was recording.*

- 1. New Food Establishment Permit— The Bridgeview Grille, 109 Trowbridge Road—, 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.** Mr. Barlow recused himself. James Hildreth Jr is present for this item. Ms. Guarino stated as a result of the most recent walkthrough there are still some outstanding concerns, most importantly the outdoor walk-in cooler on premises from the past establishment, the indoor coolant and interior walk-in, and soup coolant system. She continued, saying the septic system needs improvement as well. Mr. Andrews stated he, Ms. Peterson, and Ms. Cote had a walkthrough of the establishment earlier today and summarized this, saying it is a large improvement and reviewed they have ordered parts for repair of outdoor walk-in. Mr. Andrews asked for a timeline for a follow up inspection. Mr. Hildreth stated May 15, 2019 they are hoping to open, pending finishing the floor and repair of outdoor walk-in cooler; all parts are ordered and on their way. Ms. Peterson asked when the compressor will be installed. Mr. Hildreth said as soon as the parts arrive he will have it installed. Mr. Andrews stated it looked like a lot of work to be completed. Ms. Guarino stated her largest concern is the outdoor walk-in cooler. The door has been exposed to the weather for extended time. Mr. Hildreth stated he has replaced the latch on the outdoor walk-in cooler and a new rubber roof will be installed. Ms. Guarino questioned a visible leak, and Mr. Hildreth said this will be remedied by the roof. Ms. Peterson asked why they would like to come before the Board of Health so early in their process of preparing to open. Mr. Hildreth said he is looking to get the alcohol permit as this is holding up contacting any vendors, and the selectman's office will require a sign off from the Board of Health to administer this. Ms. Peterson and Mr. Andrews discussed having them back in two weeks to review what has been completed. Ms. Peterson reviewed that per replacement of outdoor walk-in cooler parts and floors perhaps the Health Agent can administratively sign off. Ms. Peterson questioned if the permit would include the downstairs. Ms. Guarino explained that the downstairs would be included in the permit due to this being the employee area and where bathrooms are located. Ms. Peterson reviewed what was submitted and felt this was good, but expressed her was concerned with how much work they still need to accomplish. Mr. Hildreth questioned a permit given to another establishment, Ms. Peterson confirmed this other establishment was ready for opening at time of issue. Mr. Hildreth stated the tile flooring will be installed later this week, then the carpet install will follow, he is still waiting on the parts of the outdoor walk-in cooler. Ms. Peterson questioned

what the Board of Health can offer to help move them along so they can meet with liquor salesman. There was discussion between the Board members and Mr. Hildreth in regards to the necessity of obtaining the liquor license. Ms. Guarino reviewed the big items are the septic systems, exterior walk-in cooler regardless of the repairs, cooling system for soups and stews, produce/utility sink which was replaced by a hand wash sink, downstairs in employee areas have loose ceiling tiles due to a ceiling leak. **Mr. Andrews made a motion to move this to May 8, 2019, including a site visit. Mr. Uitti seconded the motion. Ms. Peterson in favor, Mr. Barlow remained recused for the vote.**

2. **10 Harbor Way—Zachary Basinski, P.E. of Bracken Engineering, representing the owner Elizabeth Gillis Warden—Request to extend the variance issued on May, 18, 2017 for two years due to an appeal of the project in Land Court causing the site work and house construction to be on hold.** Mr. Barlow stepped back on the Board of Health. Zac Basinski of Bracken Engineering is present and representing the homeowners. Mr. Basinski reviewed the project and reason for the need to extend the variance. Ms. Peterson confirmed Land Court has been backed up. Stan Budryk, an abutter and member of the audience, reviewed the letter he had faxed to the Health Department showing his lack of support. **Ms. Peterson made a motion to approve the extension for 10 Harbor Way as this is in Land Court, which does not allow for discussion. Mr. Barlow seconded the motion. All in Favor.**
3. **Discussion on drafting Regulations for the use of Administrative Consent Orders for septic upgrades continued from April 10, 2019. Ms. Peterson made a motion to continue to the next meeting due to not hearing back from those. Mr. Barlow seconded the motion. All in favor.**
4. **Continued from March 13, 2019—Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.** Ms. Peterson said there are so many unknowns but The Board of Health is required to have something on record. Ms. Peterson said she has done some research and suggested to make a regulation to have owners register their rental properties with The Board of Health by July 1, 2019. She continued to say this will show the State we have recognized what they have instated and demonstrate what we are working towards. Mr. Barlow asked about a fee. Ms. Guarino replied she would like to see the topic of fees open to discussion. Mr. Barlow reviewed the process of registering moorings as an example, and how the minimal fee encouraged registration. Ms. Guarino suggested a separate registration fee and inspection fee. Ms. Peterson said having people register would be good so we can assess the numbers, hours, and time needed to manage. Mr. Barlow expressed his concern with implementing high fees right away and how this will discourage people from registering. Ms. Guarino expressed how the Health Department is already receiving multiple complaints on Airbnb's in the town. Ms. Guarino reviewed that the state has allowed Airbnb's to register as a B&B. She continued to express the changes in the food code and how this will affect the code for bread and breakfast. Ms. Peterson requested details on the recent complaints on Airbnb's. Ms. Guarino reviewed the concerns; an increase of use on the septic systems along with other factors. Mr. Barlow asked for details on what qualifies as a rental that will be held to this regulation. Ms. Peterson confirmed this is a far reaching law and reviewed the extensive details and research involved. Mr. Barlow said he will support this but feels it may be an overreach and has concerns about the need for staffing. Ms. Guarino said they have an existing regulation on housing fee and state funding for pre-occupational inspections which can contact the Health Department to conduct. Ms. Peterson suggested to move to the next meeting to give time for the Board members to review. Mr. Andrews reviewed that the office is looking into data software that will put it back on the applicant to enter in the details. Ms. Peterson said she would like to see the office regulate this first before sending this work to another party. Ms. Peterson said she would resend out some information she has gathered for review. Mr. Barlow stressed the need to start slowly. Ms. Cote stated from the State law Chapter 23A, section 14 that the inspections are optional. Mr. Andrews asked if registration is mandatory, to which the Health Department conformed. **Mr. Barlow made a motion to continue to the next meeting. Ms. Guarino stated the software is up for review at Town Meeting, but if approved it will not be available for this summer season. Mr. Uitti second the motion. All in favor.**

5. **15 Sanderling Rd— Angel Lorena, Owner--Completed order to correct violations of State Sanitary Code, 105 CMR 410.00. Update and discussion on corrected violations.** Ms. Davis reviewed the latest information on this item, including the timeline of all inspections and interactions. Ms. Peterson reviewed this has been going for 71 days. Jonathan Paloni, attorney for Angela Lorena, is in the audience. Mr. Paloni stated he had not received the packet referenced. Ms. Peterson presented him with a copy. Mr. Paloni shared he had joined the Health Inspector, Ms. Davis, at the most recent inspection. Mr. Paloni reviewed the March 13, 2019 meeting and reviewed she had a contractor to assist with hiring a local contractor. Mr. Paloni said there seems to have been confusion with communication and all the people involved. Mr. Paloni cited confusion over a dishwasher, and the recommendations from the contractor vs the violations cited by the Board of Health. Mr. Andrews asked if there is a letter looking for an abatement. Mr. Andrews reviewed that the Board of Health would need this letter submitted prior to a meeting so it can be posted on the Agenda. Ms. Peterson stated she would like to stop the fines as of April 8, 2019 at the last inspection. Ms. Peterson then reviewed with Mr. Paloni that he can now write a letter for an abatement and request to be on the next Board of Health meeting. Mr. Andrews reviewed he cannot answer questions about this letter or requests for abatement until it is on the agenda. Mr. Paloni asked if he should now submit a letter. Ms. Peterson stated he can do this as early as tomorrow. Mr. Andrews reviewed that first the Board has to close the violations. **Ms. Peterson made a motion to stop the fines issued to Ms. Angel Lorena ending on April 18, 2019. Mr. Uitti second the motion. All in favor.**

6. **Approve the Minutes— Approve the minutes from the previous meeting dated April 10, 2019. These minutes were not available for review.**

7. **Set tentative date for next meeting and adjourn. May 8, 2019.**

**Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. All were in favor and the meeting adjourned at 6:49pm.**

Taped & Typed by Cassie Hammond, Administrative Assistant

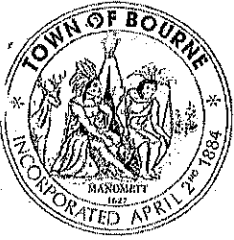
Kathleen Peterson *Kathleen Peterson*

Stanley Andrews *Stanley Andrews*

Galon Barlow Jr. *Galon Barlow*

Don Uitti *Don Uitti*

Kelly Mastria *Kelly Mastria*



# Town of Bourne Board of Health Meeting Notice



Agenda May 8, 2019

Date

Wednesday  
May 8, 2019

Time

6:00 p.m.

Location

Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*


**OPEN SESSION 6:00 P.M. – Call meeting to order.**

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2019 MAY -1 AM 11:34  
TOWN CLERK BOURNE

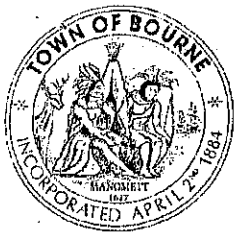
1. New Food Establishment Permit— The Bridgeview Grille, 109 Trowbridge Road—Continued from April 24, 2019—Owners James H. Hildreth, Jr and Robert F. Walton—Discussion and possible vote to approve new food establishment permit in accordance with 105 CMR 590.012. Permit contingent upon pre-operational inspection, compliance with all laws, and other Town approvals.
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.
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.
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.
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.
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.
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.

8. Recreation camps— Discussion and update about late applications and possibility of late fees implemented.
9. Food regulations—Discussion on drafting Food Regulations, updating fee's, and retail permits may now fall under exemptions.
10. Continued from April 24, 2019—Board of Health to discuss and possibly vote on short and long-term goals and objectives relative to new rental property registration. Responsibilities for enforcing prospective by-laws and regulations, logistical planning for inspectional services and staffing needs, software, and technology.
11. Approve the Minutes— Approve the minutes from the previous meeting dated April 10, 2019 and April 24, 2019.
12. Set tentative date for next meeting and adjourn.

Signed:   
Title: Administrative Assistant  
Date: May 1, 2019





Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
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### MINUTES May 8, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow Jr., Donald Uitti; and Kelly Mastria.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health 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

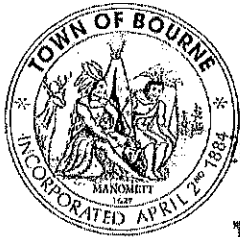
Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria



RECEIVED  
**Town of Bourne  
Board of Health  
Meeting Notice**

2019 MAY 17 PM 3:44

~~TOWN CLERK BOURNE~~

Agenda May 22, 2019



Date  
Wednesday  
May 22, 2019

Time  
6:00 p.m.


Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

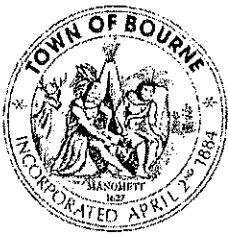
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

**OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. Department of Integrated Solid Waste Management (ISWM)—Daniel Barrett, General Manager— Landfill update and discussion with possible vote—Phase 6 construction progress, permitting status, business development status.
2. Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection and other compliance with all laws and other Town approvals:
  - a. Bootstrap Farm Club Retail Store—1 Scraggy Neck Extension, Cataumet, MA—Susan Sigel Goldsmith—*Retail Market, 0 seats*
  - b. Whistle Stop Ice Cream Shop—430 Shore Rd, Bourne, MA—Don and Wanda Myers—*Frozen dessert Manufacturer, 42 Seats*
3. 25 Shore Rd—Chistin C. Evangelista-Adams—*Continued from May 8, 2019*—Request for relief from the Bourne Board of Health Poultry regulations which allow 4 birds per quarter acre; the owners currently have 17 poultry and 18 waterfowl, property has 1.3 acres. Update to the Board of Health on the removal of the two roosters.
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—*Continued from May 8, 2019*—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 2 bedroom dwelling.
5. 4 Bassetts Island—Michael J. Borselli, P.E. of Falmouth Engineering; on behalf of owners William Senne, C/O Charles R. Myer & Partners Ltd.—Request for variance from Bourne Board of Health regulation requiring 150' minimum setback from S.A.S. to wetland and 150' minimum setback from S.A.S. reserve area to wetland resource.
6. 80 Rocky Point Rd—Thomas J. Bunker, PLS; of BSS Design, Inc. on behalf of Steven and Joan H. Cabral—Discussion and possible vote for the modification of plans approved at Board of Health meeting May 8, 2019.
7. 55 Gilder Rd—Robert Dewar, Engineering Technician of Bracken Engineering Inc.; on behalf of Sweet Reality Trust—Request for variance from 150' setback regulations for the septic system upgrade.
8. Approve the Minutes— Approve the minutes from the previous meeting dated May 8, 2019.
9. Set tentative date for next meeting and adjourn.

Signed:   
Title: Administrative Assistant  
Date: May 17, 2019



Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES May 22, 2019

Members in attendance: Kathleen Peterson, Chairperson; Galon Barlow Jr.; Donald U.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Heath 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 indicated he was recording.*

1. **Department of Integrated Solid Waste Management (ISWM)—Daniel Barrett, General Manager— Landfill update and discussion with possible vote—Phase 6 construction progress, permitting status, business development status.** Mr. Daniel Barrett of ISWM reviewed the handout he supplied at the meeting. This handout was stamped and distributed to the Board of Health members. Mr. Barlow confirmed they are not breaking into an old cell. Mr. Barlow expressed there will be odor when the liner is tied in. There is no definite schedule for this as it is weather permitting. Mr. Barlow asked, for example, if a large storm is coming can they close this up. Mr. Barrett confirmed they can utilize clay to secure this area. Mr. Barret reviewed the oncoming permitting stage by developing the air space owned by ISWM (vertical expansion- existing land fill expanding upwards of 25ft). Mr. Barret expressed the visual change of this vertical expansion. Ms. Peterson reviewed that the Board of Health is the main board they should be communicating with. Mr. Barret reviewed the timeline, and that town leadership will weigh in. Ms. Peterson stated her concerns with this. Selectman and finance committee. Ms. Peterson asked who the energy advisory committee is. And they are not included. MEPA ? Mr. Barlow expressed an understanding with having to do what MEPA asks, and our Board. But not to get bogged down with other boards and committees. Looking for ISWM site assignment to around June 2020, and will be consulting with the Board of Health. Working with Covanta for an Ash Disposal contract. Executive decision? Yes. Ms. Peterson asked Mr. Barrett to set it up with Ms. Guarino.
2. **Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection and other compliance with all laws and other Town approvals:** Mr. Barlow abstained from voting but remained on the Board of Health.
  - a. **Bootstrap Farm Club Retail Store—1 Scraggy Neck Extension, Cataumet, MA—Susan Sigel Goldsmith—Retail Market, 0 seats.**

Ms. Davis reviewed the pre-operational inspection that was conducted May 22, 2019. Many of the violations were corrected prior to the Board of Health Meeting. Ms. Peterson had Ms. Susan Sigel Goldsmith review what services her establishment will be providing to the community. Ms. Goldsmith explained they offer online ordering for weekly pickup along with attending farmers markets in the local area. Ms. Peterson recommended Ms. Goldsmith check with the local Boards of Health which the farms she will be sourcing her products from in regards to their standings. Ms. Peterson outlined the expectations of the Board of Health and the need for her to work with the health Department staff. **Mr. Uitti**

made a motion to approve the new food establishment at 1 Scraggy Neck Rd Extension; Bootstrap Farm Club Store. Ms. Peterson Seconded the motion. Mr. Barlow abstained from the vote.

**b. Whistle Stop Ice Cream Shop—430 Shore Rd, Bourne, MA—Don and Wanda Myers—Frozen dessert Manufacturer, 42 Seats**

Wanda and Don Myers are present for this item. They are acquiring the establishment and will be expanding on the menu in regards to flavors and items offered. Ms. Peterson welcomed them to town and reviewed the expectations of The Board of Health and the need to work well with the Health Department staff. Ms. Peterson asked when they plan to open, Mr. Myers reviewed they meet with the Board of Selectmen on May 28, 2019 and hope to open in the weeks after. **Mr. Uitti made a motion to approve the new food establishment at 430 Shore Rd; Whistle Stop. Ms. Peterson second the motion. Mr. Barlow abstained from the vote.**

3. **25 Shore Rd—Chistin C. Evangelista-Adams—Continued from May 8, 2019—Request for relief from the Bourne Board of Health Poultry regulations which allow 4 birds per quarter acre; the owners currently have 17 poultry and 18 waterfowl, property has 1.3 acres. Update to the Board of Health on the removal of the two roosters.** Mr. Barlow stepped back on the Board of Health. Ms. Evangelista reviewed that the two roosters were removed within 48 hours. Ms. Peterson asked for an update on the setbacks requested. Ms. Evangelista said when she set up the coops she was unaware she was 11ft short on one side. Ms. Peterson confirmed she is requesting an 11ft variance. Ms. Guarino confirmed the location of the variance requested, she has 89ft from the coop to the front of her own dwelling, it is required 100ft. Ms. Cote did visit the site and confirmed the location of the coop and the removal of the roosters. **Ms. Peterson made a motion to approve the 11ft variance from the coop to the homeowners dwelling. Mr. Uitti seconded the motion. All in favor.** Ms. Peterson confirmed the number of poultry at 35 total. Ms. Peterson requested this number stay consistent for the next year since this originated as a complaint. **Ms. Peterson made a motion that the same number of poultry remain for the next year provided there are no additional complaints. Ms. Peterson explained Ms. Evangelista can approach the board in one year to request this limit be lifted. Mr. Barlow seconded 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—Continued from May 8, 2019—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 2 bedroom dwelling.** Mr. Thomas Bunker of BSS Design along with Benjamin Losordo; attorney of Sandwich Mass are present for this item. Mr. Bunker reviewed that this item has been continued from the last meeting but there has been no additional items provided. Ms. Guarino reviewed that there were 2 Board of Health meetings on this but the application was incomplete. Ms. Guarino explained there were memos sent to BSS Design reviewing what was needed to be addressed. She continued, saying this project is for new construction, and revised plans were submitted for May 8<sup>th</sup> 2019 which reduced the S.A.S. size but there are no revised plans for the house or septic system. Mr. Bunker reviewed that he has communicated via email and the Title 5 regulation does presume that every house should be 3 bed system but 2 bedroom septic system with deed restriction. Mr. Bunker reviewed they are proposing a 2 bedroom septic system with 300square foot leaching area, at 220 gal per day, which he feels is a properly sized septic system and reserve area. Mr. Bunker said he intends to grant deed restriction. Ms. Peterson reviewed that it is up to the Board if there will be a deed restriction, and they will have the opportunity to sign it. Ms. Peterson asked why they reduced the septic system and not the size of the house. Mr. Bunker said they have to have no more than 2 bedrooms to meet the nitrogen loading needs. Mr. Bunker would like to have a two bedroom house and a 2 bedroom septic system. Mr. Bunker reviewed they could not put in a 3 bedroom system due to setbacks. Ms. Peterson said she is in more favor, speaking for herself, of giving more of a variance if the septic was sized at 3 bedrooms for a 2 bedroom dwelling. Mr. Losordo questioned if this is due to nitrogen loading problem. Mr. Bunker explained that to meet the nitrogen loading requirements they cannot have a 3 bedroom home. Ms. Peterson reviewed they did not want the soil absorption system reduced to a 2 bedroom system, just the dwelling reduced. Mr. Barlow reviewed how this is the only opportunity to get a 3 bedroom system on that property and protect the environment. Mr. Losordo



asked if there is a potential for a 3 bedroom with the office. Ms. Peterson reviewed the need for deed restrictions and their implication. Ms. Peterson asked if the homeowner is against a three bedroom system. Mr. Bunker replied they are not. Ms. Peterson expressed Ms. Guarino requesting new plans. Mr. Barlow said that if there had been new plans submitted the Board of Health could be discussing granting variances. Mr. Bunker explained he was unclear and was concerned with setting the precedent to future buyers about 3 bedroom potential. Ms. Peterson and Mr. Barlow explained how a deed restriction will support no change in bedrooms without a hearing before the Board of Health and this allowing the opportunity for better technology to be introduced if needed at that future time. Ms. Peterson reviewed what was asked and questioned again why it was not submitted. Mr. Losordo asked about changing the floor change the floor plan to eliminate the potential of a 3 bedroom house with a 5ft opening to the office, and suggested altering the layout. Mr. Barlow reviewed that this is their chance to get the best septic system for this site, and how this was never a dwelling, it was a boathouse. Ms. Peterson asked Mr. Losordo where he was referencing to reduce the possibility of a 3<sup>rd</sup> bedroom. Mr. Losordo asked about changing the floor plan to show 2 large bedrooms. Mr. Barlow said they do not have the plans showing this or the new proposed septic so it cannot be discussed. Ms. Peterson clarified they are asking for a two bedroom system not a three bedroom system for a two bedroom house. Mr. Bunker explained he would like to see how a 3 bedroom septic system could fit. Ms. Peterson referenced an early plan showing a 3 bedroom septic system on the property. Mr. Barlow asked if the issue is not wanting to go back to the conservation commission. Mr. Bunker said he would have to change some things but is comfortable going back to conservation commission as an improvement to the site. Mr. Bunker said he had not understood the Board of Health wanted a 3 bedroom system. Mr. Barlow asked if he would have submitted revised plans if he had understood this, Mr. Bunker confirmed he would have done his best to accomplish this. Ms. Guarino said based on the conversations in this meeting it sounds like if the plans were to be revised to show the full size primary for 3 bedrooms with the full reserve fitting on the plans, the house with the cased opening could remain the same and the Board of Health could condition that to a two bedroom and that would also maintain the nitrogen loading. Mr. Bunker said he would have to move the house and go before the conservation commission. Ms. Peterson remarked she thought this was already approved. Ms. Guarino reviewed there were issues was with the deck and the footings and using alternative loading rate for the infiltrator chambers. Ms. Peterson explained the option of the Board of Health to grant a waiver for the difference. Ms. Peterson confirmed the time frame with Ms. Guarino. Ms. Peterson stated that by June 6<sup>th</sup> if Mr. Bunker does not have everything to submit to the Health Department office he should withdraw. Mr. Losordo confirmed they are looking for variances. **Mr. Barlow made a motion to continue 1 Maple Avenue to June 12, 2019, provided all documents required are submitted by June 6, 2019. Mr. Uitti seconded the motion. All in favor.**

5. **4 Bassetts Island—Michael J. Borselli, P.E. of Falmouth Engineering; on behalf of owners William Senne, C/O Charles R. Myer & Partners Ltd.—Request for variance from Bourne Board of Health regulation requiring 150' minimum setback from S.A.S. to wetland and 150' minimum setback from S.A.S. reserve area to wetland resource.** Michael Borselli of Falmouth Engineering and Mr. Peter Caulkins, the builder. Mr. Borselli reviewed the details of the project. Ms. Guarino questioned the mailing receipts, they were confirmed received. Mr. Borselli reviewed how on Bassetts Island it is difficult to build septic systems and therefor he proposed building this system out of plastic due to the logistics of barging all materials onto the island. The Conservation Commission issued an order of conditions for this. Mr. Borselli reviewed the setbacks requested for this septic system. He detailed that they have calculated the nitrogen loading calculations and they are below 5 parts per million. The property is served by a well as there is no town water at this property. Ms. Peterson confirmed the count of bedrooms, new house will have 3. Ms. Guarino asked about the estimated high water, elevation at 1.5, she questioned how he determined this calculation. Mr. Borselli said he did research on nearby lots and he did do a test hole and used date to determine high water. Mr. Barlow reviewed it is better than what is existing. Ms. Guarino confirmed it is an improvement over what is existing, and reduces the total number of bedrooms on the site and it is a nitrogen sensitive area. Ms. Guarino expressed concern with the house increasing in the future with a conventional system installed currently. Mr. Barlow expressed this being a seasonal home and the concerns related to this with installing an I/A system. Ms. Guarino confirmed these concerns. Ms. Guarino agreed the current proposed plan is good. Mr. Borselli reviewed the title flushing and nitrogen flushing. **Mr. Barlow made a motion to approve the variances**

requested, 150ft minimum setback from S.A.S. to wetland resource, 119' provided to wetland and 78' to coastal bank; 150' minimum setback from S.A.S. reserve area to wetland resource, 117' to wetland provided, 86' to coastal bank provided; site plan received May, 7 2019; prepared for William Senne, lot 7, 4 Bassets Island; with a 3 bedroom deed restriction prior to permit issued. Mr. Uitti seconded the motion. All in favor.

6. **80 Rocky Point Rd—Thomas J. Bunker, PLS; of BSS Design, Inc. on behalf of Steven and Joan H. Cabral—Discussion and possible vote for the modification of plans approved at Board of Health meeting May 8, 2019.** Thomas Bunker of BSS Design is present with the homeowner Steven Cabral. Mr. Bunker reviewed they had received approval two weeks ago. Mr. Bunker explained they changed the plan to show the detail of the dwelling and include the details needed on the architectural plans to amend the foundation line and include an impermeable barrier along the septic system. Ms. Guarino agreed it is a sufficient way to mitigate, and the other variances were previously approved. **Mr. Barlow made a motion to approve the amended septic plan design presenting to the Board of Health this evening showing the square corners of the foundation, 15.3ft and 14.2ft from the corners of the S.A.S. and there is an impervious barrier along the foundation. Mr. Uitti seconded the motion. All in favor.**
7. **55 Gilder Rd—Robert Dewar, Engineering Technician of Bracken Engineering Inc.; on behalf of Sweet Reality Trust—Request for variance from 150' setback regulations for the septic system upgrade.** Ms. Peterson reviewed that Sam Haynes of Conservation Commission visited the site today and shared his findings with the Board of Health. Mr. Dewar of Bracken Engineering explained the variances requested. Ms. Peterson detailed of the history of the project. Mr. Barlow stated this is best for this site. Ms. Guarino asked if it is a 650 gal pump chamber and reviewed the discrepancies. Ms. Peterson explained this is going from a 1 bedroom to a 3 bedroom system. Mr. Barlow asked if in the motion it can be requested to change the deed restriction from 1 bedroom to 3 bedroom deed restriction. Ms. Guarino reviewed the option to write a letter to overrule the motion made in September 27, 2000. Mr. Valeri asked if there is anything additional needed. Ms. Guarino reviewed the alternative system required and an approval letter can be recorded with the template. Ms. Peterson explained how it can look to be approved, and Mr. Valeri confirmed the 1 bedroom deed restriction will be removed. Mr. Barlow confirmed this new deed restriction will overrule the previous deed restriction. Ms. Peterson confirmed the house will have a deed restriction to 3 bedrooms, on a 3 bedroom septic system. **Mr. Uitti made a motion to approve the 3 bedroom septic system with a 3 bedroom deed restriction for 55 Gilder Rd, approve variance setback to abutting property, reduction in setback in existing MicroFAST unit, setback to cellar wall to S.A.S., final grade of 6ft over septic, setback 82ft non water coastal bank to S.A.S., reference 55 Gilder Rd approval by Conservation Commission, plans received May 20, 2019 dated May 15, 2019. Mr. Barlow seconded the motion and made a note this overpowers any other deed restrictions on the property. All in favor.**

A member of the audience reviewed he was here for an agenda item 4 Bassett's Island, and was notified the meeting would be starting at 7pm. Mr. Thomas Chase. **Mr. Barlow made a motion to have an informal discussion in regards to this agenda item. Mr. Uitti seconded the motion. All in favor.** Mr. Chase reviewed he is a homeowner on the island and has concerns with the proximity to the saltmarsh and nitrogen's leaching. Mr. Chase expressed concern with a larger building leaching into the ecosystem, although it is a seasonal system. Ms. Guarino stated the septic system that was provided will benefit the salt marsh over what is existing. Ms. Guarino referenced the location of the septic system and S.A.S. to the saltmarshes of concern. Ms. Guarino explained they have reduced the number of bedrooms and improved the environmental protection. Ms. Peterson expressed they had been approved by conservation commission. Ms. Peterson reviewed the components of the septic system being plastic and there will be no leaching of corroding components. Mr. Chase expressed concern with water supply, Mr. Barlow confirmed this and expressed the delicate nature of this. Mr. Barlow expressed that tonight it was suggested town water had been piped in. Mr. Chase confirmed this and asked if this will be provided at this

property. Mr. Barlow said this was not confirmed at this meeting. Mr. Chase expressed concern with a neighboring undeveloped lot. Ms. Peterson said this is only the second house approved on Bassets Island. Mr. Barlow expressed this is the best for the area. Mr. Chase again expressed his wish to preserve the salt marsh area. Ms. Peterson confirmed the letter he received did detail the meeting starting at 7pm and asked if Mr. Chase would like to rehear the meeting. Mr. Chase declined this offer.

8. **Approve the Minutes—** Approve the minutes from the previous meeting dated May 8, 2019. Minutes were not available for review at this time.
9. **Set tentative date for next meeting and adjourn.** Next meeting date of June 12, 2019 at 6pm.

*Items on the agenda we taken out of order. Please refer to the recorded minutes for exact order.*

**Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor and the meeting adjourned at 7:34 pm.**

Taped & Typed by Cassie Hammond, Administrative Assistant

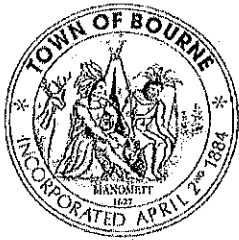
Kathleen Peterson

Stanley Andrews

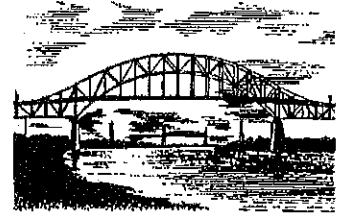
Galon Barlow Jr.

Don Uitti

Kelly Mastria



# Town of Bourne Board of Health Meeting Notice



Agenda June 12, 2019

Date  
Wednesday  
June 12, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

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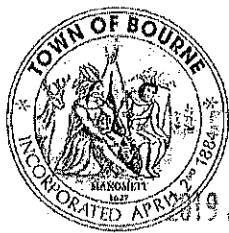
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## OPEN SESSION 6:00 P.M. – Call meeting to order.

1. 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—*Continued from May 22, 2019*—Requesting variances from the Bourne Board of Health 150' setback regulations for a new dwelling and sewage disposal system to be comprised of a MicroFAST de-nitrification unit and pressure distribution Soil Absorption System to service proposed 2 bedroom house.
2. 141 Williams Avenue—Owner, Paula Hoffman—Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the order dated April 18, 2019.
3. Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection, other Town approvals, and compliance with all laws:
  - a. Express Mart, formally New England Farms—360 MacArthur Blvd, Bourne, MA—Paresh Patel, new owner—*Retail Market, 0 seats*
  - b. Bridgeview Grille, formally Trowbridge Tavern—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—*Food Establishment, 100+ Seats*
4. 230 Circuit Avenue—David D. Flaherty Jr., RS, REHS of Flaherty Environmental on behalf of owner Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.
5. Tobacco Violation—Cumberland Farms #2298, 435 Shore Rd, Monument Beach, MA—Brian Walker, District Manager—Violation of the Family Smoking Prevention and Tobacco Control Act and Board of Health Tobacco Regulations.
6. PFAS update—Rose Forbes, Program manager—Update on PFAS found within the Pocasset area.
7. Approve the Minutes—Approve the minutes from the previous meeting dated May 8, 2019 and May 22, 2019.
8. Set tentative date for next meeting and adjourn.

Signed: *CH*  
Title: Administrative Assistant  
Date: June 6, 2019



Terri A. Guarino  
Health Agent

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TOWN OF BOURNE

### MEETING MINUTES

June 12, 2019

Members in attendance: Kathleen Peterson, Vice Chairperson; Galon Barlow Jr.; and Kelly Mastria.

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 6:03 pm

*Ms. Peterson asked if anyone was recording at this time— Michael Rausch recording audio.*

1. **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—Continued from May 22, 2019—Requesting variances from the Bourne Board of Health 150' setback regulations for a new dwelling and sewage disposal system to be comprised of a MicroFAST de-nitrification unit and pressure distribution Soil Absorption System to service proposed 2 bedroom house.** Mr. Tom Bunker and Attorney Benjamin Losordo were in attendance representing homeowner Tara Greco. Mr. Bunker explained the revisions to the site plans how the house is still designed as a two bedroom dwelling with a three bedroom septic system, but the house has been moved about 7 feet towards the resource. These plans differ from what the Conservation Commission previously approved. Ms. Peterson stated the Board of Health cannot approve any plans prior to the Conservation Commission approval. Mr. Bunker acknowledged this. Ms. Peterson reviewed the conversations from the last meeting. Ms. Peterson questioned the time frame, Ms. Guarino confirmed they are close to the 45 days. There was discussion between the Board of Health members, The Health Department staff, Mr. Bunker and Mr. Losordo about the process of withdrawal, the timeframe or the option to continue until the June 26, 2019. A member of the audience stated it seems they cannot get their ducks in a row. Ms. Peterson offered this person to express this at the Conservation Commission meeting or the next Board of Health Meeting. **Mr. Barlow made a motion to continue 1 Maple Avenue until June 26, 2019. Mrs. Mastria seconded the motion. All in favor and the motion passed unanimously.**
2. **141 Williams Avenue—Owner, Paula Hoffman—Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the order dated April 18, 2019.** Attorney Karen Morse Devine, was present representing the homeowner. Ms. Guarino reviewed the history of this agenda item and the violations found at the time of initial inspection. All violations except for one are outstanding. Ms. Guarino recommended the Board order to that by 9:30am Thursday morning a building permit must be pulled to address the violations cited on April 17, 2019. Attorney Devine explained that the homeowner is living out of state, and the effort she has shown to contact and hire a contractor. She has had conversations personally with contractors as well and said that the request for a building permit to be applied for by tomorrow morning is a reasonable request. She stopped by the property prior to the meeting and found the dehumidifiers turned off. Ms. Peterson questioned if the occupants were present in the audience this evening, they were not. Ms. Devine feels the lack of use of the dehumidifier to be the cause for the dampness and mold. Ms. Peterson stated that this has been ongoing since April and these violations need to be corrected. Ms. Peterson asked if Ms. Devine would like to recess to contact the contractor to verify he can pull the permit by 9:30am. Ms. Peterson said she inclined to recommend fines starting from the first inspection at \$300.00 a day. Ms. Devine discussed the

contractors in question. Mr. Barlow agreed it sounds like the contractor needs to pull a permit and discuss the project with the building inspector. Ms. Devine asked if the Board of Health allow until 2pm for this to happen. Ms. Peterson stated that there has been much time given, and even since Ms. Devine has been involved there has not been much progress. Mr. Barlow stated he is inclined to implement the fines and let them accrue, and once the work has been completed it can be discussed. Ms. Devine replied a dumpster has been brought to the property today. Ms. Peterson and Mr. Barlow discussed fining the owner and its effectiveness with past housing cases. **Mr. Barlow made a motion to impose the fines starting April 17, 2019 at \$300.00 a day, accrued to \$17,100, and will continue to accrue to \$300.00 a day until the Health Agent is satisfied with corrected violations. Mrs. Mastria seconded the motion.** Ms. Peterson explained they do not need to wait until another meeting to end the fines, once the violations have been corrected to the Health Agents standards and a re-inspection is completed the fines will cease.

3. **Discussion and possible vote to approve new food establishment permits in accordance with 105 CMR 590.012. Permits shall be contingent upon pre-operational inspection, other Town approvals, and compliance with all laws:** Mr. Barlow will sit on the Board out of necessity but will refrain from voting on the following agenda items.

a. **Express Mart, formally New England Farms—360 MacArthur Blvd, Bourne, MA—Paresh Patel, new owner—Retail Market, 0 seats.** Mr. Paresh Patel was present for this item. Ms. Carly Cote reviewed her recent inspection of the property which went well. Ms. Guarino asked if a Title V septic inspection had been conducted. Mr. Patel confirmed the septic inspection failed, and was hopeful the sellers have worked to obtain a permit for this. Ms. Guarino stated there has not been a report submitted or a permit pulled for this address at this time. Mr. Patel stated he will contact New England Farms tomorrow to request this. Ms. Guarino stated that the septic system must be maintained until said time it is upgraded. Mr. Patel was welcomed to Town by the Board of Health.

b. **Bridgeview Grille, formally Trowbridge Tavern—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats.** This item was not heard and will be continued until June 26, 2019 or when they are ready to be heard.

**Ms. Peterson made a motion to enforce the decisions above. Mrs. Mastria seconded this motion. Mr. Barlow abstained from voting.**

4. **230 Circuit Avenue—David D. Flaherty Jr., RS, REHS of Flaherty Environmental on behalf of owner Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.** Mr. Barlow has stepped back on the Board of Health. Mr. David Flaherty is representing the homeowner. Mr. Flaherty reviewed the history of the property. He explained the desire to replace the cesspools with a new septic system, re-route the water line and re-sleeve. Ms. Guarino asked if he had received her email, which he replied he had been out of the office. Ms. Guarino stated that the variances represented on the top are not adequate in meeting the requirements of title 5, and questioned if the conservation commission and Health Department have the same plans to reference. She continued, explaining that per the Health departments regulations and policies, with consideration to the location setbacks or lack thereof to the resources, often IA technology is recommended or a tight tank. Mr. Flaherty reviewed her requests, indicating the detail of the setbacks on the site plan. Mr. Barlow agreed that the plans presented here should be consistent with what is approved by Conservation Commission. Mr. Flaherty explained that the changes on the new plan were administratively approved by the Conservation Commission. Ms. Guarino reviewed this was not discussed by the Conservation Agent. Mr. Flaherty stated he had been unaware this would have been required for the Board of Health hearing and the homeowners are eager. Mr. Barlow reviewed the need to stay consistent within that location. Ms. Guarino stated within the file there was a memo indicating there was some exterior work, which was contingent upon this septic upgrade and the owners cannot occupy this dwelling until this septic system upgrade is complete. Mr. Flaherty asked if they Board would like to see a tight tank. Ms. Peterson stated per Mass law the home can only be inhabited 6 months of the year with a tight tank. Mr. Flaherty questioned a type of IA system. Mr. Barlow reviewed that the Board of Health can only discuss what has been submitted. Ms. Flaherty was thankful for these suggestions sent over. Mr. Barlow requested a letter from Conservation Commission. Mr. Flaherty confirmed

he will have these changes and a letter from the Conservation Commission. **Mrs. Mastria made a motion to continue 230 Circuit Ave to June 26, 2019. Mr. Barlow second the motion, and the motion passed unanimously.**

5. **Tobacco Violation—Cumberland Farms #2298, 435 Shore Rd, Monument Beach, MA—Brian Walker, District Manager—Violation of the Family Smoking Prevention and Tobacco Control Act and Board of Health Tobacco Regulations.** Mr. Brian Walker, district manager, is present for this item. Ms. Peterson asked if this establishment has had any further violations since. Ms. Davis confirmed there has not. Mr. Walker stated they fired the employee that the violation occurred with. Mr. Walker stated they have increased their trainings this year. Ms. Peterson stated the regulations call for a fine of \$300.00 for a first time violation. Second violation can lead to a loss of license. Mr. Walker said they have the 5 days to get the payment in. **Mr. Barlow made a motion to fine Cumberland farms \$300.00 for the tobacco violation and gave them 5 days to pay. Mrs. Mastria second the motion. All in favor.**
6. **PFAS update—Rose Forbes, Program manager—Update on PFAS found within the Pocasset area.** Mrs. Rose Forbes and Douglas Karson are present for this item. Ms. Peterson stated the power points are often not allowed due to confusion and difficulty. Mrs. Rose Forbes stated the power point is not necessary and they will work from the hard copies of documentation they provided to the Board, these documents were stamped received. Mr. Karson referenced the area on the map where they will be discussing. Mr. Karson reviewed the packet and the information provided. Ellie Donovan is present from the Mass Department of Environmental Protection and Mrs. Forbes introduced two members of the audience. Mrs. Rose reviewed what PFAS are and which ones they focus on and where they originate from. Mrs. Rose discussed the lifespan of these PFAS and the size of the plumes. Mrs. Forbes reviewed the history of sampling and the locations. Mr. Barlow asked if there is a recovery plan to recover the spills in question. Mrs. Forbes said that is in the process. There was discussion between the audience members, Board of Health members, and Mrs. Forbes. Mrs. Forbes explained they are working with homes with private wells which are affected, which were given bottled water at first, then full house filtration systems which they maintain. Mrs. Donovan stated there has been issue with one homeowner due to property damage from the delivery trucks. Mr. Barlow suggested an off-site delivery arrangement. Mrs. Donovan suggested a smaller truck. Ms. Peterson asked if there is documentation on this. Mr. Karson said when a filtration system is installed there is an agreement. Mrs. Donovan said when there is bottled water delivered there is no paperwork signed. Mr. Barlow gave more suggestions for the homeowner with concerns with the large delivery trucks. Mrs. Donovan stated she will follow up with this homeowner. Mrs. Forbes discussed two past fuel spills which was cleaned up with foam containing PFAS and the groundwater plume. Mr. Barlow and Mrs. Forbes discussed areas of the harbor that are appearing to not grow well. Mrs. Forbes reviewed that they are unable to test the cranberries in the area of concern, but MassDEP has. There is no issue found with the cranberries but they have not gone to market. Mrs. Forbes discussed the testing that will be conducted to determine the movement of the plumes. Mr. Barlow stated that the Board members will need time to review the information submitted as they have not received it prior to this evening. Mrs. Forbes explained there will be multiple options for remediation once testing results have been determined. Mr. Barlow suggested reaching out to the Department of Natural Resources to work together. Mrs. Forbes said the public meetings on this had good turn outs. Frank Gasson, a member of the audience, stated he encountered the trucks drilling. Mr. Gasson reviewed his history of the area resource and the need to open the bay area. Mr. Gasson said he has made Mr. Southwood aware. Mr. Gasson explained his concern with the shellfish in that area in regards to human consumption. Mr. Gasson continued his concerns with the dredging in that area as well. Ms. Peterson agreed with Mr. Gasson's concerns and said she would like to learn more. Mr. Gasson questioned a test hole drilled at the corner of Circuit Avenue and Shore Road and if they need further access. Mr. Gasson and Mrs. Forbes discussed details of different holes and the specific information in relation to these. Mr. Gasson asked if they would like access at the end of Cedar Point on the beach and gave permission for access. Asked if children can swim in the ocean and drink the water. Mrs. Forbes stated that at the public meeting held, it was stated it is safe to recreate in the ocean water, but it is recommended to not drink the ocean water for a number of overall health reasons separate from this. Ms. Peterson thanked Mrs. Forbes and Mr. Karson for their presentation and invited them to come back if they have any further findings throughout the year.

Abutters for 230 Circuit Avenue joined the meeting at 6:50PM. Ms. Peterson explained this item was already heard and has been continued until June 26, 2019 for the applicant to address the revisions requested by The Board and Health agent.

7. Approve the Minutes— Approve the minutes from the previous meeting dated May 8, 2019 and May 22, 2019. Mrs. Mastria made a motion to approve the minutes from May 8, 2019 and May 22, 2019. Mr. Barlow seconded the motion. All in favor.

8. Set tentative date for next meeting and adjourn. Next meeting will be June 26, 2019.

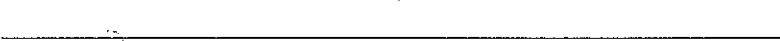
Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded his motion. All were in favor and the meeting adjourned 7:29pm.

Taped & Typed by Cassie Hammond, Administrative Assistant  
Edited by Terri Guarino, Health Agent

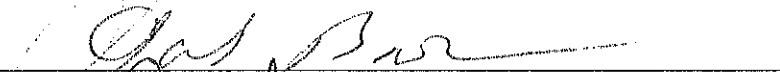
Kathleen Peterson



Stanley Andrews



Galon Barlow Jr.



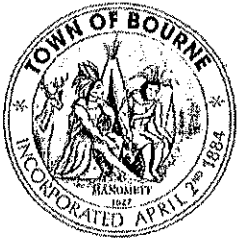
Don Uitti



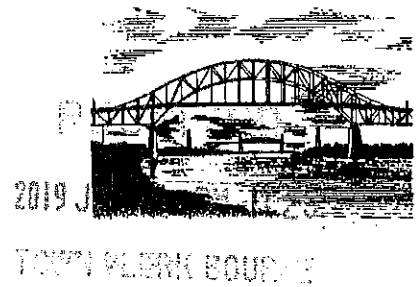
Kelly Mastria







# Town of Bourne Board of Health Meeting Notice



Agenda June 26, 2019

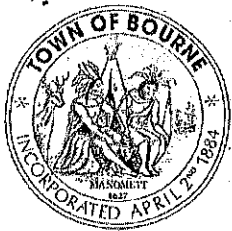
<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday June 26, 2019	6:00 p.m.	Lower Conference Room Bourne Town Hall 24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## **OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. 230 Circuit Avenue—David D. Flaherty Jr., RS, REHS on behalf of owner, Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—CONTINUED from June 12, 2019—Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.
2. 8 Stackpole Circle—Peter McEntee, P.E. of Engineering Works, Inc. representing homeowner Elizabeth Lefebvre—request for local upgrade approvals to install septic system under maximum feasible compliance.
3. Hampton Inn Cape Cod Canal—12 Kendall Rae Place—David Darling, owner--Discussion and possible vote to approve permits for new business contingent upon pre-operational inspection and other Town approvals:
  - a. Permit to operate a hotel—*100 room year-round hotel*
  - b. Permit to operate a semi-public swimming pool—*12,6000 gallon indoor swimming pool*
  - c. Permit for food service establishment—*48 seats*
4. Discussion and possible vote to approve new food establishment plans and permit in accordance with 105 CMR 590.012. Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals:
  - a. Bridgeview Grille—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—*Food Establishment, 100+ Seats*



Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES June 26, 2019

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

Support Staff in attendance: 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, Beth Treffeisen and Michael Rausch indicated they were.*

1. **230 Circuit Avenue—David D. Flaherty Jr., RS, REHS on behalf of owner, Christopher A. Soller and Susan M. Handy Trust, Sollers-Handy Trust—CONTINUED from June 12, 2019--Request relief from the Bourne Board of Health Regulations and 310 CMR 15.405 (Title 5) for the septic system upgrade required in order to accommodate building renovations.** Mr. David Flaherty Jr., RS, REHS representing the homeowner. Mr. Flaherty reviewed the details of the project. He indicated he will submit the details of the MicroFAST system at the time of the startup review. Ms. Peterson explained how at the last meeting audience members joined the meeting at 7pm due to miscommunication with time. Mr. Handy was present in the audience and did not have any questions. Ms. Davis reviewed the plans, including the dates received. Mr. Andrews reiterated the requirement to have the plans submitted a week prior allows the Board of Health members time to review. Mr. Andrews made note of a typo on the plan, Mr. Flaherty changed and initialed the office copy. **Mr. Andrews made a motion to approve 230 Circuit Avenue for the septic upgrade for the renovations of the home with the variances as described on the site plans received by the office June 24, 2019. Mr. Uitti second the motion. All in favor.**
2. **8 Stackpole Circle—Peter McEntee, P.E. of Engineering Works, Inc. representing homeowner Elizabeth Lefebvre—request for local upgrade approvals to install septic system under maximum feasible compliance.** Peter McEntee of Engineering Works was present and representing the homeowner. Mr. McEntee reviewed the details of the plan, and the 3 variances needed. Ms. Davis stated the office had reviewed the plans and had no questions or concerns and praised the layout of the plans. Mr. McEntee stated it is an improvement from what is existing. Ms. Davis agreed. No questions from the Board of Health Members. **Mr. Andrews made a motion to approve 8 Stackpole Circle with variances detailed on plan received by the office on June 11, 2019, he stated it is a major improvement to the existing system and will help protect the resource. Mr. Barlow seconded the motion. All in favor.**
3. **Hampton Inn Cape Cod Canal—12 Kendall Rae Place—David Darling, owner--Discussion and possible vote to approve permits for new business contingent upon pre-operational inspection and other Town approvals:** Mr. Barlow recused himself for these items.
  - a. **Permit to operate a hotel—100 room year-round hotel**
  - b. **Permit to operate a semi-public swimming pool—12,600 gallon indoor swimming pool**
  - c. **Permit for food service establishment—48 seats**

Ms. Peterson reviewed the history of why the Board of Health reviews new food establishments. Brenna Attanasio and Jon Bizier are present and representing the Hotel. Ms. Davis reviewed the packets received by the office from

the Hampton Inn. Ms. Mastria questioned the size of the pool, indicating it will be on the smaller size. Ms. Peterson explained the Health Department staff have not conducted a preoperational inspection at this time, but indicated that if a positive vote were to come through during the meeting that it be contingent upon a passing preoperational inspection. Ms. Peterson mentioned the recent pool inspections throughout the town and the difficulty they are having with meeting expectations. Mr. Andrews referenced the Board of Health meeting held in the beginning of 2019 which detailed the new food regulations and directed Ms. Attanasio to seek these out on the website. **Ms. Peterson made a motion to approve licenses to operate a food establishment, semi-public swimming pool, and hotel. Mr. Uitti second the motion. Mr. Andrews abstained from the vote. Mrs. Mastria and Mr. Uitti in favor. Mr. Barlow abstained and the motion passed.** Ms. Davis requested at least a weeks' notice for scheduling of the inspections.

**4. Discussion and possible vote to approve new food establishment plans and permit in accordance with 105 CMR 590.012. Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals: Mr. Barlow recused himself for this item.**

**a. Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats**

Attorney William Smith representing the owners of Bridge View Grill, whom are present and in the audience. Ms. Davis reviewed the most recent inspection and the items needed to be brought into compliance, as well as the letter submitted by Attorney Smith, and the food permit application that needs amendment. Ms. Cote said that they indicated a number of seats which would require the downstairs to be operable to support this. Attorney William Smith added to what he detailed in his letter, disagreeing with inspection results and food code requirements, stated that the concern about the grease dumpster and the smell should be expected. Ms. Peterson explained that the current grease trap is left over from the previous establishment and this needs to be replaced with a new grease trap as it is a nuisance. Attorney William Smith said the downstairs bathroom will be available for anyone, and Ms. Peterson asked if all the toilets and sinks are repaired and in working order. Mrs. Mastria asked if there are codes to be followed for item number 5 and 6 regarding employee restrooms on Attorney Smith's letter. Ms. Peterson confirmed and quoted 501.110 dressing rooms and lockers section from the code. Attorney Smith said the employees will not be changing their clothing and do not need lockers. Ms. Davis detailed the food code requirement for this area due to weather related needs and separating personal items from food service areas. Mr. Hildreth stated there are still corrections being made for the bathrooms. Attorney Smith questioned the Board of Health giving approval to other establishments prior to the pre-operational inspection. Ms. Peterson clarified that the Bridge View Grill does not have plan approval, and other establishments did, which is a food code requirement for new or renovated food establishments. Mrs. Mastria agreed with Ms. Peterson and further detailed the findings in her walkthrough at the Bridge View Grill and the concerns found at that time. Attorney Smith said these concerns can be, and have been before addressed at an inspection. He reiterated the seasonal revenue needed and the need to open and feels this can all be addressed at that time. Ms. Peterson detailed that 12 days ago the downstairs was in complete disrepair. Mr. Andrews said he raised these same concerns at the walkthrough April 24, 2019 and was assured everything would be completed within in three weeks, and this next walkthrough was not scheduled within that time indicated and this item has been continued. Mr. Andrews stressed his concern with inviting the Board of Health for a site walkthrough and these items continue to be in need of repair. Mr. Andrews agreed that if upstairs has been repaired, the downstairs can remain without approval and will not be permitted at the same time. Attorney Smith showed concern with returning before the Board of Health and does not receive the approval and the liquor license cannot be obtained he feels this will not be manageable. Ms. Peterson requested a new food establishment permit be completed to reflect the appropriate amount of seats. Ms. Peterson continued to say that the sign off for the routing slip is not causing the inability to obtain the liquor license. Attorney Smith disagreed, saying all other departments have signed off, some with contingencies, and requested that the Board of Health do that. Mr. Andrews, Ms. Peterson, and Attorney Smith discussed the nuances of routing slips, occupancy permits, and liquor licenses. **Mr. Andrews made a motion to table this to after item 7. Mr. Uitti seconded this motion. Mrs. Mastria and Ms. Peterson are in favor. Mr. Barlow Abstained.**

5. **Jasper's Too Motel—101 Maple St—Discussion and possible vote on the Hotel/Motel Permit Application for Tabitha Tubbs. Formally operated by Judith Tubbs and suspended due to repeat violations.** Mr. Barlow recused himself for this item. Ms. Tabitha Vasconcelos corrected the last name listed from Tubbs to Vasconcelos on the agenda. The Board praised Ms. Vasconcelos on her hard work. Ms. Vasconcelos introduced Mr. Shaun McCurry who will be managing the motel. She detailed the information provided and showed the guest check-in book including the instructions for check-in, a staff schedule detailing all the shifts, a guidebook on what to do, and the laundry is now on site and staff are assigned to complete this. Ms. Peterson asked about the trash receptacles. Ms. Davis stated they are there, and praised her again on all the hard work involved. Ms. Peterson again reiterated how appreciative the Board of Health is for all the work completed. Ms. Vasconcelos agreed. Ms. Vasconcelos reviewed her stay policy, no guests longer than 14 days without her consent, reiterating the Board of Health's policy for no longer than 3 weeks stay. Ms. Peterson suggested a temporary license for 6 months then come January they can reapply for an annual license. **Mr. Andrews made a motion to approve for Jasper's Too, 101 Maple Street, a temporary motel license valid until end of 2019. Mrs. Mastria seconded the motion. Mr. Uitti and Mrs. Peterson in favor. Mr. Barlow abstained from voting and the motion passed.**
6. **141 Williams Avenue—Owner Paula Hoffman—Continued from June 12, 2019--Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the order dated April 18, 2019, and June 12, 2019.** Mr. Barlow rejoined the Board of Health. Attorney Karyn Morris-Devine is present for this item. Ms. Davis reviewed the recent inspections and communication with the tenant. Ms. Davis explained that according to the Building Department a window permit was obtained after the last meeting, but nothing further as requested by the Board of Health. Ms. Davis reached out to the owner, and shortly after on June 21, 2019 a building permit was applied for siding repair. Attorney reviewed the fax she submitted to the office on Monday and apologized this was not submitted sooner. She provided further pictures and invoices and these were stamped in and supplied to the Board Members. Attorney Morris-Devine detailed the interference found by contractors thought to be made by the tenant causing frequent turnover with contracts. Ms. Peterson explained this was hearsay. Ms. Peterson reviewed the timeline and lack of communication and follow through. Attorney Morris-Devine states she has dealt with the property every day and she cannot get anything to happen faster. Attorney Morris-Devine stated she had her daughter and friend assist, and they had to wear hazmat suits when cleaning due to the severity. Ms. Peterson asked if the tenant is present, they were not. Ms. Peterson suggested the tenant be fined due to his interference with these corrections. Mrs. Mastria reiterated this. Ms. Davis requested the office be notified each time of these interferences as to support the owner in these attempts. Ms. Peterson reiterated the need to be contacted and the need to keep detailed records. Attorney Morris-Devine asked the Board of Health acknowledge that the owner has spent a large amount of money to correct these violations. Mr. Barlow said we cannot consider the amount spent, they only can discuss which violations have been completed or not. Attorney Morris-Devine again reviewed the difficulty in getting these items completed within the timeline. Mrs. Mastria stated it seems everything has been ordered and everything will be started after that. Mr. Barlow reiterated the need to contact the Health Department Office if the tenant continues to interfere. The Health Department staff confirmed this as well and encouraged her to reach out at any time. Mrs. Mastria confirmed the ability to fine the tenant within the regulations. **Mr. Andrews made a motion to continue 141 Williams Avenue to July 24, 2019. Ms. Peterson seconded the motion. Mr. Andrews requested a timeline for completion. Attorney Morris-Devine reviewed her understanding of what will be done by the contractors. All in favor.**
7. **All Seasons Inn—114 Trowbridge Road—Rupal Patel, owner—Discussion and possible vote regarding violations of State Sanitary Code, 105 CMR 435: Minimum Standards for Swimming Pools from May 23, 2019 and for operation without a permit.** Mr. Barlow recused himself for this item. Rupal Patel are present for this item. Ms. Cote reviewed the violations found at the inspection and in result the pool was to remain closed. The fire department then made the office aware that they had received a call from a guest saying they had been swimming in the pool prior to a sign being posted explaining the pool was not to be used and they were concerned they had not been made aware. Mrs. Patel said they had made the employees aware and expected any plumber or electrician hired would pull any necessary permits to the repairs needed. Mr. Andrews stated that the employees

are an extension of the management and there should have been follow through to prevent this. He further explained his concern that the pool was open and available to guests without a permit to operate. Ms. Peterson quoted the swimming pool regulation. Mr. Andrews asked when all the violations will be complete. Mr. Patel stated the plumber still has work to do. Mrs. Patel stated the work should be completed by next Tuesday. Mr. Andrews stated the office requires a call for inspection and this will not be able to be scheduled that day, advanced notice is required. Mrs. Patel reviewed the ventilation provided, Ms. Cote responded that was the ventilation found at the time of inspection and it is required to be updated. Mrs. Patel reviewed her history of no violations prior to this. **Mr. Andrews made a motion to approve the issuance of a license pending passing inspection. A fine of \$500.00 to be paid prior to obtaining the license due to operating a pool without a license at least 1 day.** Mrs. Mastria seconded the motion. Ms. Peterson asked that the license be temporary, lasting 6 weeks. Ms. Peterson reiterated that the fines be paid prior to calling for a re-inspection. Ms. Peterson and Mr. Uitti are in favor. Mr. Barlow abstained.

**Revisit to Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats 7.** Mr. Hildreth provided the updated Food Establishment Permit. Ms. Davis indicated areas which need more information. Ms. Cote stepped aside with the owners and attorney to properly complete the food establishment permit.

8. **Rental Property Regulations—In accordance with M.G.L. c. 111, §131, discussion and possible vote to promulgate regulations relative to the registration and inspection of various types of rental properties used for human habitation. Establish fees for registration and inspection, approve forms and procedures.** Mr. Barlow stepped back on the Board of Health. Ms. Peterson explained there has not been many meetings on this to date and further discussion may be required. Ms. Peterson suggested asking the citizens of the Town of Bourne starting July 1, 2019 to register without a fee to obtain an idea of the length of time and the scope of work required to maintain this. Mr. Andrews said that his understanding is that they are able to, through different algorithms, obtain the number of rentals, and agreed it would be nice to offer registering without a fee. Mrs. Mastria asked if they would register online, Ms. Peterson said it is not online yet. Ms. Peterson stated she is reluctant to even implement this as the Board of Health has not had any guidance from Town Council to date. Mr. Andrews asked how long they will have to register. Ms. Peterson suggested until September. Mrs. Mastria asked if the form can be provided on the website. Ms. Davis confirmed this will be available to print from the Town of Bourne website, although the regulations may not be available by July 1, 2019. Paul Rausch asked if the Board of Health feels this will be a large undertaking. Ms. Davis quoted form host compliance that there are 292 rental units within the town of Bourne. The Board of Health members indicated they feel this number is low. Mr. Barlow reviewed that the Board of Health is doing this because it is mandated by the State. Ms. Peterson confirmed. **Mr. Andrews made a motion to implement a registration program for rental properties within the Town of Bourne to be in compliance with the State Mandate, the application will be available to print from the Town of Bourne website, with a deadline of September 1, 2109 with no fee to register.** Mr. Barlow Seconded the motion. All in favor.

**Revisit to Bridge View Grill—109 Trowbridge Rd, Bourne, MA—James H. Hildreth, Jr. and Robert F. Walton—Food Establishment, 100+ Seats.** Attorney William Smith reviewed that the revised application will be submitted to approve only the upstairs only, and this will not include the lower basement level or deck at this time. Attorney William Smith reviewed that he does not see his role to be contentious and expressed he wants to support the establishment. Ms. Peterson asked Mr. Hildreth when he will be ready. Mr. Hildreth stated he does not know. Mr. Andrews indicated some more discrepancies with the permit, specifically where the seating on the deck is concerned. Mr. Andrews reviewed how it is included in the seat count in one area of the application, then not included in another. Mr. Andrews offered the deck to be included in the permitted space pending passing preoccupation inspection. Mr. Hildreth chose to include the outdoor seats in the permitted overall number at this time, and reiterated the request to the Board of Health to conditionally approve the outdoor seating once the repairs have been made. Mrs. Mastria confirmed it will be for upstairs and the outdoor deck only. Attorney William Smith confirmed this outdoor area will require sign off from the fire department prior to issuing this. Ms. Peterson confirmed the downstairs cannot be used, including the kitchen, until all repairs are made and this area is

permitted separately. Mr. Hildreth agreed. Ms. Cote requested the owner's contact the office when opening the outdoor seating for an inspection. Mr. Andrews made a motion to approve the Food establishment application for the upper level and outdoor deck pending passing inspection. Mr. Uitti seconded the motion. Mrs. Mastria stressed the lower level not be available for use until permitted and this be kept secure from the public. Mr. Hildreth confirmed. All in favor.

**9. Reorganization of Board of Health and committee appointments: Bourne Landfill Business Model Working Group, Wastewater Advisory Subcommittee, and Local Emergency Planning Committee.**

Mr. Andrews is still interested in the Bourne Landfill Business Model Working Group. Mrs. Mastria seconded. All in favor.

Ms. Peterson asked if Ms. Guarino is still interested in Local Emergency Planning Committee, it was confirmed she is, Mrs. Mastria seconded. All in favor.

Ms. Peterson questioned if Wastewater Advisory Subcommittee is ready, it was confirmed it is not ready. No vote on this.

Mr. Barlow made a motion to keep the Board of Health Members as they are. Ms. Peterson seconded. All in favor.

**10. Approve the Minutes—Approve the minutes from the previous meetings dated May 22, 2019 and June 12, 2019.**

Mr. Uitti made a motion to approve the minutes dated May 22, 2019. Ms. Peterson seconded the motion. All in favor.

The Board of Health members did not have time to review the minutes dated June 12, 2019.

**11. Set tentative date for next meeting and adjourn. Next meeting will be July 24, 2019. All in favor.**

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 7:39 pm.

Taped & Typed by Cassie Hammond, Administrative Assistant

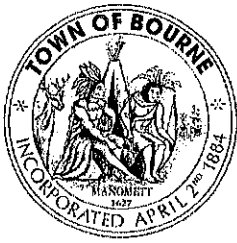
Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria



# Town of Bourne Board of Health Meeting Notice



Agenda July 24, 2019

Date  
Wednesday  
July 24, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

2019 JUL 19 PM 3:30

RECEIVED

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

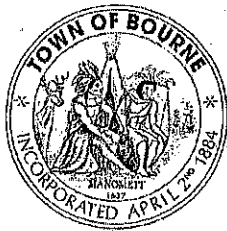
## **OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. Savary Avenue Community Disposal System—Zachary L. Basinski, P.E. of Bracken Engineering on behalf of the Town of Bourne—Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue. System is owned and operated by the Town of Bourne.
2. Bourne Recreation Authority—Request for letter of support to be included as part of the filing for the 2019 MassWorks Infrastructure Program grant to upgrade the sewage disposal system at the Bourne Scenic Park.
3. 388 County Road—Owners Jennifer and Manuel Chaves requesting new horse stable license in accordance with Bourne Board of Health Regulations.
4. 1184 County Rd—Paul Lizardi-Rivera, P.E. of Cape and Islands Engineering representing the homeowner John A. Latawiec—Variance request for 150ft setback from the Wetland Resource areas to leaching facility.
5. Vela Juice Bar—89 Main Street—Ana Walsh and Daniel Anthony—Requesting approval of a new food service establishment permit in accordance with 105 CMR 590.015(B). Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals.
6. Cape Cod Cannolis—Lilly Ferreira—Hearing in accordance with 105 CMR 590.015(B), to discuss and possibly vote on the non-renewal of a mobile food permit on the grounds of 105 CMR 590.014(B)(1)(b).
7. 41 Meetinghouse Lane—Ron Bello of Forty One Meetinghouse LLC, Owner—Septic certification conducted on July 16, 2019 determined the system in failure. Discussion and possible vote to execute an enforceable agreement for the upgrade of the sewage disposal system.
8. Bourne Appetite—41 Meetinghouse Lane, Suite B—Judy Comeau—Discussion and possible vote to approve plans and permit for new 8 seat food establishment in accordance with 105 CMR 590.015(B). Permit shall be contingent upon compliance with all laws and other Town approvals.

9. 119 Cranberry Highway—Violation of Retail Food Code 105 CMR 590.00 for the operation of a food establishment without a permit:
  - a. 6A Brewery—6A Brewing Company, LLC— Non-compliance with signed food permit exemption for hiring food vendor without obtaining prior permits.
  - b. Wolf Pizza—Joshua Dahl— Operation of a mobile food truck without a permit. Discussion and possible vote for issuance or refusal in accordance with 105 CMR 590.015(B). Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals.
10. 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—Continued from May 22, 2019—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 2 bedroom dwelling.
11. Title 5 Inspection at 25 Phillips Rd—25 Phillips Road Realty Trust—Further evaluation needed to determine if three cesspools in proximity to resource areas pass or fail inspection from May 8, 2019.
12. 141 Williams Avenue—Owner Paula Hoffman—Continued from June 26, 2019--Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the orders dated April 18, 2019, and June 12, 2019.
13. Approve the Minutes—Approve the minutes from the previous meetings dated June 12, 2019 and June 26, 2019.
14. Set tentative date for next meeting and adjourn.

Signed: *T. Guarino*  
Title: Health Agent  
Date: July 19, 2019





Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

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Fax (508) 759-0679



### MINUTES July 24, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow, Jr.; and Donald Uitti.

Support Staff in attendance: Terri Guarino, Health Agent; Kayla Davis, Health Inspector; and Carly Cote, Health Inspector.

RECEIVED  
TOWN OF BOURNE  
JUL 24 2019

### Meeting was called to order at 6:01 pm

*Michael Rausch and Beth Teffeisen acknowledged that they were recording audio.*

- Savary Avenue Community Disposal System—Zachary L. Basinski, P.E. of Bracken Engineering on behalf of the Town of Bourne—Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue.**  
**System is owned and operated by the Town of Bourne.** Mr. Zachary L. Baskinski, P.E. of Bracken Engineering presented on behalf of the Town of Bourne. The upgraded community disposal system will be the same design flow as before, 4,290 gallons per day. There are 10 original dwellings which will be connected and 1 additional dwelling, for 11 total dwellings and 39 bedrooms. The plan is to maintain the existing 9,000 gallon septic tank plus add a new 4,000 gallon tank and a Presby enviro-septic leaching system. Mr. Baskinski also stated that they are applying for a temporary license under the Army Corp of Engineers to install the system. Ms. Peterson mentioned concerns with the covenant where the Board of Health is the local approving authority, not the Board of Sewer Commissioners. Miss Guarino asked if the Director of the Department of Public Works/ Sewer Department is aware that Town Counsel has drafted an easement to grant permission to allow access for maintenance and inspection of components of the building sewer which were previously maintained by the individual homeowners and if he concurs with this position. The application states that these components will be owned by the Town upon recording. Mr. Basinski agreed that there needs to be clarification on that. Ms. Peterson discussed that she would like to entertain a motion for each board member to submit to the Board of Health office their red-lined changes, for the office to compile this list, and for the applicant to make these changes prior to the next meeting, provided that Mr. Baskinski agrees. Mr. Barlow would like to see the project be heard and approved by the Conservation Commission prior to the Board of Health. Mr. Andrews pointed out a typographic error related to the variance requests. He asked for justification as to why and I/A system was not feasible. Mr. Glenn Cannon, Asst. Town Administrator, entered the meeting. Ms. Peterson explained that the application submitted was confusing as there were multiple deed recording templates submitted which all are not intended for use, no Conservation Commission approval, questionable changes to the Title 5 standard documents, and that this discussion could continue for at least three hours. A special meeting date of August 21, 2019 was suggested to address these questions and concerns and allow time for amendments to the application. Mr. Cannon concurred. **Mr. Barlow made a motion to continue this matter to August 21<sup>st</sup>. Mr. Andrews seconded the motion and opened for discussion.** Ms. Stephanie McCormick of 39 Savary Avenue asked about the deed recordings. Ms. Peterson shared concerns about homeowners having to do this on their own. There was discussion of a future meeting. Mr. Cannon agreed

5. **Vela Juice Bar—89 Main Street—Ana Walsh and Daniel Anthony—Requesting approval of a new food service establishment permit in accordance with 105 CMR 590.015(B). Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals.** Mr. Andrews recused himself. Mr. Barlow stated that he will abstain from voting. Ms. Peterson asked the owners to introduce themselves. Ms. Walsh said she would like to keep all lines of communication open with the Board of Health and thinks that the construction will be wrapped up in the middle-end of August. Ms. Walsh said she is thrilled to be part of the Main Street revitalization project. She also stated that she has another juice bar in Plymouth that has been in operation for four and a half years. Ms. Cote conducted a preliminary inspection on July 17, 2019. Ms. Cote stated that the juice bar is certainly under construction, they have two ADA restrooms, are in the works of making significant improvements. Ms. Cote said that the owners seem meticulous and amendable, and cooperative. Ms. Peterson said that the Board of Health is thrilled to have Vela Juice Bar come to Bourne. Ms. Peterson also stated that the Health Department is here to work with the owners. **Ms. Peterson made a motion to approve Vela Juice Bar, located at 89 Main Street, and grant Vela Juice Bar a food permit contingent on a pre-operational inspection. Mr. Uitti seconded the motion. Mr. Barlow abstained and the motion passed.**
6. **Cape Cod Cannolis—Lilly Ferreira—Hearing in accordance with 105 CMR 590.015(B), to discuss and possibly vote on the non-renewal of a mobile food permit on the grounds of 105 CMR 590.014(B)(1)(b).** Mr. Barlow recused himself. Mr. Andrews re-entered the meeting, three members present. Owner, Lilly Ferreira, was also present. Miss Guarino described the agenda item and asked for the Board of Health's consideration of two letters, one submitted by the applicant, and the other by the inspector who was present during the inspection. After reading the letters, Ms. Kathy Peterson stated that it is against the law to interfere with a health inspection. Ms. Cote recalled several events that occurred during the inspection. Ms. Cote had asked that the cannoli shells be taken off the floor of the truck during the inspection, and said Mr. Ferreira responded that "all health departments do is harass people." Following that, the husband and wife began to yell at each other. "At that point I felt uncomfortable and removed myself from the situation and returned to town hall," Ms. Cote said. Ms. Ferreira said her husband has a hearing problem, and that's why it seemed like she was yelling. In addition, the cannolis were on the floor in the sealed containers because when the truck is moving they would just fall onto the floor. The regulation for food storage is to maintain 6 inches between the food and the floor, Mr. Andrews said. A regulation is a regulation and you must adhere to it during transport. There are ways of solving this problem with fasteners and other equipment, Ms. Peterson said, adding that the inspection was not unannounced. You were actually able to drive up to the building and know you were getting inspected and yet you did not have functional hot water and found the time to make the inspector very uncomfortable, Ms. Peterson said. These are grounds to not issue a food permit. **Ms. Peterson made a motion to not approve the mobile food permit for Cape Cod Cannolis. Mr. Andrews seconded the motion. All in were favor and the motion passed unanimously.**
7. **41 Meetinghouse Lane—Ron Bello of Forty One Meetinghouse LLC, Owner-- Septic certification conducted on July 16, 2019 determined the system in failure. Discussion and possible vote to execute an enforceable agreement for the upgrade of the sewage disposal system.** Mr. Barlow re-entered the meeting. Miss Guarino stated that a percolation test and septic certification inspection was conducted on July 16, 2019 which determined that the existing sewage disposal system is in hydraulic failure. It was requested that the septic tank be pumped out immediately, to which Mr. Bello provided a receipt. The owner has already agreed to upgrade the sewage disposal system and has contract JC Engineering who had requested 120 days to produce the design. In the interim, Miss Guarino stated that the system needs to be pumped out on a regular basis and is willing to prepare an agreement. Ms. Peterson stated that adding a new food establishment would increase the flow into the septic system. Mr. Andrews inquired about the frequency of the pump outs. Ms. Peterson, Miss Guarino, and Mr. Bello agreed that the system would be monitored weekly by a licensed septic hauler and pumped out accordingly. Mr. Bello stated that the system is at maximum capacity right now, due to the busy summer season. Ms. Peterson said that she would like to see the upgrade of the system proposal complete and approved within 6 months. **Mr. Andrews made a motion to have the upgrade plans completed and approved in no more than 6-months, and during such time he shall engage a licensed septage hauler/ inspector to do weekly inspections and if**

the Agent feels the flow has been reduced that this can be brought back to the Board. Mr. Uitti seconded the motion, all in favor, and the motion passed unanimously.

8. **Bourne App'etite—41 Meetinghouse Lane, Suite B—Judy Comeau—Discussion and possible vote to approve plans and permit for new 8 seat food establishment in accordance with 105 CMR 590.015(B). Permit shall be contingent upon compliance with all laws and other Town approvals.** Ms. Peterson welcomed Ms. Comeau to the Town of Bourne. Ms. Comeau stated that Bourne App'etit will be preparing daily soups, small salads like edamame, quinoa, desserts similar to her bakery in Shirely, MA, daily specials, paninis, and prepared meals to go. She said she will also be selling a lot of frozen meals as well for people to take to go. Everything will be all natural, made daily, pot pies, prepared meals to-go. Ms. Cote stated that she had conducted a pre-operational inspection of Bourne App'etite on July 16, 2019. Most of the violations found were corrected since and Ms. Comeau has been very friendly and hardworking. Ms. Peterson stated that the office is here to help you with any questions you may have and that we do take cleanliness of our food establishments extremely seriously. There have been drastic changes to the Food Code that we encourage you to learn about. **Ms. Peterson motioned to approve the new food establishment, Bourne App'etite located at 41 Meetinghouse Lane Suite B, and granted the establishment a food permit contingent on the correction of any violations found during pre-operational inspection. Mr. Uitti seconded the motion, all in favor, and the vote was unanimous.**
9. **119 Cranberry Highway—Violation of Retail Food Code 105 CMR 590.00 for the operation of a food establishment without a permit:**
  - a. **6A Brewery—6A Brewing Company, LLC— Non-compliance with signed food permit exemption for hiring food vendor without obtaining prior permits.** Mr. John Downes was present on behalf of his brother, Sean Downes, who is the owner of 6A Brewery. He stated that the Town Planner said he doesn't need a special permit if they only hire mobile food vendors twice or less per week. Mr. Downes submitted an e-mail from the Town Planner. Ms. Peterson read into the record the retail food establishment exemption disclosure that was signed by the owner/ operator on February 5, 2019 stating that they would not be selling TCS food. Miss Guarino explained that 6A Brewery was not selling food, therefore, the exemption disclosure was still being followed. Mr. Andrews asked Health Agent, Terri Guarino if the previous food establishment which was there for 8 years had any issues. **Miss Guarino replied, no, to which Mr. Andrews made a motion to issue a stern warning. Ms. Peterson seconded the motion. All were in favor and the motion to issue 6A Brewery a stern warning only passed.**
  - b. **Wolf Pizza—Joshua Dahl— Operation of a mobile food truck without a permit. Discussion and possible vote for issuance or refusal in accordance with 105 CMR 590.015(B). Permit shall be contingent upon pre-operational inspection and compliance with all laws and other Town approvals.** David Hadda was present for Wolf Pizza. Ms. Cote explained that she got called out the 6A Brewery on July 10, 2019 because Wolf Pizza was operating without a food permit. Ms. Cote said that Wolf Pizza was extremely apologetic and voluntarily left the premises. Ms. Hadda stated that they were confused and perhaps ignorant about the procedures in the Town of Bourne. Mr. Andrews stated to make sure that, in the future, they are aware of different Town's procedures and ask questions while applying. Ms. Peterson said that she would like to give them a second chance. Mr. Hadda was grateful and stated that he "learned from Cape Cod Cannoli what not to do." **Ms. Peterson made a motion to approve the mobile food permit and to get in touch with the office as to when they are going to operate. The motion was seconded by Mr. Andrews. All in favor and the vote was unanimous.**
10. **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—Continued from May 22, 2019—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 2 bedroom dwelling.** Mr. Tom Bunker, Attorney Ben Lossordo, and Owner, Tara Greco, were present in support of this item. The project was issued an Order of Conditions by the Conservation Commission. An overview of the plans was provided, from the meeting on June 12, 2019 there were no further amendments, but now have been endorsed by the Conservation Commission. Mr.

Andrews asked for clarification on the setbacks. Atty. Lossordo submitted an excerpt from Title 5 for the Board member's consideration. Mr. Bill Fallen of Grasslands Lane thanked the Board of Health for their consideration and efforts to protect the harbor and wanted to know what impact this new septic system will have on the harbor, and if the leaching will be under water at high tide. Mr. Bunker explained the I/A technology and 2-bedroom design may have the least impact to the harbor than surrounding dwellings. Miss Guarino explained the percolation test was conducted at high tide, and there was a monitoring well which was set over a new moon tidal cycle to establish the estimated high ground water elevation which should compensate for seasonal variations. The leaching as designed is separated by 5.4' from this high groundwater elevation. Mr. Bob Bishop of 7 Maple Avenue agrees that it may have the lowest discharge of any other surrounding houses, but feels it is still a new house and is increasing on to what is there, and may be an added risk to the harbor being polluted. Ms. Greco responded that she is a long-standing owner, is hoping to retire there, is environmentally conscious, and has agreed to the alternative system and town board requirements to protect the resources. **Made a motion to approve a 48 foot variance from the Bourne Board of Health 150' Setback Regulations for the setback of the soil absorption system (primary & reserve) from the salt marsh. A two-bedroom deed restriction will be filed on the property prior to the board of health issuing the permit per board policy. Additionally the I/A testing and monitoring shall apply.** Mr. Uitti seconded the motion. All in favor, and the motion to approve passed unanimously.

11. **Title 5 Inspection at 25 Phillips Rd—25 Phillips Road Realty Trust—Further evaluation needed to determine if three cesspools in proximity to resource areas pass or fail inspection from May 8, 2019.** Health Agent, Terri Guarino described the three Title 5 Inspection reports which were witnessed. Unfortunately all efforts to contact the owner's of the property have been unsuccessful. These are nonconforming systems which are in extremely close proximity to resource areas. **Mr. Andrews made a motion to consider the three separate cesspools a failure due to the proximity to the coastal bank. Mr. Uitti seconded the motion. All in favor, and the motion passed unanimously.** Mr. Andrews added that if the owner's are aggrieved by this decision they have the right to appeal.
12. **141 Williams Avenue—Owner Paula Hoffman—Continued from June 26, 2019--Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the orders dated April 18, 2019, and June 12, 2019.** Mr. John Hogan was present on behalf of the property owner as the contractor who has been working on the property. Health Inspector, Miss Kayla Davis added that the occupant, Mr. Jamie Peterson was in the audience during the meeting with his children but had to leave. Ms. Peterson asked Mr. Hogan how long Mr. Hogan needs and thinks 7 days is the maximum. Fines have accrued to \$29,400.00 in fines as this has dragged on for months and nothing is working. **Mr. Andrews made a motion to continue 141 Williams Avenue to the next day and that all repairs should be completed within seven days. Ms. Peterson seconded the motion. All in favor and the motion passed unanimously.**
13. **Approve the Minutes— Approve the minutes from the previous meetings. Mr. Andrews abstained from voting to approve the meeting minutes from June 12, 2019. It was a unanimous vote to approve the meeting minutes from June 26, 2019.**
14. **Set tentative date for next meeting and adjourn. The next regular meeting will be set for August 21, 2019. Mr. Andrews made a motion to adjourn the meeting at 8:35pm. Mr. Uitti seconded. All were in favor and the meeting adjourned.**

Kathleen Peterson

Stanley Andrews

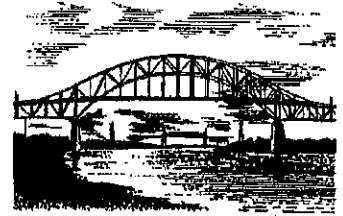
Galon Barlow Jr.

Don Uitti

Kelly Mastria



# Town of Bourne Board of Health Meeting Notice



## Amended Agenda August 5, 2019

**\*\* Agenda amended August 2, 2019 due to emergency \*\***

RECEIVED  
2019 AUG -2 PM 2:28  
TOWN CLERK BOURNE

Date  
Monday  
August 5, 2019

Time  
5:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

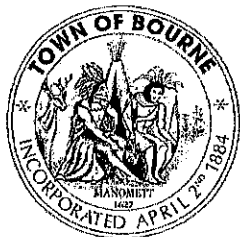
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

### OPEN SESSION 5:00 P.M. – Call meeting to order.

1. Scenic View Motel—871 Scenic Highway—AJ Michael Realty LLC—Discussion and possible vote to pursue any/ all statutory remedies for ongoing violations and noncompliance with Bourne Board of Health orders and directives. Penalty for failure to comply with orders pursuant to the State Sanitary Code, 105 CMR 410.910-920, M.G.L. c. 140, §32E, and Board of Health Regulations.
2. 25 Phillips Road—Timothy Traub, Trustee of 25 Phillips Road Realty Trust—Requesting hearing in response to Board of Health meeting vote on July 24, 2019 deeming three nonconforming sewage disposal systems on property to be in failure.
3. Parrot Bar and Grille—1356 County Rd— Brian Crocker and Tracey Dunnington, Owners— Permit to operate a food establishment summarily suspended on August 2, 2019 due to existence of imminent health hazards not corrected prior to re-inspection. Hearing in accordance with 105 CMR 590.014-015, to discuss and possibly vote on penalty for failing to correct and comply with the minimum standards of food establishments, 105 CMR 590.00, and whether or not to reinstate food permit.
4. Approve the Minutes— Approve the minutes from the previous meeting dated July 24, 2019.
5. Set tentative date for next meeting and adjourn.

Signed: *T. Guarino*  
Title: Health Agent  
Date: August 2, 2019



# Town of Bourne Board of Health Meeting Notice



Agenda August 5, 2019

Date  
Monday  
August 5, 2019

Time  
5:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

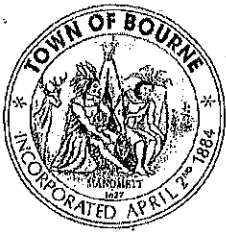
*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

## **OPEN SESSION 5:00 P.M. – Call meeting to order.**

1. Scenic View Motel—871 Scenic Highway—AJ Michael Realty LLC--Discussion and possible vote to pursue any/ all statutory remedies for ongoing violations and noncompliance with Bourne Board of Health orders and directives. Penalty for failure to comply with orders pursuant to the State Sanitary Code, 105 CMR 410.910-920, M.G.L. c. 140, §32E, and Board of Health Regulations.
2. 25 Phillips Road—Timothy Traub, Trustee of 25 Phillips Road Realty Trust—Requesting hearing in response to Board of Health meeting vote on July 24, 2019 deeming three nonconforming sewage disposal systems on property to be in failure.
3. Approve the Minutes— Approve the minutes from the previous meeting dated July 24, 2019.
4. Set tentative date for next meeting and adjourn.

Signed: *T. Green*  
Title: Health Agent  
Date: August 1, 2019

RECORDED  
2019 AUG - 1 PM 1:32



Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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Buzzards Bay, MA 02532  
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RECEIVED  
2019 AUG 22 AM 9:11  
TOWN CLERK BOURNE

## MINUTES August 5, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow Jr.; Donald Uitti; 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 5:04 pm

*Michael Rausch and Beth Treffeisen acknowledged they were recording.*

1. **Scenic View Motel—871 Scenic Highway—AJ Michael Realty LLC--Discussion and possible vote to pursue any/all statutory remedies for ongoing violations and noncompliance with Bourne Board of Health orders and directives. Penalty for failure to comply with orders pursuant to the State Sanitary Code, 105 CMR 410.910-920, M.G.L. c. 140, §32E, and Board of Health Regulations.** Mr. Barlow stepped off for this agenda item. Ms. Vickie Brady, was present and stated that she has been the live-in manager for the past 22 years and she is currently the caretaker for the property. The owner, Dennis Waitekunas, was not going to reopen, therefore Ms. Brady explained that she has not done anything to the rooms. Ms. Brady admitted that she was letting her brother-in-law live in one of the rooms before he passed. Chairwoman Peterson regretted that Mr. Waitekunas was not more involved or responsive. Chairwoman Peterson asked Health Agent, Terri Guarino, to discuss the penalty for failing to comply with the March 6, 2019 BOH meeting vote suspending the license to operate the Scenic View Motel. In that time period, a zone change was proposed. Originally, in the order dated March 8, 2019, Ms. Brady was allowed to remain on the premises despite the 90 day license suspension for failing to comply with the Bourne Board of Health meeting vote. Ms. Guarino stated that Ms. Brady remained as the live in manager to facilitate contractors to make necessary repairs to the establishment. She stated that essentially no repairs or corrections had been made. Then went on to elaborated that if the structure were to deteriorate further, it would need to be vacated, as detailed in the March 8, 2019 order. Ms. Guarino explained that the goal of this was to help promote public health by correcting ongoing violations. As of most recently, an order was issued as advised by Town Counsel, which deemed the structure unfit for human habitation. She stated that the property was ordered to be vacated and secured. The motel does not meet the minimum standards of fitness for human habitation. These are ongoing violations that have not been corrected for years by the owner. Ms. Guarino said that despite many attempts to contact Mr. Waitekunas, the Health Department has not received a response regarding this motel and the severity of the situation. To her knowledge, there are still occupants. The occupancy permit was revoked by the Building Inspector. She also elaborated that the property is not adequately secured. Health Inspector, Carly Cote, and Building Inspector, Roger Laporte, had gone out to the property on July 23, 2019 to make sure all doors were locked. On July 24, 2019, Carly Cote and Terri Guarino visited the property again and a couple rooms were not secured. Ms. Guarino noted that the odor was so bad from one of the rooms that it was noticeable outside of the door. The interior of the room was covered in mold. She was unsure why anyone would unlock it, but reiterated that the rooms are not properly secured. Ms. Guarino advised that no one



should be even walking into these rooms due to the smell that is so potent. "Even just air quality wise, this is a significant concern to have anyone even step foot in there. It looks like there are some structural issues with the roof or ceiling that have developed since the property has not been maintained since March," said Ms. Guarino. Ms. Peterson explained that they only had 90 days since March 8, 2019 to correct these violations so that "null and voids anything that was awarded back then." Ms. Peterson explained that under Section 4 of the Bourne Board of Health Hotel, Motel and Guest Cabin regulations, no one shall operate a hotel or motel without a license. At least three people were staying in this motel during license suspension. The fine for that is anywhere from \$10.00 to \$100.00 dollars per day. Ms. Guarino confirmed this. Ms. Peterson elaborated upon State Sanitary Code 105 CMR 410.910. Violations for this could be fined anywhere between \$10.00 to \$500.00 dollars per day. Ms. Peterson asked how many days it had been since March 6<sup>th</sup>. Ms. Peterson asked Ms. Brady if she has been looking for places to stay. Ms. Brady responded that she is trying. She stated that she does not have any money, and has been turned away. Ms. Brady signed up with the senior center housing but there are currently no openings. Ms. Brady stated that she has not rented or let anyone else stay other than her brother-in-law. Ms. Brady explained that she has gone into all these rooms and stated that they are extremely hot because all the windows are locked so no one can get in. She stated that no one has gotten into these rooms and questioned the Health Agent's information. Ms. Peterson acknowledged that Ms. Brady's brother-in-law was staying in one of the rooms, and apologized for his passing, but reiterated that he was still staying in one of the rooms. Ms. Brady questioned several more claims by the Health Agent. Ms. Peterson explained that these have been long standing violations. Ms. Brady questioned why they have not been shut down before if these violations have gone on for years. Ms. Brady commented on the drug problem getting worse and having "druggies" stay at her house. Ms. Peterson clarified that the Scenic View Motel is not her house; she is an employee. Ms. Brady explained that she is no longer an employee because there is no more business, she is the caretaker. Ms. Peterson explained that there will be no more caretaking because the structure has been ordered unfit for human habitation, including where Ms. Brady is staying. Therefore, Mr. Waitekunas needs to provide a place for Ms. Brady to stay in the interim. Ms. Brady exclaimed that she could not. Ms. Peterson apologized and explained that she would need to forfeit the animals and move into a place that Mr. Waitekunas will pay for. Ms. Brady said, "I can't and I won't." The Board determined it had been 151 days since March 7<sup>th</sup>, when the property was first ordered to be vacated. Ms. Peterson explained the first fine could entail \$15,100 at \$100.00 per day. The Board further determined that it had been 13 days since the property was deemed unfit for human habitation. Mr. Andrews calculated that fines could range from \$130 to \$6,500 as of today. Mrs. Kelly Mastria inquired why the structure has not been further secured or boarded up. Ms. Guarino and Mr. Andrews explained that it was ordered to be secured on July 24, 2019. Mrs. Mastria stated that she understands "secured to be locked, but boarded up means boarded up." Ms. Peterson asked if the Board of Health could order them to board up the property. Mr. Andrews stated that the Board of Health could order it. Ms. Guarino responded that it has already been ordered for the property to be secured. She stated that one of the rooms would need to be boarded up, but she does not know if it is necessary for all of the rooms to be boarded up in that manner. Ms. Guarino explained that it is up to the owner's discretion and that most of the doors can be secured from the exterior. "If no one was living there, no one would be able to access or unlock the doors," said Ms. Guarino. Ms. Peterson stated that she would like some type of barrier put up in front of the property so that no one could enter or leave the property. Mr. Andrews stated that barriers would make it more of a hindrance for safety personnel to get into the property. Ms. Guarino stated that the Health Department could at least ask. Mr. Andrews stated that his concern is that Ms. Brady is unable to be a representative for the owners, because she just stated she no longer works for them. Ms. Brady clarified that she is hired by Mr. Waitekunas as the caretaker. Ms. Peterson responded that Mr. Waitekunas has been notified that he can no longer have anyone staying at the property, therefore, if Mr. Waitekunas would still like Ms. Brady to be the caretaker, then he will have to put her up elsewhere. Mr. Andrews reiterated that there is no one to be residing in that property. Ms. Brady stated that she had no place else to go and would stay there until she can sell her things and go. Mr. Andrews explained that Ms. Brady did not need to move all of her belongings out, just herself. Ms. Brady stated, again, that she would be staying there tonight. Mr. Andrews explained that it would be a direct violation of the order. Ms. Brady stated that the Board was "ruining her life" and left the meeting. Ms. Peterson inquired on what remedies Town Counsel could take. Ms. Guarino encouraged that any and all remedies should be taken and that fines are just one option. Mrs. Mastria stated

that the property owner needs to be paying attention to this matter. Mr. Andrews concurred that the lack of communication from the property owner was discouraging. Mrs. Mastria sympathized with Ms. Brady and stated that it is the property owner's responsibility to remedy this. Mrs. Mastria stated that if the property owner will not accept this responsibility, then the Board needs to take any and all measures afforded to fix this ongoing situation. Ms. Guarino said that any discussion of specific measures to take should be addressed in executive session and not open session. Ms. Guarino said that counsel did suggest fines as a first step. **Mr. Andrews moved to fine the owners of 871 Scenic View Motel \$100.00 dollars per day as of March 7, 2019 for the violations of Section 4 of the Bourne Board of Health Hotel, Motel, and Guest Cabin Regulations and MGL c. 140, § 32E and \$500.00 dollars per day as of July 24, 2019 for violation of the State Sanitary Code 105 CMR 410.910, until the property is secured and vacated. Additionally, Mr. Andrews motioned for the Agent to take any/all legal remedies and to keep the Board apprised of this process. Ms. Peterson added the fine amount as of today which will accrue daily. Mrs. Mastria seconded the motion. All in favor and the motion passed, Mr. Barlow abstained from voting. Barbara Jacobson asked for clarification on who is the owner of the property. She stated Mr. Waitekunas is in Florida and doesn't care.**

2. **25 Phillips Road—Timothy Traub, Trustee of 25 Phillips Road Realty Trust—Requesting hearing in response to Board of Health meeting vote on July 24, 2019 deeming three nonconforming sewage disposal systems on property to be in failure.**

Mr. Barlow stepped back onto the Board for this agenda item. No representative present for this agenda item. Mrs. Peterson made a motion to sustain the Board of Health meeting vote from July 24, 2019 that the three nonconforming sewage disposal systems on the property are failed systems. Mr. Barlow seconded the motion. All in favor and the motion passed.

3. **Parrot Bar and Grille—1356 County Rd— Brian Crocker and Tracey Dunnington, Owners— Permit to operate a food establishment summarily suspended on August 2, 2019 due to existence of imminent health hazards not corrected prior to re-inspection. Hearing in accordance with 105 CMR 590.014-015, to discuss and possibly vote on penalty for failing to correct and comply with the minimum standards of food establishments, 105 CMR 590.00, and whether or not to reinstate food permit.**

Mr. Barlow stepped off for this agenda item. Owners Brian Crocker and Tracey Dunnington, as well as Mike Ball, who works in the kitchen, were present to discuss this matter. Ms. Peterson asked the Health Agent to bring the Board up to date on the most recent developments regarding the Parrot Bar and Grille. Ms. Guarino stated that a routine inspection was conducted by Health Inspector, Carly Cote, on August 1, 2019. This inspection revealed several violations related to Foodborne Illness, specifically refrigeration failure. Ms. Guarino explained that this violation needs immediate correction and the owners voluntarily disposed of the food that was not properly refrigerated and closed the operation of the kitchen for that evening. When a re-inspection was conducted the following day, there were still refrigeration issues that were still not addressed as well as additional violations that remained. The food permit was suspended over the weekend until the hearing. Mr. Andrews asked for inspection reports. Ms. Guarino stated that they were attached to the packets provided to the Board of Health Members. Ms. Peterson asked about additional paperwork that the Parrot Bar and Grille may have provided. Ms. Guarino explained that during the previous inspection on August 2, 2019, she had asked for a pest control report and contract. Additionally, Ms. Guarino discussed obtaining ServSafe and Allergen Awareness certifications for the employees. Lastly, Ms. Guarino asked for a limited menu, refrigeration logs, and cleaning lists. Mr. Crocker stated that he had forwarded the Griggs and Browne Pest control contract to the Health Department and also submitted a copy to the Board. Mr. Crocker also presented Mr. Ball's and another cooks Allergen Awareness certificate, as well as the vomit and diarrhea clean-up procedure. Mr. Crocker stated that he had started a refrigeration log, as well as cleaning lists but the printer had run out of ink before the meeting. Mr. Crocker summarized that Barret Plumbing and Heating replaced bushings on the walk-in refrigerator door and replaced the handle, and O&S Plumbing and Heating repaired refrigeration to limit the defrost cycle. He stated that the refrigerator issues have been rectified and seem to

hold cool temperature. Mr. Crocker also detailed the cleaning and sanitizing that they have accomplished over the past few days. Mrs. Peterson asked if the owners had any pictures of the cleaned establishment. Mr. Crocker said that he did not, and had hoped that the Agent or Inspectors could have gone to the Parrot Bar and Grille earlier in the day. Chairwoman Peterson responded that the Health Department had been hoping to get new paperwork before the meeting. Mr. Crocker explained that he had not wanted to set up an inspection before all violations were completed. Mr. Crocker continued to summarize the progress made, and also stated that he had purchased the hand sanitizer that Ms. Guarino had recommended. Mrs. Mastria inquired about evidence of pests. Ms. Guarino stated that there were droppings observed. Mr. Andrews asked what the pest control report stated. Health Inspector Carly Cote stated that the report detailed the parameters of the contract and also found evidence of mice and/or rats. Mrs. Mastria asked Ms. Cote about the cleanliness during the time of inspection. Ms. Cote stated that, in summary, the establishment needed to clean and sanitize both food contact and non-food contact surfaces, but as discussed, the major area of concern was the refrigeration. Ms. Peterson observed that there were 18 critical violations found on the inspection report. Ms. Peterson stated that her issue is that restaurants who pass inspection without any violations do not get recognition. Ms. Peterson said that 9,500 people died of Foodborne Illness last year coming from a restaurant and that the number is probably higher. She continued that it is extremely severe to not have a clean kitchen and that the Parrot Bar and Grille has gone through this before. Mrs. Peterson asked if the owners were prepared to take on the responsibility of cleaning up the kitchen and do it correctly. Mr. Ball stated that the biggest issue that they have faced was keeping the refrigeration temperature up, even though they have replaced units. Mr. Ball said that the inspection on August 1, 2019 was right after the lunch rush and had not had a chance to wipe the counters down. He explained that he had been in the restaurant business for 43 years, had run numerous kitchens and had dealt with several Board of Health's without any issues. He continued that he had not made anyone sick and that the Health Department had not received a foodborne illness complaint from the Parrot in many years. Mrs. Peterson asked him to stop because the Parrot did have a very serious food complaint. Mr. Ball stated that he was unaware of this complaint. Mr. Andrews stated that the first report from August 1, 2019 had 13 violations that had to be corrected within 24 hours. Mr. Andrews asked if all the violations were corrected when the Health Department re-inspected on August 2, 2019. Ms. Guarino said no. Mr. Andrews explained that any twenty-four hour violations should be a priority and completed before anything else. Not repairing or correcting them in that time frame does not show the commitment needed. Mr. Andrews stated that he has a very hard time looking at even issuing a conditional license, seeing that the Parrot had that many violations that were not addressed within the twenty four hour period. Mr. Crocker explained that they had tried their best and that someone was there until 1:00 am trying to correct these violations. He stated that it was not up to par, but he does not want to Board to think they did not try. Mr. Andrews said if you are not able to correct these violations, then keep the establishment closed and let the Health Department know. Mr. Crocker stated that he had people working the very next morning. Mr. Andrews reiterated that they still were not corrected. Mr. Andrews asked for a copy of the original inspection. Ms. Peterson said that the Board recently let another restaurant go too long with similar issues and that the Board could not let that happen again. Mr. Andrews explained that at the first of year the Board invited all the restaurants in town to a meeting to explain new federal regulations. He continued to say that the office is really good at helping the restaurant through things, "if you have a question, you call them." Mr. Andrews read through old inspections, commenting on repeat violations. Mrs. Peterson asked if the owners would be able to reach strict standards if the Board granted a conditional permit. Ms. Peterson also mentioned instituting a letter grade system for restaurants. Ms. Peterson further inquired if the owners would even be interested in meeting the strict standards that would be outlined in a conditional permit. Ms. Peterson further explained that they would need to meet the conditions of the provisional permit or else the permit would be revoked on site. Mrs. Mastria asked how it got to be this bad and if they had any procedures to clean at the end of shifts. Ms. Dunnington stated that they did have procedures. Mrs. Mastria inquired if the owners had realized that the cleaning being done had not met standards. Ms. Peterson asked if they had brought the cleaning procedures. Ms. Dunnington said they did not bring them. Ms. Peterson elaborated that the owners were coming in front of the Board to find out whether or not they could keep their operating license or not. Ms. Dunnington explained that the printer had run out of ink. Mrs. Mastria asked about cleaning standards again. She inquired how the establishment got so dirty. Mr. Crocker said it's likely due to people not doing their jobs, that there needs to be more training, and that they

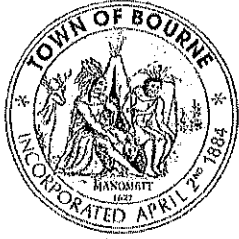
have issues keeping employees. Mrs. Mastria summarized that it sounded like the process got away from the owners and that they needed to start with a clean slate by re-staffing and revamping. Mr. Andrews said that he noticed a road map of all of these repeat violations based on the past inspection reports. He stated that after being issued a copy of any one of these reports, the owners should not want to serve food to the public. Mr. Andrews stated that they needed to figure out a way to maintain their facility while still operating a business. He explained that the owners and the kitchen management need to be chasing these violations down. Correcting violations should be the highest priority the second the Health Department leaves. Mr. Andrews inquired how long they have been working on refrigeration issues. Mr. Ball responded over a year. Mr. Andrews explained that this is where temperature logs play a very important role. Mr. Andrews stressed the importance of effectively managing the restaurant in order to provide a safe product for the public. Mr. Andrews said that does not support a conditional at this time without seeing all the documentation that was requested by the agents. Mr. Andrews elaborated on several repeat violations, including food on the ground, as well as the mislabeling of food products. Ms. Peterson asked about the new labeling system. Ms. Cote explained that some items were labeled during the August 1, 2019 inspection, but many items were not. Ms. Guarino explained that many items were also improperly labeled. Mr. Ball stated that they purchased food labels. Mrs. Mastria explained that it may be time to go back to the drawing board on the way the business was run. Mr. Crocker stated that he did have some more paperwork and Mr. Andrews encouraged him to present anything he had. Mr. Crocker explained that they had started a temperature log, power washed areas of the property, labeled items throughout the restaurant and that ServSafe will be conducting a training on August 11, 2019 at the Parrot. Ms. Dunnington said that all employees are also completing allergen awareness training. Mr. Andrews explained that he needed to hear these things in order to make an informed decision regarding their permit. Ms. Dunnington also explained that the refrigerator issues were solved by O & S Plumbing. Mr. Crocker reiterated again that he did not want to call the office for an inspection until all items were completed. Mr. Uitti asked how many more violations the owners have to correct. Ms. Dunnington said that they had to paint the floor in front of the walk-in and then the list of violations would all be corrected. Ms. Guarino clarified that the floor is unfinished concrete so it needs to be sealed. Mr. Crocker stated they also bought more Purell, sanitizer and thermometers. Ms. Peterson said that at any clean restaurant, the chef will have a draw full of thermometers. Ms. Peterson further explained that it is the middle of summer and that the Parrot has had notices on their doors all weekend. Ms. Peterson said she is in favor of a 45-day conditional permit. Mrs. Mastria asked if a draft conditional license was available. A copy of the conditional license provision was presented to the owners. Ms. Guarino clarified that she did not make the owners purchase any specific items, rather recommended helpful products to improve their operation. Mr. Andrews thanked her for clarifying the record. Ms. Peterson added that Federal and State food regulations would also need to be followed in addition to the provisions on the license and that no violations could be found during inspections or else the license would be terminated. Mrs. Mastria emphasized item number 8 on the conditional permit which outlines that if the restaurant is having any issues going forward, to contact the health department immediately. Ms. Guarino gave an example by saying if 75% of refrigeration units are down, call the Health Department. Mr. Crocker said that this would be possible and keeping in contact with the Health Department is key. Ms. Peterson stated that she thinks the Parrot deserves one more chance and asked the owners to not repeat this again. Mrs. Mastria explained the standard that the Board of Health sets. Ms. Peterson stated that years ago, the food code was different and the Board of Health asks the Health Agent and the Inspectors to make sure that the restaurants in town are up to code. Mr. Uitti asked when this could be effective and Ms. Peterson said after passing a pre-operational inspection. Mr. Andrews said he would be more comfortable with a 30-day conditional permit. Mr. Andrews explained that he would be in favor of a permit that starts today, but the Parrot Bar and Grille would only open if they passed a pre-operational inspection. **Mr. Andrews made a motion to issue a 2019 Conditional Food Permit for the Parrot Bar and Grille for 35 days or to expire on September 12, 2019 contingent on a pre-operational inspection, unless sooner suspended or revoked. Mr. Uitti seconded. All were in favor and the motion passed.** Mr. Ball asked for clarification if they need to come back for the September 11, 2019 meeting and to that Mr. Andrews answered, yes.

4. **Approve the Minutes**— Approve the minutes from the previous meeting dated July 24, 2019. The meeting minutes were not reviewed so Mrs. Mastria made a motion to move it to the next meeting. Mr. Andrews seconded. All in favor and motion to continue passed.
5. **Set tentative date for next meeting and adjourn.** There is a joint session of the Finance Committee, Landfill Working Group, and Board of Health scheduled for August 12<sup>th</sup> at 7:00 PM at the Bourne Middle School. The next regular meetings are scheduled for August 21, 2019 and September 11, 2019 for the Board of Health.

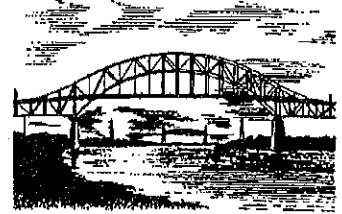
Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded. All were in favor and the meeting adjourned at 6:17 PM.

Taped & Typed by Terri Guarino, Health Agent and Carly Cote, Health Inspector

Kathleen Peterson \_\_\_\_\_  
Stanley Andrews \_\_\_\_\_  
Galon Barlow Jr. \_\_\_\_\_  
Don Uitti \_\_\_\_\_  
Kelly Mastria \_\_\_\_\_



# Town of Bourne Board of Health Meeting Notice



This is a joint meeting of the:  
**Bourne Landfill Business Model Working Group**  
**Bourne Board of Selectmen**  
**Bourne Board of Health**  
**Bourne Finance Committee**  
**Bourne Energy Advisory Committee**

RECEIVED  
2019 AUG - 8 PM 1:39  
TOWN CLERK BOURNE

## Agenda August 12, 2019 – Second Amendment

Date  
Monday  
August 12, 2019

Time  
7:00 p.m.

Location  
Bourne Middle School Library/Media Room  
77 Waterhouse Road  
Bourne, MA 02532

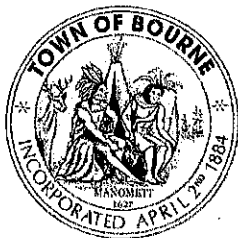
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

### OPEN SESSION 7:00 P.M. – Call meeting to order.

1. Discussion and possible vote about options for a final site development plan for the full 112-acre ISWM Department facility including, but not limited to; potential horizontal and vertical landfill expansions, permitting timelines, transfer stations and administrative and support facilities.
2. Discussion and possible vote regarding acquisition of two parcels of land for the purposes of mitigating Eastern Box Turtle habitat at the ISWIM facility.
3. Discussion of future meeting schedule and agenda items.
4. Adjourn

Signed:  
Title: Secretary  
Date: August 8, 2019



# Town of Bourne Board of Health Meeting Notice



This is a joint meeting of the:  
Bourne Landfill Business Model Working Group  
Bourne Board of Selectmen  
Bourne Board of Health  
Bourne Finance Committee  
Bourne Energy Advisory Committee

RECEIVED  
2019 AUG -8 AM 11:56  
TOWN CLERK BUREAU

## Agenda August 12, 2019 - Amended

Date  
Wednesday  
August 12, 2019

Time  
7:00 p.m.

Location  
Bourne Middle School Library/Media Room  
77 Waterhouse Road  
Bourne, MA 02532

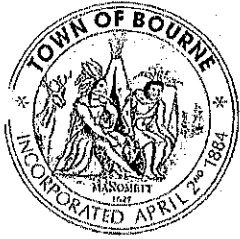
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2. Discussion and possible vote regarding acquisition of two parcels of land for the purposes of mitigating Eastern Box Turtle habitat at the ISWM facility.
3. Discussion of future meeting schedule and agenda items.
4. Adjourn

Signed: *Lydia M B Amaral*  
Title: Secretary  
Date: August 8, 2019



# Town of Bourne Board of Health Meeting Notice



Agenda August 12, 2019

Date  
Wednesday  
August 12, 2019

Time  
7:00 p.m.

Location  
Bourne Middle School Library/Media Room  
77 Waterhouse Road  
Bourne, Ma 02532

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

**OPEN SESSION 7:00 P.M. – Call meeting to order.**

1. Discussion and possible vote about options for a final site development plan for the full 112-acre ISWM Department facility including, but not limited to; potential horizontal and vertical landfill expansions, permitting timelines, transfer stations and administrative and support facilities.
2. Discussion and possible vote regarding acquisition of two parcels of land for the purposes of mitigating Eastern Box Turtle habitat at the ISWM facility.
3. Discussion of future meeting schedule and agenda items.
4. Adjourn

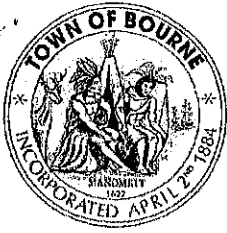
Signed:  
Title: Secretary  
Date: August 7, 2018

TOWN OF BOURNE

2018 AUG -8 AM 11:19

RECEIVED





Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



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2019 AUG 22 AM 11  
TOWN OF BOURNE

### MINUTES August 12, 2019

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galen Barlow Jr.; and Donald Uitti.

Support Staff in attendance: Terri Guarino, Health Agent; and Kayla Davis, Health Inspector.

### Meeting of the Board of Health was called to order at 7:00 pm

*Michael Rausch acknowledged he was recording audio. Bourne Community TV was present recording which will not be televised live, but aired at a later time.*

The Finance Committee admitted that they do not have a quorum at this time. The Bourne Energy and Advisory Committee and Board of Selectmen called their meetings to order. Mr. Stanley Andrews of the Bourne Landfill Business Model Working Group called the meeting to order and invited professional staff to present. Finance Committee had quorum and meeting is called to order.

### Joint Session of Bourne Board of Health, Bourne Landfill Business Model Working Group, Bourne Board of Selectmen, Bourne Finance Committee, and Bourne Energy Advisory Committee 7:03 pm

Mr. Daniel Barrett, General Manager of ISWM introduced landfill professional staff Phil Goddard and Asa Mintz, Operation Manager. Ray Quinn from SITEC Engineering was present who has been the Engineer for the facility since about 2000. George Aronson, Principal of CRMC introduced and presented power point attached hereto as Exhibit 1. Mr. Ken Ryan of SITEC presented as well. General discussion amongst boards and the public. The following agenda items were not deliberated on.

1. Discussion and possible vote about options for a final site development plan for the full 112-acre ISWM Department facility including, but not limited to; potential horizontal and vertical landfill expansions, permitting timelines, transfer stations and administrative and support facilities.
2. Discussion and possible vote regarding acquisition of two parcels of land for the purposes of mitigating Eastern Box Turtle habitat at the ISWM facility.
3. Discussion of future meeting schedule and agenda items.
4. Adjourn. Ms. Peterson called for a motion to adjourn the meeting of the Board of Health. Mr. Uitti made a motion to adjourn the meeting. Mr. Andrews seconded this motion. All were in favor and the meeting of the Board of Health adjourned at 8:16 pm.

Taped & Typed by Terri Guarino, Health Agent  
Edited by Syreeta Amaral, Secretary


Kathleen Peterson \_\_\_\_\_

Stanley Andrews \_\_\_\_\_

Galon Barlow Jr. \_\_\_\_\_

Don Uitti \_\_\_\_\_

Kelly Mastria \_\_\_\_\_



**Future Opportunities for Bourne's  
Integrated Solid Waste Management Facility**

Presented to the Town of Bourne  
Board of Selectmen  
Board of Health  
Landfill Business Model Working Group  
Finance Committee  
Energy Advisory Committee

Daniel J. Barrett, General Manager, ISWM Department  
George Aronson, Principal, CRMC  
Ken Ryan, P.E., SITEC Environmental, Inc.

August 12, 2010

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### Purpose of the joint meeting

- Like in 2010, we are at a decision point regarding the future of the ISWM business model and site development
- A joint meeting was invaluable to ISWM staff and provided clear direction that led to a successful business model
- Seeking guidance from leadership regarding options for future growth
- The timeline is tight in order to continue seamless landfill operations
- What do we need guidance on?
  - » Landfill expansion; horizontal and vertical
  - » Land acquisition to mitigate habitat impacts on 12-acre parcel

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### Agenda

- Overview of opportunities at ISWM
  - » George Aronson, Principal of CRMC
    - Provided ISWM objective third-party review since 2002
    - Presented at joint meetings in 2010 and was instrumental in the previous RFP process and negotiations on the Site Lease and Development Agreement
    - Owner/Operator of multiple solid waste facilities
  - » Ken Ryan, P.E., SITEC Environmental, Inc.
    - Experienced engineer working on landfills in MA, including CMW in Carver
- Summary and Staff Recommendations
  - » Dan Barrett, ISWM Department, General Manager
- Schedule another meeting if needed

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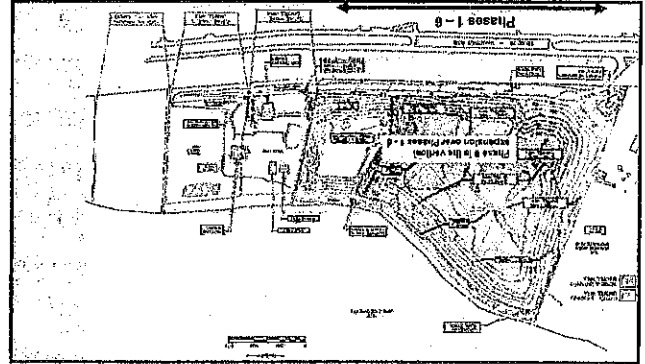
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ISWM Site Today	
<ul style="list-style-type: none"> <li>• Landfill permitted for disposal of 219,000 tons per year</li> <li>• Room to expand the landfill both horizontally and vertically</li> <li>• G&amp;D transfer station</li> <li>• SSR transfer station</li> <li>• Residential recycling center</li> <li>• Yard waste and brush processing area</li> <li>• Landfill gas available for beneficial use</li> <li>• Infrastructure and space available for more development</li> </ul>	

## Existing Business Model

- Accept Covanta ash supplemented by MSW and other solid wastes
  - » Developed strategy in 2010
  - » Signed agreements in 2012 (contract expires end of 2021)
  - » Arranged stable revenue for 2012 through 2021
  - » Permitted/built landfill airspace through 2024
  - » Secured MSW disposal for Bourne's MSW at SEMASS for 20 years from projected landfill closure (2022 - 2027)




## ISWM Benefits To Taxpayers

- ~ \$4.0 million per year in cash and services
  - » Free curbside collection of trash and recycling
  - » Subsidized residential recycling center (\$30 vs. \$250)
  - » Free disposal, recycling and composting (avoided costs)
  - » Host Community Fee
- ~ \$2.5 million per year in contributions to ISWM Retained Earnings
  - » Debt reduction
  - » Closure and Post-closure funds
  - » Working Capital

## ISWM Benefits To Cape Cod

- 2007 responded to fire at SEMASS by taking MSW from the entire Cape with no financial or operation impacts to municipalities
- Ash disposal for SEMASS which helps municipalities that send MSW to SEMASS
- C&D transfer operations
- SSR transfer operations
- Short-term MSW capacity during summer months
- ISWM helps to keep pricing competitive

<p><b>Long Term Objective</b></p> <p>Continue ISWM Core Operations and Benefits As Long As Possible</p> <p><b>Guidelines</b></p> <ul style="list-style-type: none"> <li>• Use existing site and assets as fully and efficiently as possible</li> <li>• Keep limits on capacity and operations</li> <li>• Keep installing and maintaining state-of-the-art design and environmental protection systems</li> <li>• Avoid and control impacts at levels comparable to existing operations</li> <li>• Keep providing services and value to the Town at current levels</li> <li>• Pay off all debt within the operating life of the landfill</li> <li>• Fully fund all closure and post-closure accounts</li> <li>• Maintain site environmental approvals and permit conditions</li> <li>• Be responsive to changing market conditions and opportunities</li> <li>• Come back for guidance from leadership on any new options</li> </ul>	
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<p><b>Landfill Expansion</b></p> <p><b>Build-out Scenarios (bookends)</b></p> <ul style="list-style-type: none"> <li>• Maximum Build-out: Full horizontal and vertical designs over the entire site</li> <li>• Minimum Build-out: End after Phase 6 (full design)</li> </ul>  <p><b>Over-sight and Approvals</b></p> <ul style="list-style-type: none"> <li>• Direction and decisions from Town Boards on compliance with guidelines</li> <li>• Permit approvals from MCPA, Cape Cod Commission, MA DEP and Bourne Board of Health</li> </ul>	
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<p><b>Maximum Build-out</b></p> <ul style="list-style-type: none"> <li>• Landfill extended into the mid 2040s</li> <li>• Vertical and horizontal expansions</li> <li>• Phase 9 and expanded Phase 7 and Phase 8 designs</li> <li>• Infrastructure moves to 12-acre parcel (acquire mitigation land)</li> <li>• Administrative offices</li> <li>• Garage</li> <li>• Residential Recycling Center</li> <li>• C&amp;D Transfer Station and SSR Transfer Station</li> </ul>	
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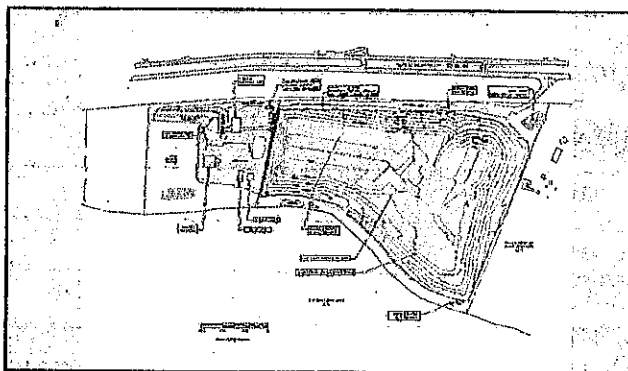
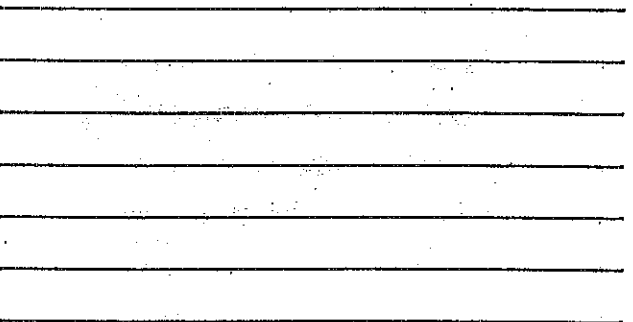
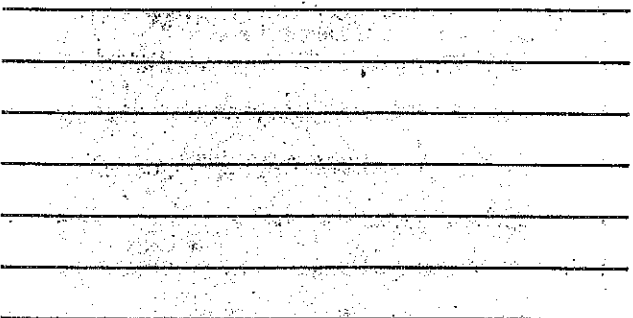
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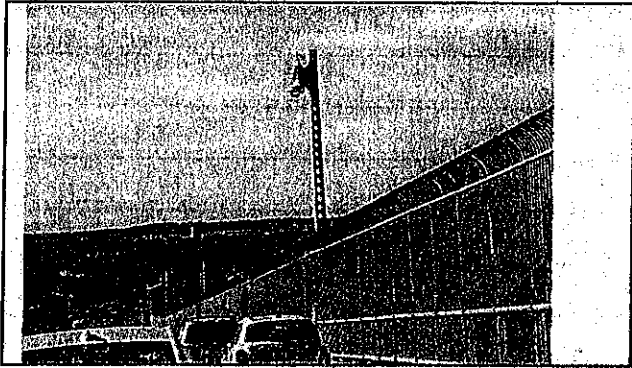
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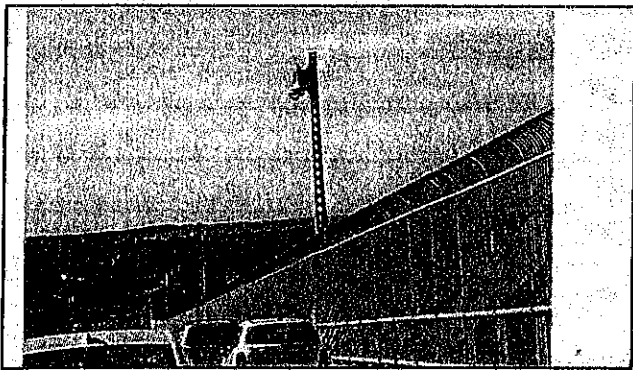
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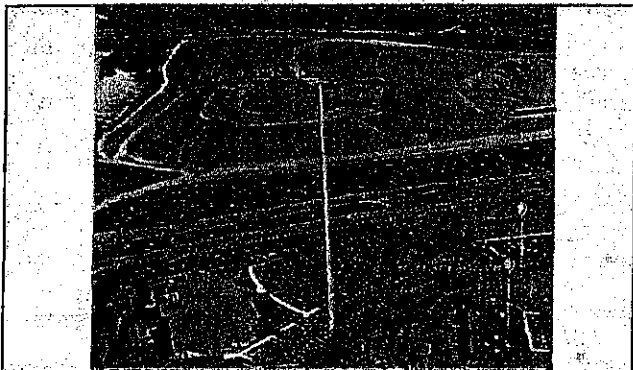
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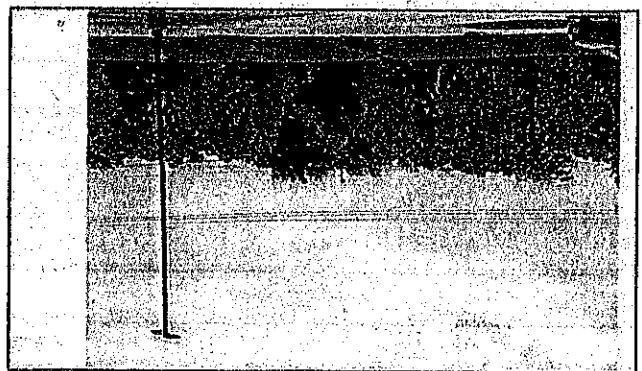
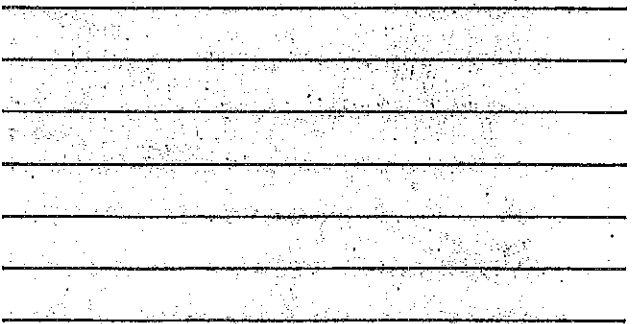
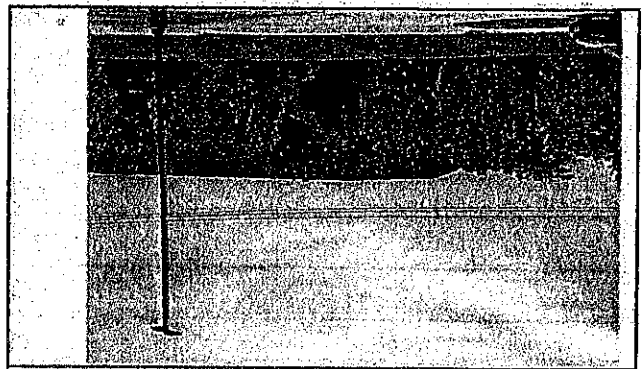
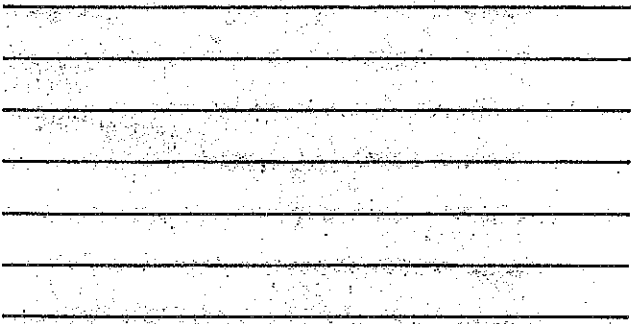
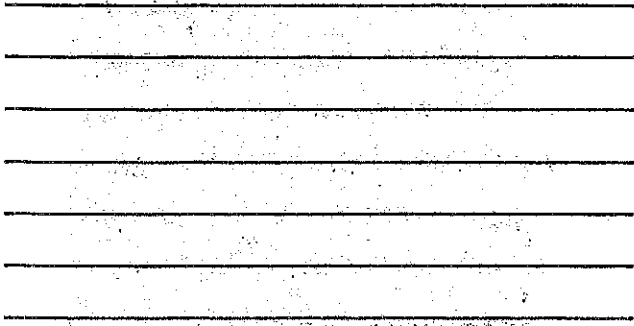
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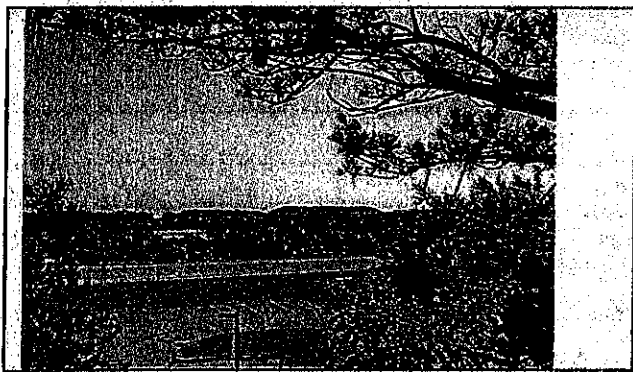
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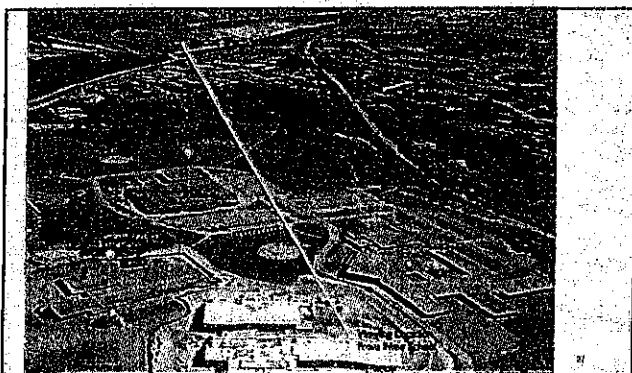
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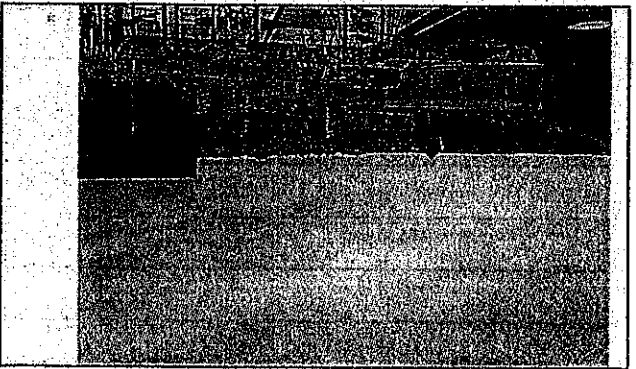
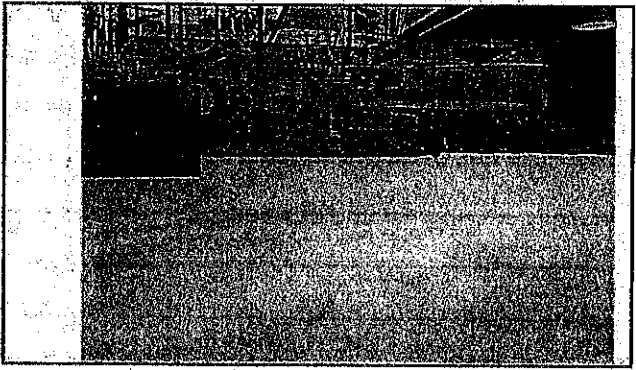
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<ul style="list-style-type: none"> <li>• August to October 2019 <ul style="list-style-type: none"> <li>» Seek guidance and direction from Town leadership</li> <li>» ISWM and SITEC prepare applications</li> <li>» Submit permit application to MEPA</li> <li>» Concurrently work on Site Suitability Reports</li> <li>» Acquire mitigation land and necessary to develop 12-acre parcel</li> </ul> </li> <li>• December 2019 <ul style="list-style-type: none"> <li>» Submit follow-up information to MEPA if needed</li> </ul> </li> </ul>	
<p>Development Schedule</p>	




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## Development Schedule

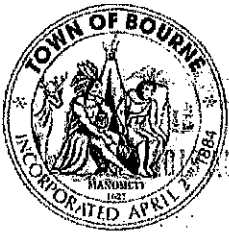
- February 2020
  - » Submit permit application to CCC
- May 2020
  - » Submit Site Suitability Reports to DEP: 25-acre, 12-acre
- August 2020
  - » Submit Site Assignment Modification(s) to Bourne Board of Health
- October 2020
  - » File Modified Site Assignment at the Registry of Deeds
- January 2021
  - » Pursue ATC for the next phase of the landfill

## Staff Recommendations

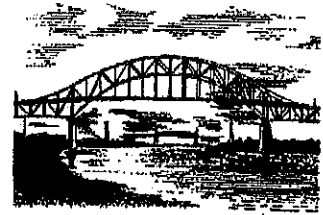
- Pursue final MEPA, CCC, MA DEP and Bourne Board of Health permitting pathways for Maximum Build-out plan
- Acquire mitigation land for the 12-acre parcel (town meeting)
- Garner support from Cape towns; elected officials, Town Administrators/Managers, DPW Superintendents
- Review options to extend Covanta disposal agreement to 2024
- Seek to extend agreement to send Bourne's MSW to SEMASS

## Board of Selectmen Guidance

- Vertical and horizontal landfill expansions
- Land acquisition for habitat mitigation of the 12-acre parcel
- Letter of support to be submitted to the CCC next year
- Communicate and garner support from Cape towns
- Schedule follow-up meetings if needed



# Town of Bourne Board of Health Meeting Notice



## Agenda August 21, 2019

Date  
Wednesday  
August 21, 2019

Time  
6:00 p.m.


Location  
Room 2 – Jim Mulvey Room  
Bourne Community Building  
239 Main St, Buzzards Bay

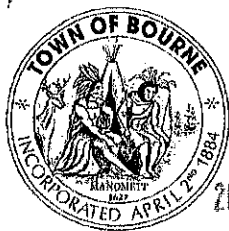
*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

### OPEN SESSION 6:00 P.M. – Call meeting to order.

1. Discussion and possible vote on update regarding failed Savary Avenue Community Septic Disposal System.
2. Savary Avenue Community Disposal System– Zachary L. Basinski P.E of Bracken Engineering on behalf of the Town of Bourne–*Continued from July 24, 2019*– Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue. System is owned and operated by the Town of Bourne.
3. 141 Williams Avenue—Owner Paula Hoffman—*Continued from July 24, 2019*–Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the orders dated April 18, 2019, and June 12, 2019.
4. 58 Wings Neck Rd – Zachary Basinski P.E. of Bracken Engineering Inc. on behalf of homeowner Donald Rhodes– Owner is requesting variances to the Town of Bourne Board of Health Regulations and system upgrade approval pursuant to 310 CMR 15.403 through 15.405 State Environmental code. Requested variances include reduction of setbacks to abutting properties, cellar walls, and Tidal Marsh areas.
5. 284 Scraggy Neck Rd – Zachary Basinski P.E. of Bracken Engineering Inc. on behalf of homeowners John and Suzanne Ball - Owner is requesting variances to the Town of Bourne Board of Health Regulations and system upgrade approval pursuant to 310 CMR 15.403 through 15.405 State Environmental code. Requested variances include divergence from full compliance for a finished grade of 4.4 over a septic component and setback requirements to a non-eroding, non-water dependent coastal bank from a soil absorption system.
6. 39 Lathrop Rd – Owner Mark Dalessandro – Discussion and possible vote regarding a request for relief from the Bourne Board of Health Poultry regulations for the continued domicile of six poultry and setback distances for chicken coops.
7. Carmen Shay—Repair of septic system components at 7 Edith Avenue without disposal works construction permit.
8. Approve the Minutes— Approve the minutes from the previous meeting dated July 24, 2019, August 5, 2019, and August 12, 2019.
9. Set tentative date for next meeting and adjourn.

Signed:   
Title: Asst. Health Agent  
Date: August 15, 2019



Terri A. Guarino  
Health Agent

TOWN CLERK BOURNE

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue

Buzzards Bay, MA 02532

[www.townofbourne.com/health](http://www.townofbourne.com/health)

Phone (508) 759-0600 ext. 1513

Fax (508) 759-0679



### MINUTES

August 21, 2019

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

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

### Meeting was called to order at 6:02 pm

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

- 1. Discussion and possible vote on update regarding failed Savary Avenue Community Septic Disposal System.** Chairwoman Peterson stated that she would like to bring the Board up to speed as to the status of this project. Ms. Peterson emphasized all of the hours and meetings which have taken place in regards to this agenda item. Specifically, Ms. Peterson detailed the requests of 4 legal services, only one of which was partially answered. The initial legal services request from October 29, 2018 was to discuss the upgrade of shared septic system owned/ operated by the Town of Bourne at Savary Avenue. The Board indicated that the review process should be started immediately, pending outstanding issues, as there was a tentative meeting date of November 14, 2018 to approve the variances and plans. Ms. Peterson suggested she would like a vote from the Board to clarify that the Health Agent cannot draw up these documents as she is the regulatory authority for this project. She noted, that in this instance, the Town of Bourne and Board of Sewer Commissioners is the applicant, and the Board of Health and its Agent is the approving authority. Ms. Peterson stated that it is not clear why this project has been held up so long, but the most recent legal services request was for special counsel. Attorney Troy is representing the applicants therefore separate counsel for the Board of Health is necessary. Mr. Andrews asked about timeframes for upgrades. Health Agent, Terri Guarino described for Title 5 overflows the timeline is typically one year, in no case more than two years from the date of determination. For cesspools overflowing, usually only 30 days are provided for the upgrade to be completed. Mr. Barlow said that all Boards need to work together and follow the correct procedures. Mrs. Mastria clarified that the Town does currently own the system. Ms. Peterson added that the Board of Health has demonstrated that they are willing and eager to work with the Board of Sewer Commissioners, but is concerned that the project is not moving forward. Mr. Andrews said that they have seen some progress in the past 10 months or so, but we don't have finalization. He stated that it is a concern that the owner of the failed system was not given a specific timeline for completion of this and thinks a vote is appropriate. Ms. Peterson is not sure how to proceed without special counsel, and would like to address a timeline for this project. Mrs. Mastria suggested that they should be provided with a legal opinion that explains as to why special counsel is premature. The concept that special counsel is premature was previously expressed for some Board Members. Mr. Glenn Cannon, Assistant Town Administrator, agrees that there should be a timeline established for the project to be completed. The applicants are aware and agree with the role of the Health Agent in this project and will have counsel prepare the deed recordings. Mr. Cannon explained that Attorney

Bob Troy as Town Counsel can address the questions of the Board of Health and relay appropriate information. Mr. Andrews related this situation to special counsel provided for the Board of Health when the Landfill is the applicant for site assignment modifications. He asked why these legal services requests were not addressed. Mr. Cannon was uncertain. Mr. Andrews asked for the Health Agent for a recommendation for a timeframe, stating that this is a unique situation where it is a municipal entity and a shared system. Mr. Andrews went through procurement procedures and feels that this septic system upgrade could be completed by February 6, 2020. Ms. Peterson thinks that is too long. **Mr. Andrews made a motion that the Board of Health set a deadline for the septic system upgrade to be completed by February 6, 2020.** Mr. Barlow made a motion that we end this discussion and move to second agenda item to allow the engineer and applicant to present. Ms. Peterson would like to see a vote relative to special counsel. Mrs. Mastria understands the level of frustration and thinks it's fair for the Board of Health to have legal advice to determine what the Board needs. There are two motions on the table which have not been seconded. Miss Guarino clarified the agenda items. Mr. Cannon added that the Board of Selectmen need to vote to approve special counsel and that has not been done. Mr. Gary Maloney spoke from the audience saying that the delay of this project directly affects families. He explained, "13 families are getting raked through the coals and the Board of Health Agent is in a bad position." **Mr. Andrews added an amendment to the motion include that the Board of Health request to be assigned special legal counsel for the review of this project.** **Mrs. Mastria seconded the motion. All in favor, and the motion passed unanimously.** Miss Guarino asked for clarification. Ms. Peterson said that they are hoping to protect the rights of the residents. Mr. Cannon said that the residents were told to get their own legal representation. Mr. Maloney disagreed with that statement in that both messages were stated by them. Mrs. Mastria said she is concerned of the health and welfare of the public. Mr. Brian Cleary was given a preliminary document to give to their lawyer, but was then told it was invalid and he hasn't received anything final since then. Mr. Peter Valeri said that on Day 1 that himself, the Health Agent, DPW, and Bracken Engineering were there when the system was overflowing and the technical issues were addressed. Mr. Valeri went on to say, "it's more of an Administration issue, and if Town Counsel isn't doing what they are supposed to, hire someone else. Taxpayer dollars are flying out the window and this has been stalled by Administration". Mary Jane Mastrangelo, speaking as a Bourne resident, thinks having a deadline is good to move forward, and asked if the applicants have a list of what they need to provide within that 45 day period, which Ms. Peterson answered that they do. Ms. Mastrangeo added that Conflict of interest has been previously raised for an attorney representing a Town and the County and thinks it is clear that the Board of Health should have separate representation.

Ms. Peterson turned the meeting over to Mr. Stanley Andrews and stated that she needed to leave shortly.

2. **Savary Avenue Community Disposal System– Zachary L. Basinski P.E of Bracken Engineering on behalf of the Town of Bourne–Continued from July 24, 2019– Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue.** System is owned and operated by the Town of Bourne. Mr. Basinski said the applicants may be willing to waive the 45 day time period. Mr. Andrews said they want this to move forward and not extend beyond the stated timeline. There was clarification on whether the legal counsel is aware of the Title 5 documents and that after it is approved, they have to record and file with the Board of Health the executed documents within 30 days. Mr. Cannon said that the applicant recognizes that 30 day time period and intends to discuss with the residents. The Board of Health thanked Mr. Basinski. Mr. Cannon thanked the Board of Health for their patience and dedication. *Ms. Peterson exited the meeting and did not participate in the vote. Four members present.* **Mr. Barlow made a motion to continue this item to the Board's next meeting. Mr. Uitti seconded the motion, all in favor, and the motion passed unanimously.** Mr. Barlow added that this packet will not be able to be reviewed and approved if the request for legal counsel, which they are entitled to, is not approved and granted prior.



3. **141 Williams Avenue—Owner Paula Hoffman—Continued from July 24, 2019—Discussion and possible vote regarding failure to correct violations of the State Sanitary Code, 105 CMR 410.000, and noncompliance with the orders dated April 18, 2019, and June 12, 2019.** Health Inspector, Kayla Davis, debriefed the Board members. She stated that she had not heard from the owner nor the owner's attorney since July 26, 2019 and that violations were still outstanding. Mr. Andrews asked about the fines. Miss Davis stated that the fines have totaled \$37,800 to date and are ongoing. There was no public comment. **Mr. Barlow made a motion to continue the fines until the work at 141 Williams is completed. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**
4. **58 Wings Neck Rd – Zachary Basinski P.E. of Bracken Engineering Inc. on behalf of homeowner Donald Rhodes–** Owner is requesting variances to the Town of Bourne Board of Health Regulations and system upgrade approval pursuant to 310 CMR 15.403 through 15.405 State Environmental code. Requested variances include reduction of setbacks to abutting properties, cellar walls, and Tidal Marsh areas. Mr. Basinski reported that the requested relief of setbacks and approval of the impervious barrier for the system to go up against the foundation are due to the size of the lot. Mr. Andrews questioned the practice of installing the barrier against the foundation. Mr. Basinski replied that he agrees that it is not the best practice but as long as the impervious barrier is deeper than the footing that it would be okay. Health Agent, Terri Guarino added that the groundwater elevation provided on the plans was confirmed with monitoring well data. **Mr. Barlow made a motion to approve the variances. Mrs. Mastria seconded the motion. All were in favor and the motion passed unanimously.**
5. **284 Scraggy Neck Rd – Zachary Basinski P.E. of Bracken Engineering Inc. on behalf of homeowners John and Suzanne Ball -** Owner is requesting variances to the Town of Bourne Board of Health Regulations and system upgrade approval pursuant to 310 CMR 15.403 through 15.405 State Environmental code. Requested variances include divergence from full compliance for a finished grade of 4.4 over a septic component and setback requirements to a non-eroding, non-water dependent coastal bank from a soil absorption system. Mr. Basinski remarked that the owners were upgrading the septic because they wanted to add an addition. This addition has already been approved by Conservation. They are going to install a new Microfast system on the property. Mr. Andrews remarked that he wanted to make sure that the installer followed the notes on the plans to install a sleeve on the water main. After being assured this would be followed and the proper testing would be completed, Mr. Andrews asked if there were any from either the Board or from Miss Guarino. There were no questions asked. **Mr. Barlow made a motion to approve the variances. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**
6. **39 Lathrop Rd – Owner Mark Dalessandro – Discussion and possible vote regarding a request for relief from the Bourne Board of Health Poultry regulations for the continued domicile of six poultry and setback distances for chicken coops.** Owners described their situation and the relief they are requesting. Health Inspector, Carly Cote, added that the existing chicken coop is not 100 feet from the dwelling on the property and there are a number of hens. The Health Department was notified after receiving a noise complaint about a rooster, which the owners removed. Mr. Andrews asked if there was anyone here in the audience, to which the neighbors were present, but did not want to comment until he heard from the Board. Mr. Barlow said that they have granted variances in the past if everyone is on the same page. Mrs. Mastria asked what size the property is as the regulations state only four hens per acre and asked for clarification on the existing fence. The property is 7,362 square feet according to the records of the Assessor's database. Mr. Jake Collins of 2 Nuovo Drive, Sagamore Beach is concerned about the environment as it relates to his wife's health and to his registered well. He asked that the Board of Health enforce the setback regulations and not grant the variances. **Mrs. Mastria motioned to have this item continued to the next Board of Health meeting so that more information on exact setbacks can be attained. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**

7. **Carmen Shay—Repair of septic system components at 7 Edith Avenue without disposal works construction permit.** Health Agent Terri Guarino advised the Board on the situation on 7 Edith Ave. She described that the residence at 7 Edith Ave had septic back-up issues inside the dwelling and that there was an unpermitted repair done by Carmen Shay. The repair was made by boring a hole into the tank to lower the outlet invert because inlet and the outlet pipes were at too similar of an elevation causing the back-up. Miss Guarino said that if the proper procedure had been followed she would not have allowed this repair to be made because it reduces the effectiveness of the system. According to Mr. Shay when he pulled the permit, the repair was not made as a permanent solution but as a temporary patch until the real repair can be made. Mr. Andrews asked if Mr. Shay had been notified that he was supposed to be heard at the meeting. Miss Guarino noted that there has been messages left on his machine and that he has not called back. Mr. Andrews remarked that he has in the past been an advocate for revoking an installer's license due to not pulling a permit before repairs are made because it allows other installers to do the same thing. **Mr. Barlow motioned to have Mr. Shay's license revoked until he shows up to be heard in front of the Board. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.** Miss Guarino remarked that the issue can be resolved if the tank is replaced because the repair that was made has reduced the efficiency of the disposal system. Mr. Andrews asked for an acceptable amount of time that was needed for proper permitting, work completion, and inspection. Miss Guarino replied that since the system is not functioning properly as it is that she would advise 7 days. Mr. Andrews stated that he can see giving the homeowners 14 days max. **Mr. Uitti made a motion to give the owners 14 days to come up to code and get approval from Miss Guarino. Mr. Barlow seconded the motion. All were in favor and the motion passed unanimously.**

8. **Approve the Minutes— Approve the minutes from the previous meeting July 24, 2019 and August 5, 2019. Mr. Barlow made a motion to approve the minutes for the previous meetings. Mr. Uitti seconded the motion. All were in favor and the motion passed unanimously.**

9. **Set tentative date for next meeting and adjourn. September 11, 20019 at 6:00 pm**

Taped & Typed by Terri Guarino, Health Agent

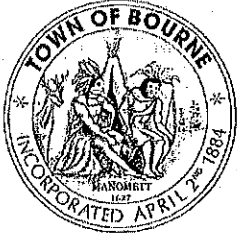
Kathleen Peterson \_\_\_\_\_

Stanley Andrews \_\_\_\_\_

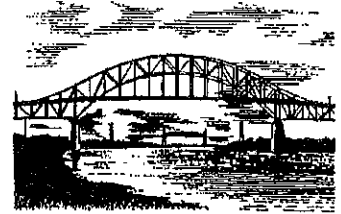
Galon Barlow Jr. \_\_\_\_\_

Don Uitti \_\_\_\_\_

Kelly Mastria \_\_\_\_\_



# Town of Bourne Board of Health Emergency Meeting Notice



Agenda September 11, 2019

**\*\*Emergency meeting notice due to unforeseen circumstances\*\***

Date  
Wednesday  
September 11, 2019

Time  
6:00 p.m.

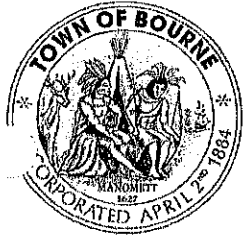
Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

*Note this meeting is being recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.*

*All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.*

**OPEN SESSION 6:00 P.M. – Call meeting to order.**

1. Savary Avenue Community Disposal System – Zachary L. Basinski P.E of Bracken Engineering on behalf of the Town of Bourne – *Continued from July 24 & August 21, 2019* – Request for relief from Bourne Board of Health Regulations and Title 5 of the State Environmental Code for the upgrade of the community sewage disposal system off Savary Avenue.
2. 39 Lathrop Rd – Owner Mark Dalessandro – *Continued from August 2, 2019* – Discussion and possible vote regarding a request for relief from the Bourne Board of Health Poultry regulations for the continued domicile of six poultry and setback distances for chicken coops.
3. 7 Edith Ave – Carmen Shay – *Continued from August 21, 2019* – Repair of septic system components at 7 Edith Avenue without disposal works construction permit.
4. 200 Eel Pond Rd – Alexander Joyce Owner – Requesting variances from the Town of Bourne Board of Health regulation to use an existing leach field within 150 feet of a wetland for a proposed renovation to a three bedroom dwelling.
5. Parrot Bar and Grille – 1356 County Rd – Brian Crocker and Tracey Dunnington, Owners – *Continued from August 5, 2019* – Vote to continue conditional permit. Hearing in accordance with 105 CMR 590.014-015.



# Town of Bourne Board of Health Meeting Notice



## Agenda September 11, 2019

Date  
Wednesday  
September 11, 2019

Time  
6:00 p.m.

Location  
Lower Conference Room  
Bourne Town Hall  
24 Perry Avenue, Buzzards Bay

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4. 200 Eel Pond Rd – Alexander Joyce Owner – Requesting variances from the Town of Bourne Board of Health regulation to use an existing leach field within 150 feet of a wetland for a proposed renovation to a three bedroom dwelling.
5. Parrot Bar and Grille – 1356 County Rd – Brian Crocker and Tracey Dunnington, Owners – *Continued from August 5, 2019* – Vote to continue conditional permit. Hearing in accordance with 105 CMR 590.014-015.
6. 37 Beacon Point Road – Michael Borselli P.E. of Falmouth Engineering on behalf of owners Steven and Gina Murray – Request for relief from Bourne Board of Health setback regulations and Title 5 of the State Environmental Code requiring 150' minimum setback from SAS to wetland resource.

TOWN OF BOURNE

2019 SEP -6 AM 11:38

RECEIVED