

The working meeting of the Board of Health convened at 10:00 a.m. at the Town Hall Annex with the Chair announcing the meeting was being recorded followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**ALSO PRESENT:** Donna Lambert; Sherri Mahoney

### **OTHER BUSINESS**

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1. Official vote to delegate supervision of the Animal Control Officer and Assistant Animal Control Officer and management of the Animal Control Office to the Health Director. The members briefly reviewed this task.

**MOTION** by Mr. May to delegate supervision of the Animal Control Officer and Assistant Animal Control Officer and management of the Animal Control Office to the Health Director. Seconded by Ms. Ryden. Unanimous.

2. Priorities:
  - Budget: Members discussed the need to meet with the Board of Selectmen for a budget workshop. The BOH does not need to attend. Its mainly for police and fire who are adding additional staff to their budgets. The Board of Health wants to discuss the added responsibilities of the Health Director in taking on the Animal Control and in line with that an increase in his stipend. The \$1,500 stipend to the ACO was removed. The only way to pay the personnel after hours, it was paid with a stipend. In order to meet these same requirements for Barn Book inspections, there will be a need for an increase in ACO hours. Mr. McCarthy, the FinCom Rep, met with Mr. Weinberg and Mr. Armendo to review an overview and summary for presentation to the FinCom. Discussion ensued over the departments budgets.
  - Members discussed the need for licensing dogs. There is a group that is licensed and another group that is not. Ms. Ryden will work with the Town Clerk.
  - De-nitrification by-law: Ms. Ryden wanted to bring this up for discussion at a future meeting.
  - Food Regulations: Mr. Armendo would like have these reviewed and streamlined by June.
  - Swine/equine permitting strategy: Ms. Lambert noted that all mammals could get rabies. Mr. Weinberg discussed vaccinations and if these would be required concurrently with equine permit renewals.

3. Communications Management;  
Members discussed social media vs. the Town website. Members preferred use of the website and not having an official social media page. There is a Friends of the Animal Control page, which is far reaching compared to the website. The members expect Ms. Lambert to moderate this channel.

Mr. Weinberg stated that typically the Chair speaks to the press. Before there is a response to the press, he expects the staff to reach out to him especially if they feel compelled to respond. Mr. May agrees but also feels other members could speak as well. Mr. Weinberg did not agree and as a members of the Board. Ms. Ryden also feels it harms the board by not having one voice.

**TOPICS FOR NEXT MEETING**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Ms. Ryden to adjourn at 12:15 p.m. Seconded by Mr. May. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health at 6:00 p.m. by at the Town Hall Annex with the Pledge of Allegiance.

**Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Town Nurse

### **PUBLIC HEALTH NURSE PRESENTATION**

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Cervical Cancer. Town Nurse, Linda Pierce gave a presentation on Cervical Cancer. Regular screening can help prevent this cancer. For further questions, she suggested calling the office for more information.

### **MINUTES**

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1. December 2, 2019. **MOTION** by Mr. May to approve as to corrected. Seconded by Ms. Ryden. Unanimous.
2. December 16, 2019. **MOTION** by Mr. May to approve. Seconded by Ms. Ryden. Unanimous.

### **OTHER BUSINESS**

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1. De-nitrification By-Law proposal/Discussion. This was put on prematurely. Members agreed to table this for further discussion.

### **OUTGOING**

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Noted. Ms. Ryden asked if there is a list of haulers that is up to date. Mr. Armendo stated that there is.

### **DIRECTOR**

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1. Written Report. Noted.
2. Updates:
  - Board of Health. Mr. Armendo stated that the Barn Books are up to 55 and the animal registry at 78.
  - Transfer Station. Mr. Armendo stated that the operations are running smoothly. Ms. Ryden asked if lithium batteries are recyclable. Mr. Armendo said they are expensive to take in, but can be. Mr. May noted that \$12K was received for all recycling. In 2019, that figure was lower. The situation in 2020 reveals that the recyclable as being billed to the Town and he would like to discuss this with FinCom.
  - Nurse. There are about 20 flu shots left. Ms. Ryden stated that the BOH partnered with a community health program to obtain a SHARPS kiosk that is accessible when the nurse's hours are open.
  - Animal Control. The agents are busy answering calls every day. They are working on the trap and neuter program for the feral cats. This ties into the possible proposal for an animal shelter in town. Discussion ensued.

**SEPTIC PLAN REVIEWS**

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1. 239 Briggs Road (M-23aA/L-385, 15,575 sq. ft.) Frank Pavao, 3-bedroom Repair, ADS BioDiffuser Arc 36 Chambers. **MOTION** by Mr. May to approve conditional on a 3-bedroom deed restriction. Seconded by Ms. Ryden. Unanimous.

**TOPICS FOR NEXT MEETING**

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None.

**APPOINTMENTS**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 6:28 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The working meeting of the Board of Health convened at 10:00 a.m. at the Town Hall Annex with the Chair announcing the meeting was being recorded followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**OTHER BUSINESS**

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1. **FY 21 Budget Discussion:** Members discussed budgets for the departments. The expectations are very low because free cash is not there this year. Mr. Armendo noted there was an error on fees to engineers that needs to be corrected. Mr. May had some ideas for increasing the transfer station. Ms. Ryden thought it best to anticipate making a presentation at Special Town Meeting on the KOA and the importance of stressing the public health. She was happy to take the lead on that. Discussion ensued. Mr. May expressed his interest to work on the presentation with Ms. Ryden. Mr. Armendo suggested that the Board may have to prepare to fight for their budget at town meeting for two different areas: in the Board of Health and Animal Control departments.
2. **Discussion Regarding Select Board Meeting on 1/21/20:** The members want to try and get the budget memo to the Selectman’s office today for their next meeting.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 11:58 a.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

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Philip M. Weinberg, Chairman

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Tanja Ryden, Vice-Chair

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Maurice E. May, Secretary

The Regular Meeting of the Board of Health convened at 6:03 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary

Matthew J. Armendo, Director

### **OTHER BUSINESS**

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1. 222 Brayton Point Road. Mr. Weinberg explained that the property, as it is used for an Air B&B, is generating additional flow and nuisance conditions as reported by neighbors. The Board mailed a conditions of order for which there has been no response. Ms. Ryden stated there is no indication that the owner pumped the septic. Mr. Weinberg asked the members if the board should ask for legal opinion for the purpose of compelling the owner to comply and terminate the rental arrangements. Mr. May noted that the letter sent to the owner requires the owner to comply by May 30<sup>th</sup>. Ms. Ryden suggested this be referred to legal and another letter be sent to the owners stating they are not in compliance with the issues as outlined and that it would be referred to Town Counsel. Mr. Armendo will forward to counsel.
2. New Sharps Kiosk Now On Site. Ms. Ryden mentioned the kiosk outside the nurse's office is in place and expressed appreciation to the donors.
3. Planning Board: Request for BOH Representative for Steering Committee. **MOTION** by Ms. Ryden to nominate Mr. May. Seconded by Mr. Weinberg. The vote was 2 in favor. Mr. May abstained.
4. Planning Board: Recommend the BOH to Consider Denitrification Septic System Regulation. Ms. Ryden suggested a joint meeting with the Planning Board to discuss a strategic plan on how to integrate denitrification systems. Ms. Ryden noted that there will be a presentation on alternate technologies on February 6th at St. John the Baptist Church.

### **OUTGOING**

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Mr. May suggested not including the routine water test scheduling letters in the Board's packet. Ms. Ryden asked if there were any progress on a couple of violation letters. Mr. Armendo stated that there is still time for a response.

### **DIRECTOR**

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1. Written Report. Noted.
2. Updates:
  - Board of Health operations are working well.
  - Transfer Station's retaining wall will be addressed in the spring.
  - Nurse: lots of activity and just a few flu shots left.
  - Animal Control: running smoothly and animal control schedules are working well. He encouraged callers to leave a message because whoever is on call will return the call. Mr. Armendo noted that the IT department notified all departments the phones will be upgraded and messages should be retrieved now. Ms. Lambert, Animal Control Officer, noted that when the office phone lines are forwarded to their personal cell phones, there is no caller ID so if no one leaves a number or message it is not possible to return any calls; she asked callers to leave a number and message so the ACO on duty can return the call.

**SEPTIC PLAN REVIEWS**

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1. 542 River Road (M-87/L-83B&83 64,652 sq. ft.) Rosemary Shea Trustee, 3-Bedroom Repair, Quick 4 Infiltrator Chamber Bed. Mr. Armendo noted this is straightforward with no variances. **MOTION** by Mr. May to approve the system repair plans dated 1-28-20. Seconded by Ms. Ryden. Unanimous.
2. 431 Fisher Road (M-41/L-17&22/ANR-6 60,00 sq. ft.) Luis Coelho, 3-Bedroom New Construction, ADS ARC Unit Bed. **MOTION** by Mr. May to approve the 3-bedroom new construction plan dated 12-23-19 revised 1-17-20 conditional on ConCom approval and as-built plan indicating stormwater is submitted. Seconded by Ms. Ryden. Unanimous.

**TOPICS FOR NEXT MEETING**

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None.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing: Len Potter for 31 Atlantic Ave., Anne West.**

Mr. Potter was before the Board for a failed cesspool. The quasi-public water supply is the Westport Aqueduct Company.

The variance requested is a reduction of setback from water table 3 feet vs. 4 feet in order to eliminate the need for a pump, which would be ill advised since it is a seasonally occupied dwelling. Discussion ensued.

**MOTION** by Ms. Ryden to approve the variance for septic plan dated 1-1-2020 conditional on a 2-bedroom deed restriction, ConCom approval and standard IA conditions. Seconded by Mr. May. Unanimous.

**6:40pm – Waiver Hearing: Mark Rodrigues for 792 State Road, Paula Gendreau.**

Septic repair for a 2-bedroom home. Abutters were hand noticed and original signatures were submitted.

The variances requested are:

- distance to bottomless sand filter (BSF) to property line, 6 feet vs. 10 feet.
- distance from septic tank and property line, 6 feet vs. 10 feet.
- distance from BSF and abutter well at 2 Crane Avenue, 89.3 feet vs 100 feet.
- reduction of required 12 inch separation between inverts of the outlet pipe of the tank and the inlet and outlet pipes of AdvanTex system and high-ground water table; both tanks will be booted and sealed.
- sieve analysis in lieu of percolation test.

Mode 3b is being proposed. Mr. Rodrigues explained the difference between it and 3a to maximize system performance.

The Board cannot take action until 10 days pass from abutter notification, thus making these variance requests actionable February 10. Based on this, the Board's action once the time has lapsed, would be to approve the variances requested, that the standards of an IA system be adhered to, there be ConCom Approval, a hold harmless agreement is submitted, well testing and a 2-bedroom deed restriction be provided.

Mr. Rodriques would be out of town at the time of action and elected to come before the board now to explain and answer any questions. Discussion ensued over the general cost of \$25K for a 2 bedroom IA system.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 7:04 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The working meeting of the Board of Health convened at 9:00 a.m. at the Town Hall Annex with the Chair announcing the meeting was being recorded followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **OTHER BUSINESS**

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- Discuss Special Town Meeting Warrant Articles

Mr. Weinberg wanted to know when the BOS will have a chance to express their recommendations. Generally, after the petitioner makes their motion, they can provide their recommendation followed by the Finance Committee Members review of the presentation and format. Mr. Armendo noted that if there are any animal cruelty reports, it is referred to the police. The barn books cannot be enforced.

Discussion ensued over enforcement and public misunderstanding of the process and the existence of animal cruelty other than the Medeiros tenant farm. Mr. Armendo suggested highlighting the charge of the BOH and that is to protect public health and this need to go forward.

### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Mr. May let the members know that he has decided not to run for re-election.

**MOTION** by Mr. May to adjourn at 10:30 a.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:02 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN:** The public health nurse discussed that February is Heart Health Month and encouraged all to inform themselves about cardiovascular disease and that it is the leading global cause of death.

### **MINUTES**

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1. 01/27/2019 reg.
2. 07/23/2019 spcl.
3. 08/07/2019 spcl.
4. 10/23/2019 spcl.

**MOTION** by Mr. May to approve items 1-4. Seconded by Ms. Ryden. Unanimous

### **OTHER BUSINESS**

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1. Title 5 Inspection Review: 27 Velvet Avenue. Mr. Armendo stated that the inspection identified the wells being 55 feet away and elevated nitrogen levels above the minimum threshold and close to 10 in water testing. Per Title-V Section 303, the BOH can, under this criteria, declare the system in failure. The well is up gradient by one-foot. There was no information of how deep or what type of well. The size of the lot is small. Ms. Ryden and Mr. Weinberg said the septic has failed based on the information. Mr. May was not inclined to fail it as there was not enough info for him to think otherwise. **MOTION** by Ms. Ryden to declare the septic a failure due to the proximity, well testing, the size of the lot and there not being enough other information. Seconded by Mr. Weinberg. The vote was 2 in favor with Mr. May voting nay.
2. Discussion: Household Hazardous Waste Day. Ms. Ryden stated because the budget is so dire, she suggested it remain on the warrant and that perhaps there will be sponsors to help make this happen. She wanted to leave it on the warrant as a placeholder for discussion and pass over.
3. Discussion: Transfer Station Fee Schedule. Mr. Armendo stated that he wanted the Board to designate a date to discuss fees as the fees are going up at the Transfer Station. Mr. May will work with him for the February 24<sup>th</sup> meeting. Should the fee schedule be changed, it would need to be done well ahead of time in order to advertise in time before new paperwork is printed up. Members would consider the budget in this regard.

4. Discussion: Retaining Wall Quote. Mr. Armendo stated that he has received a revised quote that is in line with the \$36K allocated for the work to be done. He described the work. **MOTION** by Ms. Ryden to approve the quote. Seconded by Mr. May. Unanimous.

### **DIRECTOR**

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1. Written Report. No questions. Noted.
2. Updates:
  - Board of Health: there continues to be a lot of complaints. There are 6 active cases with Town Counsel. Mr. Armendo reviewed the various issues for the Board. Ms. Ryden asked to send a thank you letter to the Highway Depart regarding the high windstorm on Friday.
    - Mr. Armendo received a call on Friday regarding East Beach Road for wash-overs. He documented the two instances where there was an exposed tank and a cover that was found on another lot and notified the owners by letter.
  - Transfer Station. As noted.
  - Nurse; report provided to members.
  - Animal Control: no report available. Ms. Ryden asked for it to be submitted at the next meeting with the next report.

### **SEPTIC PLAN REVIEWS**

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1. 136 Sanford Road (M-14/L-2A, 28,314 sq. ft.) Stanley Earle, 3-Bedroom Repair, Quick 4 Standard Infiltrator Bed. **MOTION** by Mr. May to approve repair plan dated 1/17/2020 conditional on 3-bedroom deed restriction. Seconded by Ms. Ryden. Unanimous.
2. Charlotte White Road (M-68/L-7N, 401,887 sq. ft.) Jose & Linda Ribeiro, 6-Bedroom New Construction, Stone Bed. **MOTION** by Mr. May to approve septic plan dated 11/26/2019 as drawn. Seconded by Ms. Ryden. Unanimous.
3. 231-C Tickle Road (M-70/L-68-69) Raymond & Therese Fournier, 2-Bedroom Repair, Infiltrator Quick Chamber Bed. The system is designed for 3-bedroom and the lot size could support a 3-bedroom in the future. It has always been a 3-bedroom system. Mr. Armendo requested another perc, the engineers disagreed it was necessary. **MOTION** by Mr. May to approve repair plan dated 11/13/2013. Seconded by Ms. Ryden. Unanimous.
4. 21 Drift Road (M-51/L-34A&23A) Mary Murphy Life Est., 3-Bedroom Repair, Stone Bed. **MOTION** by Mr. May to approve repair plan dated 1/31/2020 pending ConCom approval. Seconded by Ms. Ryden. Unanimous.
5. 380-400&408 Old County Road (M-35, L-35, 1,598,652 sq. ft.) Town of Westport, Middle/High School, Elementary School and Library. The Board asked to review the plan at the Wednesday meeting. The septic system design 9,067 gallons per day and calculations for this daily flow. Mr. Armendo has reviewed this plan. A conceptual design was approved a year ago. The Board must render a decision based on the full details.

### **TOPICS FOR NEXT MEETING**

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None.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing: Mark Rodrigues, 927 State Rd, Paula Gendreau, Cont'd from 1/27/20 for Abutter's 10 day notification.**

**MOTION** by Ms. Ryden to approve plan dated 1/23/2020 with the following variances:

- distance to bottomless sand filter (BSF) to property line, 6 feet vs. 10 feet
- distance from septic tank and property line, 6 feet vs. 10 feet
- distance from BSF and abutter well at 2 Crane Avenue, 89.3 feet vs 100 feet
- reduction of required 12 inch separation between inverts of the outlet pipe of the tank and the inlet and outlet pipes of AdvanTex system and high ground water table; both tanks will be be booted and sealed
- sieve analysis in lieu of percolation test
- 2-Bedroom deed restriction
- 3-years of well testing
- Conditional on a Hold Harmless Agreement
- Notice of compliance with standard IA conditions

Seconded by Mr. May. Unanimous.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

1. Mr. May stated that he is no longer running for the Board of Health and that his assignment to the East Beach Committee should be assigned to another member. **MOTION** by Mr. May to appoint Mr. Weinberg to the East Beach Vulnerability Steering Committee. Seconded by Ms. Ryden. The Board voted two in favor and Mr. Weinberg abstained.
2. Ms. Ryden stated that received feedback late for the Special Town Meeting handout for Article 3. **MOTION** by Mr. May to approve the handout for Special Town Meeting Article 3. Seconded by Ms. Ryden. Unanimous.
3. Seconded by Ms. Ryden. Unanimous.

**MOTION** by Mr. May to adjourn at 6:55 p.m. Seconded by Mr. Weinberg. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The working meeting of the Board of Health convened at 9:00 a.m. at the Town Hall Annex with the Chair announcing the meeting was being recorded followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**MOTION** by Mr. Ryden to enter into executive session at 9:01a.m. Seconded by Mr. May. The vote was unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms Ryden, Aye.

**EXECUTIVE SESSION**

Members convened into Executive Session pursuant to the provisions of M.G.L. Chapter 30A, § 21(a) to discuss strategy in preparation for negotiations over the Animal Control Officer's contract and resumed the regular meeting at 10:13 a.m.

**OTHER BUSINESS**

**Discuss Special Town Meeting Events:** Ms. Ryden suggested holding off on any enforcement for Animal Site registry until they hear back from the Attorney General. In terms of swine and equine, these are long standing established permits and should be pursued. Mr. Weinberg felt that he would rather wait to enforcing piggery and equine permits that expired to avoid upsetting the owners. There are people who would be upset or feel provoked, especially after Special Town Meeting. Mr. May disagrees and thinks business as usual with pig and equine permits.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Members took a moment to look at the new construction well for the new high school. Mr. Armendo stated that DEP and the planner are involved and they asked what the BOH need. The BOH needs to have VOC testing to include abutting wells to monitor any changes. Ms. Ryden suggested approval subject to any IA requirement and any DEP requirements.

**MOTION** by Mr. Weinberg to approve the plans for the Westport Middle-High School dated 2-5-2020 subject to the applicant obtaining and complying with DEP's approval of the pilot denitrification system that is required to comply with a maximum effluent concentration of nitrogen of 10mg/liter as depicted in the said plans. Seconded by Mr. May. The vote was two in favor. Ms. Ryden was absent.

**MOTION** by Mr. May to adjourn at 11:09 a.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:04 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### MINUTES

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1. 02/10/20 reg. **MOTION** by Mr. May to approve. Seconded by Ms. Ryden. Unanimous.

### OTHER BUSINESS

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1. Pump Reports. Noted.
2. Right To Farm By-Law follow-up. Mr. Weinberg stated that he has been in touch with Town Counsel to get an update. The Town Clerk submitted the paperwork on the 18<sup>th</sup> to the Attorney General's office.
3. Proposed Bicycle Recycling Sign for Transfer Station. Ms. Ryden noted that through a member of the Bike Committee, there is a program at Yesteryear Bicycles to rehab bicycles and donate to charities – the public would just have to drop them off at the store on Hathaway Road in New Bedford. Ms. Ryden suggested there be a sign posted at the Transfer Station to alert the public.
4. Letter of Praise for AACO Nick Vidmar. Mr. Armendo read the letter into the record praising Mr. Vidmar from Mr. Ledoux.

### DIRECTOR

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1. Written Report. Noted.
2. Updates:
  - Board of Health: There are 7 active cases with Town Counsel. Mr. Armendo noted each.
  - Transfer Station: Mr. Armendo updated the wall rebuild at the Transfer Station.
  - Nurse: This department is running very well and there are still some flu shots available. The Department of Public Health is monitoring the Coronavirus and none confirmed in this state.
  - Animal Control: As requested, this report is for 2 cycles. Ms. Ryden will be preparing the next monthly column and will feature the two Animal Control employees and what is happening in that department.

### SEPTIC PLAN REVIEWS

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1. 185 Howland Road (M-88/L-100A 60,000 sq. ft.) Pamela Selden Prentice, 4-Bedroom Repair, Geomatrix Sand Bed. This is a voluntary installation of the layer-cake system. Mr. Armendo stated all is in place and supports the installation as proposed. **MOTION** by Ms. Ryden on a plan dated 2-1-20 to approve conditional on standard DEP conditions and of deed disclosure of the IA system. Seconded by Mr. May. Unanimous.

**TOPICS FOR NEXT MEETING**

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None.

**APPOINTMENTS**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 6:20 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the 9:01 a.m. at the Town Hall Annex.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of MGL c 30A, section 21(a), Chair declares an open meeting will have a detrimental effect to discuss strategy in preparation for negotiations with non-union personnel.

Members discussed the Animal Control contract and how holiday pay is handled. There is no provision for holiday pay for hourly employees and Mr. Armendo asked if there should be a provision in the employment agreement. Ms. Ryden wanted to discuss what is reasonable and look at funding. Currently either ACO receive straight pay only. There is no compensation or consideration on a holiday. Currently, only Fire and Police receive holiday pay per the by-laws. Members felt that \$50 reimbursement for being on call would be fair. If called out, a minimum of 3 hours would be paid. Mr. Armendo noted the situation if there were two call outs in one day, then the hourly wage would apply with no additional compensation. The on-call fee for a holiday is \$50, if not called out. Members discussed the employment contracts and details therein.

**MOTION** by Ms. Ryden to adjourn the executive session at 9:54 a.m. and return to open session. Seconded by Mr. May. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May Aye; Ms Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

providing a rebate but rather costing the town to remove it. The Town is being invoiced for recycling. Mr. May is suggesting raising the cost of the punch card \$5 for seniors and \$10 for others. Members will plan to address this on the meeting of 4/9. Mr. May will work on the numbers with Mr. Armendo for inclusion in the packets. Members discussed the increase cost of plastics recycling. Mr. May asked if the Board wanted to lobby the state to include wine and water bottles. It costs \$60 per ton to dispose of glass, which about \$6,000 per year. The cost of recycling is going up. Discussion ensued. Members tabled this for more information to help educate the public on the cost of recycling.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Mr. Armendo stated they have received a few calls from elderly who do not have the money to repair failed septic systems. He said that through the community septic loan program, there is a possibility of deferring the loan but it carries income limitations of \$20k maximum. Mr. May suggested using the old betterment grant fund that contains about \$135K and suggested granting the money to seniors. The concern was helping seniors immediately. The BOH can raise the minimum income to a maximum of \$40K.

**MOTION** by Ms. Ryden to raise the maximum qualifying gross income level to \$40K for elderly betterment deferrals. Seconded by Mr. May. Unanimous.

Mr. Weinberg stated he spoke with Town attorney yesterday about the AG review. The memo was arguing for a disapproval and that may be an issue that the BOS had to approve. Members reviewed options.

Mr. Armendo mentioned that DPH and the CDC are putting out guidance about the coronavirus pandemic and using masks. He does not want to alarm anyone. Mr. Weinberg suggested posting something on the website to inform the public.

**MOTION** by Mr. May to adjourn at 11:45 a.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:05 p.m. at the Town Hall Annex with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **PUBLIC HEALTH NURSE PRESENTATION**

Linda Pierce, RN gave an update on the following:

1. Corona Virus: Ms. Pierce gave advice on handling the virus and above all not to panic and wash hands frequently. She gave guidelines for healthy living and minimal contact with others. There have been fewer deaths compared to the flu. Use vitamin C supplements.
2. Kidney Disease: Ms. Pierce explained the kidney function of filtering toxins out of our bodies. She noted that fighting kidney disease early would keep dialysis away. She encouraged keeping a healthy weight, consume small amounts of sugar, salt and drink lots of water. Other diseases could affect your kidneys and she suggested a simple blood test to keep informed of the health of your kidneys.

Ms. Ryden asked her to explain MAVEN. It is a State database where any testing through the state department of Health is recorded. Towns can log in daily to check on a person's diagnosis. The local Board of Health can dismiss the case once it is safe. Discussion ensued with questions from the audience.

### **ANIMAL CONTROL OFFICER**

Donna Lambert updated the public that there will be a Free Rabies Clinic on April 18, 2020 from 10am–12pm at the Hix Bridge Fire Station. She will find out if people can still bring their horses.

### **MINUTES**

02/24/20 reg. **MOTION** by Mr. May to approve. Seconded by Ms. Ryden. Unanimous.

### **OTHER BUSINESS**

1. Pump Reports. Noted.
2. Discussion: Old Septic Betterment Fund. Mr. May stated that there is \$141K available for septic system loans. The last loan was paid back in 2019. Funding was originally granted. He would like to find out if this money could be used in hardship cases vs. loan. He will investigate. Discussion ensued. Return item to the agenda once more information is received.

### **SEPTIC PLAN REVIEWS**

1. Acoaxet Road (M-89/L-90&91; Lot is 21,432 sq. ft.) Harbor Inn LLC, 14-Bedroom, Upgrade (Increase in Flow), BSF w/Advantex. Applicant requested a continuance to March 23 due to the unavailability of the engineer. Mr. May will be absent at the next meeting. **MOTION** by Ms. Ryden to continue for two weeks. Seconded by Mr. Weinberg. Unanimous.

2. 118 Reed Road (M-89/L-90&91) John Calnan, 3-Bedroom Upgrade (increase in flow) Quick 4. The members reviewed the plan. **MOTION** by Mr. May to approve plans dated 2-1-20 and subject to standard IA approval conditions. Seconded by Ms. Ryden. Unanimous.

## **DIRECTOR**

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1. Written Report. Noted.
2. Updates:

- **Board of Health**

- Mr. Armendo gave his updates for 222 Brayton Point Road. Applicant's Counsel asked to be placed on the next Board of Health agenda 4/6/20 meeting and this will allow Mr. Armendo to inspect the premises. He noted SITEC has prepared a sketch but it is also an increase in flow in a velocity zone.
- Mr. Armendo also noted the staff is working very hard to accomplish day-to-day duties.
- Fisher Road – updated.
- Brookwood Drive is now in compliance.
- Lenox Avenue has an upcoming court date.
- East Beach: Response letter to the Association, Town Counsel will reply.

- **Transfer Station**

- Mr. May discussed the request by the Director to raise fees at the Transfer Station. There have been cost increases based on national and international activity beyond the Board's control. He noted the annual pass increase and day pass increase is what Mr. May agrees with. Mattresses are costly no matter how these are processed. Tires are not costly and he prefers not to raise the \$6 per tire fee. There are other fees that he does not recommend increasing.

- **Nurse**

- Mr. Armendo stated the nurse is doing well.

- **Animal Control**

- Mr. Armendo stated the department is doing well keeping up with demands.

## **TOPICS FOR NEXT MEETING**

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None.

## **APPOINTMENTS**

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### **6:30pm – Discussion: Karen McLinden for 27 Velvet Avenue-BOH Failed Septic per Title 5 Report and Nitrate test results.**

The results indicated nitrates at 8.26 ppm per liter with a well less than 50 feet away. The maximum should be 5ppm. The owner's realtor, Karen McLinden, was before the Board and stated that the Title-V Inspector felt the elevated nitrates were not from the property and that the ground water surface level was high at the time of testing. Ms. Ryden said it is always assumed that the immediate source is the owner's septic as the source of contamination. The realtor stated that because the area is congested the only thing they can do is to filter the water. Two other neighbors had repaired their septic systems and after testing, their water nitrate levels increased.

Mr. Weinberg stated that unless a sophisticated ground water analysis is conducted, there is no ideal way to get an indication. Using professional judgement, it is obvious there is high ground water and it is possible that the system is too close to the water source. Using topography of the site also indicated the slope of the ground and watercourse. Mr. Weinberg noted that there were no ammonia traces, which would be a flag that it is coming from the septic system. Mr. Armendo stated that they could place a filter on their system, but that would not help surrounding wells. He feels the proximity to high ground water is the issues. Discussion ensued.

**MOTION** by Ms. Ryden to continue for two weeks. Ms. Ryden suggested AgCom weigh in for manure management based on the proximity to the farm animals. Seconded by Mr. Weinberg. Unanimous.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 7:42 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The meeting of the Board of Health convened at 9:15 a.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Maurice E. May, Secretary  
Matthew Armendo, Director of Public Health  
Joseph Reis, Agent

**ABSENT:** Tanja Ryden, Vice-Chair

**ALSO PRESENT:** Shana Shufelt, Board of Selectmen Chair  
Tim King, Town Administrator  
Dana Stewart, Recreation Director

### **Strategy for Coronavirus (COVID-19)**

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The Board discussed how they were going to manage the governor's orders; managing the public process for meetings; town offices.

Mr. King stated that the Town Buildings are closed to the public. Employees are still in their offices and can handle any requests via phone or e-mail. Mr. King stated that if there is urgent need for documentation, arrangements can be made to meet at the door or otherwise. Ms. Shufelt noted they are awaiting comments from Town Counsel if the BOS needs to declare a state of Emergency. Mr. King stated it would not hurt to make those arrangements. Ms. Shufelt feels it should be a joint decision between the BOS and the BOH. Mr. King is working on the resolution for this evening. **MOTION** by Mr. May that the BOH recommend to the BOS to declare a state of emergency at their meeting this evening. Seconded by Mr. Weinberg. The vote was unanimous with two in favor. Ms. Ryden was absent.

Mr. King stated he has arranged for a cleaning crew to come in to town offices to sanitize and to have the crew do this during the day so employees could monitor.

Discussion ensued over essential personnel. Mr. King stated that employees are to report to work unless anyone is ill, and then at that point, they need to stay home. Ms. Shufelt strongly supported making sure employees continue to be paid and not lose any wages. The transfer station is deemed essential. Discussion ensued over how to handle documentation/transactions by and with the public and how to handle cash transactions. Mr. Armendo stated that the Animal Control officers will work remotely and an on call basis.

Ms. Shufelt stated she will recommend to the BOS to conduct meetings virtually. Until last Wednesday, there were strict rules on open meeting meetings. The meetings will be virtual through Google meets going forward. The BOH will also need to vote to conduct meetings virtually. Discussion ensued. Ms. Shufelt asked to work together, appreciates the BOH input, and looks forward to it. At 10:15am Mr. King and Ms. Shufelt departed.

Mr. Weinberg, Mr. May and Mr. Armendo discussed how to deal with abutter notifications for remote meetings through the engineering consultants. Mr. Weinberg asked to have something in writing that documents the consultant contacted the abutter and to place it in the file.

Mr. Weinberg discussed the deadline of April 30 for completing Title-V inspections at East Beach due to the wash over. He also wants to inform the BOS about what inspections were outstanding so that they could make a decision about permitting of the East Beach Trailers. Any meetings will now be remote.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

**The Harbor Inn:** Mr. Weinberg updated the Board on the installation of the system at this site. The objection is to the bottomless sand filter. The maximum design flow is 850 gallons per day, but they are asking for 1,400 gallons per day. applicant will be asking for relief on this variance from the DEP approval. They will have to provide DEP the reasons why they are requesting this. The Board of Health does not have the authority to approve more than 880 gallons flow per day. An option is to decommission 6 bedrooms leaving 8 bedrooms.

**Brayton Point Road:** The applicant's consultant has said there is no place on the property where a 5-bedroom system can be installed. Mr. Armendo stated he would like access to the property before the scheduled meeting on the 23<sup>rd</sup> or it may have to be continued. Mr. Weinberg noted that the house is rented for the season and the owner will not be able to make the repairs with all the rentals coming in. Mr. Weinberg wants to ask Town Counsel what the Board's options are. Discussion was deferred to a future remote meeting.

**Closing playgrounds due to a potential risk from the Corona virus.** Dana Stewart informed the Board that there are towns beginning to close playgrounds because the virus could live on hard surfaces. Mr. Weinberg asked if there are town owned playgrounds. Ms. Stewart stated there are. Mr. Weinberg thought to decide if this is a health issue and recommend to the BOS about closing them. However, it was noted that closing playgrounds is not on the Governor's list. Ms. Stewart suggested posting the risk and closing it for two weeks. So far, all school facilities are closed and two towns in Massachusetts have closed their playgrounds to include the beach.

**MOTION** by Mr. May to adjourn at 11:47 a.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

**Joint Emergency Meeting of the Board of Health with the Board of Selectmen**

The Joint Emergency Meeting of the Board of Health and Board of Selectmen convened at 6:05 p.m. by remote participation with the Pledge of Allegiance.

**Board of Health Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director of Public Health  
Linda Pierce, RN – Public Health Nurse

**Selectmen present:** Shana Shufelt, Chair  
Brain Valcourt, Vice-Chair  
Ann Boxler, Clerk  
Steven Ouellette  
Richard Brewer  
Tim King, Town Administratort

**CHAIR'S ANNOUNCEMENT - Under MGL Chapter 30A, § 20(f):** Meeting being recorded.

**JOINT MEETING WITH THE BOARD OF SELECTMEN TO DISCUSS THE CLOSING OF PERSONAL CARE BUSINESSES**

**PUBLIC HEALTH NURSE PRESENTATION**

Linda Pierce, RN - Coronavirus (COVID-19). Ms. Pierce noted that there have not been any reported cases in Westport as of this date. She indicated the number of cases in the state and there have been 59 deaths thus far. She noted that the Governor has issued an executive order to stay at home starting at 12:00 noon tomorrow, limiting the gathering of 10 people at a time and any violations, face a \$300 fine. She reviewed symptoms and procedures and recommended people contacting their doctors. Mr. Brewer asked if there was a breakdown by towns in Bristol County. Ms. Pierce stated that it was only by county.

1. COVID-19 Discussion with the Board of Health on Closing Personal Care Establishments. Mr. Weinberg expressed that the Board would follow guidance of the Governor's order. Ms. Shufelt stated that the Board of Selectmen in consultation with Town Counsel felt that the intent of what the Board intended to do is what the Governor did today. Ms. Shufelt stated that the Town would comply with sending non-essential employees home. She noted that most of the employees are essential. Ms. Shufelt stated that departments are working together with closing non-essential businesses.
2. Nomination of Animal Inspectors are Nicholas Vidmar, Donna Lambert and Joseph Reis. Current appointments run out April 30 and Donna Lambert and Joseph Reis need to be reappointed and Mr. Vidmar appointed to keep the level of services going after April 30. **MOTION** by Mr. Valcourt to nominate Nicholas Vidmar, Donna Lambert and Joseph Reis as Animal Inspectors for a one-year term. Seconded by Mr. Brewer. The vote was 5-0 in favor by roll call.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING**

**NONE.**

**Joint Emergency Meeting of the Board of Health with the Board of Selectmen**

Ms. Shufelt expressed her thanks to all the departments that have been collaborating through this unprecedented event. At this time, 6:23 pm, the Board of Selectmen adjourned their meeting on a **MOTION** from Mr. Ouellette. Seconded by Mr. Valcourt. The vote was 5-0 in favor by roll call.

**MINUTES**

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March 09, 2020 reg. **MOTION** by Mr. May to approve. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

**OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Fee Schedule: BOH – tabled to a future meeting.
1. Fee Schedule: Transfer Station. **MOTION** by Mr. May for the day pass to be raised from \$5 to \$10; and the annual pass to \$45 per year for under 65 years of age and the annual sticker for people 65 of age and up to \$35. Seconded by Ms. Ryden. The Board voted unanimously all in favor by roll call.
2. April Meeting Schedule-2nd meeting falls on a holiday. No action taken.
3. Western Bristol Tobacco Program-Employee Changes. **MOTION** by Ms. Ryden to rescind the appointment of Sarah LaRue due to her leaving the position. Seconded by Mr. May. The Board voted unanimously all in favor by roll call.

**SEPTIC PLAN REVIEWS**

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1. 10 American Legion Hwy (M-21/L2AI&2AN, 115,000 sq. ft.) William Camara Jr. 4-Bedroom Repair, Quick Infiltrator Bed. Mr. Armendo had no comments and ConCom has reviewed the plan. **MOTION** by Mr. May to approve. Seconded by Ms. Ryden. The Board voted unanimous with all in favor by roll call.
2. 10 Rosalyn Street (M-24/L-18C&17B, 19,299 sq. ft.) Patrick Long, 3-Bedroom Repair, Quick 4 Infiltrator Bed. Len Potter discussed this proposed new septic. Well distances exceed 100-foot radius. No variances are being requested. Mr. Potter stated that there is no need to install a denitrification system as the wells exceed the distance. Ms. Ryden stated the well test is 5.78 for nitrates and she is concerned over the drinking water. Mr. Potter stated that if it is below 10 and just above 5. There could be an ultraviolet treatment but he does not agree that it requires any remediation. Mr. Weinberg and Mr. May were inclined to approve the plan as drawn. Ms. Ryden recommend to the owners to test their well at least once a year and to require a 2-bedroom deed restriction and standard IA statement. **MOTION** by Mr. May to approve with a deed restriction and to include meeting standard IA condition. Seconded by Ms. Ryden. The Board voted unanimous with all in favor by roll call.
3. 539 River Road (M-87/L-33, 4.3AC) David & Nancy Reny, Upgrade from 5-bedrooms to 8-bedrooms, Cultec C4 Units Bed. **MOTION** by Mr. May to approve and to include standard IA condition letter. Seconded by Ms. Ryden with discussion that the owner be asked to voluntarily install a denitrification system. The Board voted unanimous with all in favor by roll call.

**DIRECTOR**

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1. Written Report. Noted.

**Joint Emergency Meeting of the Board of Health with the Board of Selectmen**

## 2. Updates:

- Board of Health – Mr. Armendo stated that the Corona virus is something to keep an eye on. Mr. May suggested the Board update last week's statement. The Governor's announcement was the biggest thing that happened. Mr. Armendo suggested doing something for the weekend. Ms. Ryden noted that the updates change so rapidly and it is easier to give the links to people to reference.
- Transfer Station. Nothing further to report.
- Nurse. Nothing to report
- Animal Control. The ACO officers will work from home.

**TOPICS FOR NEXT MEETING**

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None.

**APPOINTMENTS**

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**6:30pm - Waiver Hearing: Len Potter for 6 & 10 Adamsville Road, Daniel Tripp.**

Len Potter stated he planned to replace the septic system in the same area as the existing system.

Variances requested are: (the well is shared)

- Setback of SAS to site well, 79ft.
- Setback to abutter's well at 14 Adamsville Road, 52ft.

Mr. Potter explained that the well testing was not complete and he would have to return.

Mr. Weinberg stated the Maximum Feasible Compliance indicated the cost exceeds the value. He asked what is preventing a denitrification system. Mr. Potter explained that the denitrification would have to be relocated and then it would have to be pumped up to the system and would fall under the parking lot.

Ms. Ryden asked if there is a minimum 2-bedroom. Mr. Potter explained total flow is 297 gallons per day based on the 1-bedroom on the 2<sup>nd</sup> floor of the tailor shop and the post office.

Ms. Ryden stated that the MFC would need to be in writing because the economic argument is not sufficient. Mr. Weinberg noted that the well testing would have more information and then he can decide to proceed. Mr. Potter asked for a 2-week continuance to April 6, 2020.

**MOTION** by Ms. Ryden to give a two-week extension for the variance hearing for 6 & 10 Adamsville Road. Seconded by Mr. May. The Board voted unanimous with all in favor by roll call.

**6:40pm - Waiver Hearing: Len Potter for 1680-I Drift Road, James St. Martin.**

Len Potter stated it is a "condominium" property, which is owned by the association. The cesspool will be replaced with a MFC system pumped up to the west end of the property. The existing well will be filled and a new one will be drilled 56 feet to the north on land designated to an abutting property. There are several well tests required. He moved the system as far from the river as possible. There are 4 acres with 10 houses. Mr. Potter stated that they have permission to drill the new well on the adjacent property. Ms. Ryden asked to see well data from the well being abandoned to show what the risk level

**Joint Emergency Meeting of the Board of Health with the Board of Selectmen**

is currently. Ms. Ryden felt that there was environmental risk and felt that there should be a denitrification system especially for a system less than 200 feet from the River. Mr. May did not feel it was required as there is not regulation to enforce it. Mr. Weinberg asked to bring the applicants into the discussion. Mr. Potter asked if the Board wanted the well that will be destroyed to be tested. Mr. Weinberg felt it would not give enough information. Mr. May did not feel it was necessary either. Mr. Potter asked for a continuance to April 6 so he could speak to them about the denitrification. Mr. Potter asked if they could start the well drilling. The Board found no issue with the well.

**MOTION** by Mr. May to continue to April 6. Seconded by Ms. Ryden. The Board voted unanimous with all in favor by roll call.

**6:55pm - Discussion: East Beach Association - Regarding response to their attorney's letter.**

East Beach Improvement Association members present: Kevin Curt, president; Madeline Vrona, Vice-President; Roger Riendeau, Treasurer; and David Pitassi, Secretary. Mr. Weinberg review the requirements for having a Title –V inspection. He noted that there was very little information in the files and the Board needs to establish a baseline. Members felt that they were being discriminated against. Mr. Armendo clarified that pump records are available. Discussion ensued.

**7:10pm - Discussion: 27 Velvet Avenue, Continued from March 09, 2020 Meeting**

Discussion with realtor regarding the distance of well and bank requirement for a statement that the plan complies with their requirements. Mr. Armendo stated we need a statement of where the well will be staked out. The realtor asked what was required. Mr. Armendo explained that it is required to take out a permit and the measure that to the stake. Mr. Armendo stated that the Board of Health would also measure the well and the board would then hear the variance. She asked if there was paperwork required for the variance. Mr. Armendo stated that a hold harmless would be needed. Discussion ensued over requirements for the well. The realtor would return with additional info.

**MOTION** by Mr. May to adjourn at 8:15 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 1:00 p.m. by remote participation.

**Present:** Philip Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew Armendo, Director  
Linda Pierce, RN, Public Health Nurse

Chair's Announcement – Under MGL Chapter 30A, section 20(f) – Meeting being recorded.

**OTHER BUSINESS**

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**Strategy for Communication regarding coronavirus (COVID19)**

Ms. Ryden stated the town needs to have an organized and structured way of communicating information to the public. The Board had suggested that the Town Planner be the point of contact. Mr. May felt that Mr. Armendo would be the right person since it concerns health emergencies for quick responses to the public and press. Mr. Weinberg stated that whomever was in this role would be the spokes-person for all the other departments as well. Ms. Ryden stated that his role is also as the Assistant Town Administrator and the burden on Mr. Armendo would be too much. Mr. Armendo agreed to have someone other than himself to lessen the confusion and to have all information come from one source - a public information officer. The staff would also refer inquiries directly to the PIO. Discussion ensued. Mr. Weinberg and Ms. Ryden supported asking Mr. Hartnett if he were willing to be the PIO. The members will be discussing this further at the meeting later this afternoon.

Ms. Ryden asked if the other members were in agreement for her to work with staff to reorganize the BOH webpage. Mr. Weinberg was in agreement.

**MOTION** by Ms. Ryden to adjourn at 1:43 p.m. Seconded by Mr. May. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 2:30 p.m. by remote participation with the Pledge of Allegiance.

**Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting is Being Recorded.

### **APPOINTMENTS**

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#### **2:15PM – Waiver Hearing: 27 Velvet Avenue-Distance of Replacement Well to the Existing**

The well is being re-drilled. The nitrate levels were a concern.

The Board can deem it not in failure or wait a few months for well tests to see what there is. Mr. Weinberg stated since the owner's realtor was not present and the pending sale is in discussion, the board is being asked to approve the well location plan as a compliant plan and it is not known if the BOH must take a formal decision on the inspection. The well location plan may be sufficient for the applicant's bank. The Board discussed if there should be a determination that the system has not failed. Mr. May stated he was uncomfortable forcing the homeowner to drill a new well when the nitrate level was at 5.96ppm, well below the 10ppm threshold.

Mr. Weinberg stated that the BOH determined that it is a high ground water situation and of grave concern and all parties think this is an acceptable solution. Discussion ensued.

**MOTION** by Ms. Ryden to make a finding that this meets the criteria for compliance under Title-V, section 303c that based on the information, the system is not in failure and the plan dated March 27, 2020 is approved conditional on 3 years of well testing. The vote was two in favor with Mr. May abstaining.

### **OTHER BUSINESS**

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#### **Coronavirus (COVID-19) Discussion**

Information is being relayed to the Fire and Police. Webpage is up and running and the information is changing daily. The FAQ's are being worked on as well as daily information management.

The pandemic team includes Dana Stewart as resource coordinator who spoke on the information that was put up on the web page. Donations will be accepted Tuesdays and Thursdays, 9-12. She is using safety precautions and storing donations on the stage. Next is to identify those in need of these items through food pantries and MASCAP. The former Westport food pantry organizer was contacted to learn of needy Westport families, which number 200-230 families. There is still much to be organized and the concern is to not let this become overwhelming. The other concerns were ascertaining what residents were income eligible and if another date to the week should be added.

Mr. Weinberg also noted that there is an issue with bed and breakfast establishments in town.

On the topic of East Beach and bringing systems into compliance. The members questioned should these permits be issued given the density. Discussion ensued.

Today the Governor closed parking lots at all state beaches, except to pedestrians and bicyclists.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

1680-I Drift Road Repair upgrade in river front area was approved by ConCom last night.

Board needs clarification on the old \$140K septic grant and discussed using these funds for promoting de-nitrification systems. Mr. May stated the accounting office wanted documentation from the state and they obtained it, but the accountant deemed it insufficient. Mr. Armendo stated that there was a letter from the National Estuaries Program and the letter states the town can use the funds for anything but this is not consistent with the grant parameters. Ms. Ryden thought to get an opinion from Town Counsel. Mr. Armendo stated Town meeting could be the vehicle but the warrant is closed.

**MOTION** by Mr. May to adjourn at 3:16 pm. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:07 p.m. by remote participation with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN – Update on Coronavirus (COVID-19)**

Ms. Pierce stated there are 8 confirmed cases. The precautions recommended by the CDC are very important and should be followed to be able to beat the virus. Mr. Weinberg asked about using masks in public. Ms. Pierce stated it is a great idea because it will keep droplets from travelling and keep people from touching their faces. Ms. Ryden stated that there are instructions on the COVID-19 page under health guidance for making masks. Jon Alden asked how the testing is being done. Ms. Pierce explained that individuals must go through their primary care physician. Mr. Alden asked why the number of cases are being represented on the website. Ms. Ryden stated these numbers are total active numbers.

### **OTHER BUSINESS**

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1. Pump Reports. Noted.
2. April Meeting Schedule-2nd meeting falls on a holiday. The next April meeting, by consensus, will be Tuesday, April 21 at 6pm.

### **SEPTIC PLAN REVIEWS**

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1. Sodom Road (M-60/L-1/SL-1A/103,090 sq. ft.) Hugh McGovern, 4-Bedroom New Construction, Quick 4 Infiltrator Bed. Mr. Armendo noted that the plan is dated 2015. He asked the Board to give a provisional approval conditional on updating the date on the plans. These plans have expired and there is no errors and omissions statement. This is continued to the next meeting. **MOTION** by Ms. Ryden to continue to the next meeting. Mr. May seconded. Unanimous.
2. 6 W. Normandin Street (M-18A/L-149-151/SL-1/68,005 sq. ft.) Todd Cerruti, 4-Bedroom New Construction, Quick 4 Infiltrator LP Chamber Bed. **MOTION** by Mr. May to approve plan dated 3/16/20 conditional on ConCom approval and standard BOH I/A statement. Seconded by Ms. Ryden. Unanimous.
3. Lincoln Avenue (M-32/L-6-15,28,36A/SL-2/61,234 sq. ft.) Jodi Holmes, 4-Bedroom New Construction, Stone Bed. **MOTION** by Mr. May to approve subject to ConCom review and conditional on engineer signature being rendered on plan. Seconded by Ms. Ryden. Unanimous.
4. Lincoln Avenue (M-32/L-6-15,28,36A/SL-3/60,1504 sq. ft.) Jodi Holmes, 3-Bedroom New Construction, Stone Bed. **MOTION** by Mr. May to approve subject to ConCom review. Seconded by Ms. Ryden. Unanimous.
5. Main Road (M-67/L-21) Kyle Desrosiers, 3-Bedroom New Construction, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to BOH statement for I/A, ConCom approval and amendment to storm water requirements as discussed. Seconded by Ms. Ryden. Unanimous.

6. 138 Highland Avenue (M-12/L-35) George N. Keches Trustee/Rebecca Taylor, 3-Bedroom Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to approve subject to ConCom review and BOH A/I standards. Seconded by Ms. Ryden. Unanimous.
7. 34 Fallon Drive (M-52/L-47) Thomas Peirce & Tanja Ryden, 3-Bedroom Repair, Advantex Treatment System AX 20 Series. Ms. Ryden recused herself. **MOTION** by Mr. May to approve the voluntary upgrade plan dated 2-15-20 and revised 3-15-20 conditional on a notice of alternative system and standard BOH I/A system on the plan. Seconded by Mr. Weinberg. The vote was 2 in favor with Ms. Ryden recused.

## **DIRECTOR**

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1. Written Report. Noted.
2. Updates:
  - Board of Health: Mr. Armendo stated there is cooperation across all departments to deal with all the COVID information and directives from the Governor. Discussion ensued over the duties needed to be performed in a constrained timeline.
  - Transfer Station: The work is completed on the retaining wall, but the problem is that people are standing on the wall to throw their trash in the dumpster. He is working on pricing a railing.
  - Nurse: hours are increased to deal with the situation.
  - Animal Control: There are no issues, but they are busy. Ms. Ryden stated that the rabies clinic for April 18 has been postponed.

## **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

## **APPOINTMENTS**

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### **6:30pm – Waiver Hearing: Outback Eng. for 8 Faulkner Street, C2S Development.**

Jason Youngquist from Outback Engineering dialed in. The property is a small lot with a high water table. Variances requested:

- Reduction in setback to site well, 70 vs. 100 feet
- Sieve analysis
- Setback from leaching field to bulkhead, 15.7 feet vs. 20 feet

Ms. Ryden asked about water quality results. The results for nitrates was at 4.49, below the threshold. Discussion ensued. **MOTION** by Ms. Ryden to approve variances requested for a 3-bedroom repair conditional on a deed restriction, water testing for 3 years, a hold harmless agreement and ConCom approval plus the standard BOH I/A statement on the plan. Seconded by Mr. May. Unanimous.

### **6:40pm – Waiver Hearing: Len Potter for 6 & 10 Adamsville Road, Daniel Tripp – withdrawn.**

### **6:50pm – Waiver Hearing: Len potter for 1680-I Drift Road, James St. Martin.**

Mr. Potter described original 2018 plan with a denite system more than 50 feet from the river, which would add an extra 9K+ in costs. There was second perc in 2019 and proposal to move the well and install a septic that could be pulled back 140+ feet from the river. Both percs are similar when compared. The Board wanted denite, the owners would go back to the original plan because

denitrification as well as adding a new well would cost over \$18K. Instead, the owners would put the denitrification system in the original location rather than installing a new well. They want to stick with the plan as proposed in March and proceed with moving the well and getting the required variances.

Variances requested are for system setback to wells at the following locations:

- Setback to well at 1680-E Drift Road 74 feet vs. 100 feet
- Setback to well at 1680-H Drift Road 88 feet vs. 100 feet
- Setback to well at 1680-I Drift Road 56 feet vs. 100 feet

**MOTION** by Mr. May to approve plan conditional on a hold harmless agreement, deed restriction, 3 years of well testing, ConCom approval and compliance with standard BOH I/A statement. Seconded by Ms. Ryden. Unanimous.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Mr. Weinberg noted from a public health standpoint issue, the need to address the trailers at East Beach Road because the Board of Selectmen will be requesting recommendations from the Board of Health. He suggested having a special meeting in the coming days for the Board discuss their input for the next Selectmen's meeting. The consideration is public safety and the number of people that will be in this area. Members will discuss later this week.

**MOTION** by Mr. May to adjourn at 7:16 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 1:00 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Directo  
Linda Pierce, Town Nurse

## **APPOINTMENTS**

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**2:15PM – Waiver Hearing:** 27 Velvet Avenue-Distance of Replacement Well to the Existing Septic System. This was an appointment from the previous meeting on April 2, 2020. No action.

## **OTHER BUSINESS**

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- **EAST BEACH DISCUSSION**

Members discussed the permit process and the issue of meeting BOH septic requirements. Mr. Armendo and the Board discussed how many more property owners needed to comply with BOH septic or tight tank issues. Mr. May suggested allowing for more time for the few people to come into compliance. Ms. Ryden noted that if there is a shelter in place COVID-19 order, the Board should look at this at the big picture first.

- **PUBLIC HEALTH ADVISORY DISCUSSION**

The COVID-19 situation was discussed.

Of the 108 lot owners, only 31 are not state residents; 15 are RI and 16 are other states; and 21 that are Westport owners. Mr. May asked if the BOS are considering cancelling permits. Mr. Weinberg does not know what the BOS will be doing at this time. There has been documentation relating to reducing the concentration in small areas and the trailers are in a condensed area. This issue will likely be raised. Ms. Ryden noted the Governor's order is an advisory and until the stay at home advisory has been listed, she would not advocate for occupancy.

Mr. Weinberg stated the BOS is seeking a recommendation from a public health perspective and consistent with the Governor's orders. The advisory does not indicate if people can go to their secondary homes. Mr. May suggested asking out of state residents to quarantine but not preventing them from using their properties. Mr. May pointed out that the Governor's order is until May 4<sup>th</sup>.

Mr. Armendo read the statement from Mr. Curt, president of the East Beach Association promising that the residents will practice proper protocol to remain safe.

Ms. Ryden suggested requiring anyone who has a positive diagnosis and will not show up in MAVEN, to notify the Board of Health. Ms. Pierce noted if someone is tested with in state, they need to indicate they are in Westport so these cases can be tracked. Discussion ensued over occupancy permits and providing the BOS a recommendation for their next meeting.

**MOTION** by Ms. Ryden to allow Mr. Weinberg to make recommendations to the BOS addressing COVID-19 concerns at East Beach. Mr. May seconded the motion with discussion. He felt that two motions are in order the first being BOH centric to address lots where tight tanks and septic systems are not in compliance extending the deadline to May 31. The second as Ms. Ryden stated, for which he rendered his second.

The vote was unanimous with all in favor by roll call.

**MOTION** by Mr. May to extend the deadline for the 8 systems not in compliance with Title-V from April 30 to May 31. Mr. Weinberg felt that this may be problematic. Mr. Armendo did not feel making a formal recommendation on an extra month is appropriate to make now. Ms. Ryden stated that the BOH has no reason to change the current process to tell the BOS if they are in or not in compliance. Mr. Armendo has the ability to make administrative decisions for the particular situation. No second was made and discussion ensued. Mr. May withdrew his motion. Ms. Ryden wanted to make sure that self-containment is not an option this year but a temporary situation from last year. Mr. Armendo stated if they abandoned their septic system, he would be in agreement. Mr. Armendo will work on a summary of how it will work and share it with the chair.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Ms. Ryden to adjourn at 2:13 p.m. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Emergency Meeting of the Board of Health convened at 12:02 p.m. by remote participation with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting is Being Recorded.

### **OTHER BUSINESS**

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#### **Discuss Board of Health Emergency Order**

Mr. Armendo asked for this meeting. The BOH should institute an order for face coverings to be mandatory in all public essential businesses as defined in Governor Baker's executive orders. The document Mr. Armendo circulated, defines who this affects and where this is to be used. The order would go into effect Monday and voted today giving people enough time to prepare over the weekend. The reasoning is to protect themselves and to be protected from others. This would be a good effective way to slow the spread in Town.

Mr. May asked if the Governor's face coverings was voluntary. Mr. Armendo said yes, it is voluntary and strongly recommended, but not an order. Mr. May asked if other cities and towns are making it mandatory. Mr. Armendo stated Salem, Hamilton and Cambridge are, to name a few. Mr. May stated that there are infection rates higher in the State and in Bristol county in general - he asked how can Westport do better if this is mandatory? Ms. Ryden said based on personal observation, compliance is spotty at best and more strongly encouraging through an order like this will help to keep the numbers down. Westport has an advantage with lower numbers partly because there are no nursing homes and partly because there is more space. Human interaction at public facilities are going to be the high risk areas. The Board could try to dampen things in these areas.

Mr. Weinberg stated that it's not a very big imposition to the individual and there is a cost benefit: it is limited to spaces where transmission is likely, especially since we are in the surge phase. It is a reasonable step to take. He is not sure what the responsibility of the store owner would be. What is the expectation if someone walks in without a mask, he asked. Mr. Armendo stated that a BOH employee would go around to all the businesses and give the order to them. He would have the agent ask how the store owner would want to pursue it from there. If, for example, he goes into a store and sees someone without a face covering, he would remind the store manager there is an order as well as the individual that they need a face covering by BOH order. He said if they do not comply, he could ticket the person. Mr. Weinberg stated that it's the BOH's responsibility to enforce the order, not the store owner.

Ms. Ryden suggested giving a hard copy of the order to the store to post making it easier for the store. Mr. Weinberg said that someone in the store doing capacity control, would be a good person

to remind people entering the store. Mr. May observed this at the hardware store. Discussion ensued. The board agreed to allow Mr. Armendo to sign off on the order.

**MOTION** by Ms. Ryden to issue an emergency order this April 17, 2020 and it shall be effective Monday April 20, 2020 at 12:01 am as a result of the public health emergency to require face coverings as described in the order. Seconded by Mr. May. The Board voted unanimous with all in favor.

Mr. Armendo asked to issue a press release in the form of this order and posting on local cable access. Mr. Weinberg thought it could use a little more context stating in order that it is to prevent the transmission of the virus and to protect individuals and this applies to businesses as a start. Mr. Armendo will draft it and send to the members for review. Ms. Ryden suggested this be posted on the BOH updates found on the COVID page and to send an e-alert.

Mr. Armendo stated that he had invited Mr. King because it is a town wide order. It would appear that he may have had another commitment.

**MOTION** by Mr. May to adjourn at 12:24 pm. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:02 p.m. by remote participation with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman of Public Health  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

## **PUBLIC HEALTH NURSE PRESENTATION**

### **Linda Pierce, RN – Update on Coronavirus (COVID-19)**

Ms. Pierce stated there are 15 confirmed cases in town and unfortunately, a 75 year old passed away on Friday the 17<sup>th</sup>. The patient was admitted repeatedly to the Hospital and it is not known if he contracted the virus during one of those times. Emergency Orders now require masks be worn. She explained how she follows up on cases and how some reporting can be in error for people not an actual town resident.

## **OTHER BUSINESS**

1. Pump Reports. Noted. Mr. Weinberg asked to follow up on the double reporting for Fairhaven Honeywagon.
2. East Beach Discussion. Mr. Armendo stated that the lots are not primary residences and Mr. Armendo recommended that the Board follow the Governor's Guidance and Directives to a certain date. Members agreed to this based on Guidance to recreational trailers considered recreational and not essential. This Guidance was issued on April 17, 2020. Mr. Weinberg stated the same discussion would be coming up on the BOS meeting and the question of what action to take. The Board agreed that he and Mr. Armendo would make that recommendation. Between now and May 3, 2020, if the Governor changes his position, the Board may wish to wait for that Guidance.

Mr. Weinberg stated that he and Mr. Armendo discussed these issues with Town Counsel and part of the discussion focused on the Town treating the East Beach lot owners the same as other landowners. Ms. Ryden clarified that under the current Governor's Guidance that was issued last Friday April 17, 2020 concerned recreational vehicles and that there should be no occupancy before May 4, 2020. She stated that, if the date is extended by the Governor, the Board would comply with that new date. Beside the Governor's orders, if septic issues are complied with, they can be permitted.

Mr. Kevin Curt, President of the East Beach Improvement Association stated that he felt the East Beach residents are not being treated equally and used the Point residents as an example. It was clarified that the Governor's Order is for recreational vehicles, not for secondary homes as are found at the Point. Mr. Weinberg stated that he is sympathetic to their request, but in the interest of not allowing the virus to spread and guarding Public Health, the requirement is to follow State Guidance. Mr. Curt asked for some consideration, if the May 4, 2020 date is moved again, to be able to work with them and implement the guidelines he drafted for the residents at East Beach.

Ms. Vrona brought up the issue of there being people who use the beach as their residence 6 months out of the year. Mr. Weinberg stated having spoken to Town Attorney, the issue is that either everyone comes in or no one does.

### SEPTIC PLAN REVIEWS

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1. **31 Fallon Drive** (M-52/L-18; 706,760sqft) Muriel LaFrance, 4-Bedroom Repair, Stone Bed. **MOTION** by Mr. May to approve. Seconded by Mr. Weinberg. Unanimous.
2. **312 Highland Avenue** (M-12/L-20; 64,165sqft) Lifestream, Inc., 4-Bedroom Repair, Arc 36 LP Chamber. **MOTION** by Mr. May to approve plan dated 4/3/20. Seconded by Ms. Ryden. Unanimous.
3. **N. Breault Street** (M-13/L-283-288; 25,344sqft) Gabriel & Tina Medeiros, 2-Bedroom NC, Arc 36 LP Chamber. It is not clear if this is a buildable lot or part of a subdivision. Mr. Armendo will check with the Building Inspector. The applicant must demonstrate it is a buildable lot (see note 10 of the plan). If the lot is not part of a subdivision, they would need to comply with stormwater requirements. **MOTION** by Mr. May to continue to the next meeting. Seconded by Mr. Weinberg. Unanimous.
4. **Kyle Jacob Road** (M-24/L-26M/SL-15; 115,708sqft) Stephanie & Felipe Joaquim, 4-Bedroom NC, Stone Bed. **MOTION** by Mr. May to approve for new construction conditional on ConCom review. Seconded by Ms. Ryden. Unanimous.
5. **Lincoln Avenue** (M-32/L-6,8,15/SL-4) Scott & Jodi Holmes, 3-Bedroom NC, Stone Bed. **MOTION** by Mr. May to approve for new construction conditional on ConCom review. Seconded by Ms. Ryden. Unanimous.

### DIRECTOR

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1. Written Report. Noted.
2. Updates:
  - Board of Health: Mr. Armendo stated there is a lot happening at the Board of Health. They are doing the best they can to keep the public informed in a climate of rapidly changing information. He also noted the food pantry run by the Recreation Department is running very well and complimented Dana Stewart, Recreation Director and Veterans Service Officer, Carol Freitas for their hard work in organizing and running the food pantry, as well as all the volunteers.
  - Transfer Station: Mr. Armendo stated that they have been busy. He addressed the status of the wall.
  - Nurse: Ms. Pierce is having a lot of contact calls and many conference calls.
  - Animal Control: The officers are working from home and are very responsive as if working in the office.

### TOPICS FOR THE NEXT REGULAR MEETING

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None.

**OTHER**

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1. Jon Alden asked the Board why the Town changed from reporting daily to weekly. He heard many complaints that people are nervous waiting a week for numbers to be posted. Mr. May agreed daily reporting was preferred. Ms. Ryden stated that since she has been fielding much of the communications, one of the difficulties is that in any one given day, the numbers change so frequently that these do not coincide with the State's numbers and more people were left confused. Mr. Armendo stated they are doing their best to keep the public informed.
2. Mr. Weinberg asked if there was information on 225 Brayton Point Road and the Harbor Inn. Mr. Armendo did not have any information
3. Ms. Ryden stated there was a letter that there is an avian flu outbreak in South Carolina and asked to post info on the website. Mr. Armendo stated that he spoke with Mr. Cahill at MDAR. He is monitoring the situation and they are watching migratory birds. Mr. Armendo suggested posting the article and sending it along to AgCom as well.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing: RIM Eng. for 239 Briggs Rd., Robert Chase Jr. & Michael McNally.**

Craig Cygawnoski discussed the differences between the 4/7/2020 plan and the new plan and said it was the statement of a local upgrade. Mr. Armendo stated that he was going to question the engineer tomorrow. Ms. Ryden stated the sieve analysis was not in their packet. **MOTION** by Ms. Ryden to continue to the next meeting. Seconded by Mr. May. The vote was unanimous.

**6:40pm – Waiver Hearing: Len Potter for 557 Sanford Road, Elin-Mari Heggland.**

This is an existing 3-bedroom home on a 10,000 sq. ft. lot. The well will be 64 feet from repaired SAS. The tank will be replaced with a 1,500-gallon tank and the system will be a Quick-4. There are no other wells affected other than the site well. The well testing came in at 3.76 for nitrates and no coliform.

The variance requested is setback to SAS, 64 feet vs. 100 to site well.

Ms. Ryden asked about the assessment of denitrification systems based on working on Advantex Systems in Westport. Mr. Potter has done a few but more in Rhode Island because they have CZM regulations to follow and parts are readily available and local. Ms. Ryden asked about the FAST System. Mr. Potter stated there is a blower that runs all the time and he noted that most people just unplug it. Discussion ensued over the Layer-Cake System and the differences between the types of systems.

**MOTION** by Mr. May to grant the variance requested conditional on 3-bedroom deed restriction, a hold harmless agreement and three years of well testing. Seconded by Ms. Ryden. Unanimous.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Mr. May to adjourn at 7:22 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Emergency Remote Meeting of the Board of Health convened at 3:00 p.m. by remote participation with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

### **East Beach Area Trailers**

Mr. Armendo noted the discussion is to talk about the placement of trailers on East Beach. The Governor's new orders extend the stay at home order until May 18.

Mr. Weinberg noted that the infections and hospitalizations have increased: the infection rate has doubled and the situation had not changed. Beach parking lots had not been opened; leisure travel and staying at home remain in effect through May 18. He stated he discussed with Town Counsel a draft order that would not allow the trailers to be occupied until May 18 conditional on what is issued by the Governor. He opened to other board members to speak. Tanja Ryden, Vice-Chair agrees with the comments and the rationale. She also sympathizes with the owners and many people who want to bring their trailers and enjoy the beach. As a public health official, she wants to make it safe for all citizens and decide how to minimize risk for all residents in town as well as visitors. As noted by Mr. Armendo, the number of cases has increased, which cannot be ignored. The virus is very infectious and spreads easily. State wide, there were 2,000 new cases alone. She supports a 2-week delay. She hopes they will understand this from a public health aspect and hopefully in 2 weeks, it will be ok for everyone to enjoy the rest of the season.

Mr. Weinberg added that he personally struggled with this decision. What made it difficult was, as an individual basis, the sincerity that Mr. Curt has expressed in their commitment to obey all the rules, he's thought a lot about that and the fact that there are so many people involved - it just takes a few of those people to prevent the virus from being brought under control. That reality has had a strong influence on how he thought about this. It is an early part of the season and hopes it will resolve in the next few weeks and the hope the owners will have the ability to enjoy their properties through the fall. He said they must look at public health and err on the side of caution.

Mr. May had hoped there was more from the governor and he echoes the sentiments of the other members and agrees that the Board must err on the side of caution. The long order explains this well.

Mr. Weinberg listed the reasons in the findings in the order. He suggested adopting these subject to final review from Town Counsel. The order was read into the record stating that no trailers would occupy the East Beach Road and other areas until May 18.

Mr. Weinberg opened comment to the public.

Mr. Kevin Curt, president of the East Beach Improvement Association read a statement in opposition to the order and indicated the Town was discriminatory against the properties on East Beach to include requiring compliance with Title-V inspections.

Mr. Weinberg sympathized and is not questioning the sincerity of what was proposed, it is the limitation of relying on people's intentions. People do not always comply.

Discussion ensued about septic systems. Ms. Ryden stated that the topic is not on the agenda and while she appreciates the thought Mr. Curt has put into the statement, would prefer to discuss the issue at hand, and that would be not allowing trailers until May 18.

Mr. Mello, who is the association's attorney, felt the BOH does not have authority to require this and he will advise to file litigation in superior court and seek damages. He requested a copy of the order and the vote of the Board be sent to his e-mail [mellolaw@msn.com](mailto:mellolaw@msn.com) and left his phone number as well 508-677-7777. He said he would appreciate hearing from Town Counsel today.

Mr. Curt said some of the members have some brief comments and that he would speak after they have finished. Other members of the association gave comment in opposition.

Town Counsel, Jeff Blake, stated that in his opinion, there was no violation of open meeting law. The BOH can issue orders to prevent disease and clearly falls within the authority of the board. The BOS & BOH have different duties and different aspects of what is going on. The BOH's biggest concern is the spread of disease - the order proposed is lawful.

Other members provided comments and discussion ensued. Mr. Curt said after hearing all the pros and cons and being concerned about health, there are other areas that pose more of a threat. He asked the Board to modify the order to avoid a lawsuit and allow trailers to move-in, a few a day, without being occupied, until May 18 in order to lessen the problem of all the trailers moving in all at the same time especially before Memorial Day.

Ms. Ryden said based on what she has heard from residents, if people are travelling every day, it is not consistent with the Governor's stay at home advisory. She is concerned with the implications, either way.

Mr. May understands the concerns the residents are expressing. As a member of the BOH, he sees the number of deaths in the hundreds every day and sees new infections by the thousands every day and feels everyone should shelter at home. This is a pandemic, it is in a surge level in this state, and the surge needs to be broken.

Ms. Ryden - the situation is going to be a challenge. The BOH is in their legal right. There are delays for everything, many people are feeling a disruptive impact, and it would be hard to manage to allow some and not others. The Board cannot add more burden to the town. She feels that the Board needs to move forward. Mr. May stated that if there is a dangerous disease to the public, the Board has the right to act.

Mr. Mello said the vast majority of deaths in nursing homes but substantially lower. He said the people in the association want to enforce their right to use their property and will do social distancing. He said the BOH argument for enforcement is not valid here or in any other part of town. He anticipates litigation and that the association has felt discrimination in town.

Mr. Weinberg made closing remarks and Ms. Ryden noted they have reached the end of the discussion.

**MOTION** by Ms. Ryden to adopt the draft order that no trailers occupy East Beach prior to May 18 subject to minor revisions consistent with existing town definitions. Seconded by Mr. May. The vote was unanimous by roll call.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING.**

None.

**MOTION** by Mr. May to adjourn at 4:42 p.m. Seconded by Ms. Ryden. Unanimous vote by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:02 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman      Matthew J. Armendo, Director  
                  Tanja Ryden, Vice-Chair  
                  Maurice E. May, Secretary

### **PUBLIC HEALTH NURSE PRESENTATION**

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Linda Pierce, RN – Update on Coronavirus (COVID-19)

Ms. Pierce stated there are 48 confirmed cases in town, 22 recovered and 2 deaths. She indicated that there is more need to stay diligent. The Governor has ordered masks for public places and this is to keep everyone safe in the community. The order takes effect May 6, 2020. Mr. Weinberg said failing to do that is subject to penalties per the order.

Mr. Weinberg addressed the East Beach property owners who joined the remote meeting. Public meeting law requires two (2) full days of posting an item on the agenda and the association has submitted a proposal at the Selectmen meeting last Friday, not giving enough time for the Board of Health to post. On advice of Town Counsel, because there is prospect of litigation, the meeting on Wednesday will be in executive session. They will come out of that meeting with some direction.

### **MINUTES**

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1. April 02, 2020
2. April 06, 2020 – passed over because Mr. Armendo has questions about one of the septic plans and will need to review it. Mr. May stated that under Septic plan reviews # 7, it is not listed as Mr. May making the motion.
3. April 17, 2020
4. April 21, 2020  
**MOTION** by Ms. Ryden to accept April 2, April 17 and April 21 and to submit any non-substantive edits to staff. Seconded by Mr. May. Unanimous with all in favor by roll call vote.

### **OTHER BUSINESS**

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1. Pump Reports. No Comments from Mr. Armendo. Noted.
2. Delegate Authority to Set Timeline on Failed SAS Repairs. Mr. Armendo noted there is an increase in failed Septic systems and he would like to set the timeline for the repair to be more efficient.  
**MOTION** by Ms. Ryden to allow Mr. Armendo to set the timeline. Mr. May seconded the motion. Unanimous with all in favor by roll call vote.

### **DIRECTOR**

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1. Written Report. Noted.
2. Update

- Board of Health – the staff have been very busy with COVID19 and noted that Linda Pierce is doing the bulk of the work. They are accommodating septic inspections as well.
- Transfer Station. The railing will be installed for safety. He was at the station selling vehicle stickers.
- Nurse. Ms. Pierce gave her update earlier.
- Animal Control. Mr. Armendo stated that he received Ms. Lambert' report and gave that summary to the Board. He noted they are still working remotely and are able to answer all calls.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None. Mr. Weinberg asked if the BOH needs to revise their order for facemasks. Mr. Armendo stated that there is no need as the Governor's order was more restrictive

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**EXECUTIVE SESSION**

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Members convened into Executive Session at 6:28 p.m. pursuant to the provisions of M.G.L. Chapter 30A, § 21(a). Chair declares an open meeting will have a detrimental effect to discuss strategy over the Public Health Director's contract.

Members adjourned the Executive Session and did not return into regular session.

**MOTION** by Mr. May to adjourn at 6:58 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the 10:04 a.m. at the Town Hall Annex.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**ALSO PRESENT:** Attorney Jeffrey Blake, KP Law

**EXECUTIVE SESSION**

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Pursuant to the provisions of MGL c 30A, section 21(a), Chair declares an open meeting will have a detrimental effect to: Discuss litigation concerning East Beach.

Members invited Attorney Jeff Blake from KP Law to participate in discussion to allow placement of trailers on East Beach Road. The DPH guidance for campgrounds, relates to essential services. Mr. Weinberg stated that the Board looked at this in regards to leisure activity and the DPH issue was concerning people owning or renting land in a campground – and the guidance was not being enforced against these owners. Mr. Armendo did not support opening the area to occupancy. Discussion ensued. Attorney Blake stated that with regards to this category of seasonal trailers, what the BOH has done is lawful and that allowing the trailers to be placed, would eliminate possible litigation. Members discussed the possible hazards allowing this activity taking into account the DPH Plymouth situation. Mr. May supported rescinding the BOH order and allowing opening up East Beach to both trailers and occupancy.

Members will make their determinations in open session indicating the Board will allow trailers to be placed on properties subject to the agreement the association proposed but not allow occupancy until May 18 as an act in good faith. Mr. Blake will discuss the intention with the association's attorney Ken Mello.

Members will discuss the lifting of the draft emergency order on May 8, 2020 in open session.

**MOTION** by Mr. May to adjourn the executive session at 11:00 a.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 12:15 p.m. by remote participation with the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

Also Present Kevin Curt, President of the EB Association

### **OTHER BUSINESS**

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Mr. Armendo stated the meeting was convened to review the May 1, 2020 order prohibiting trailers being placed at the East Beach area. The virus transmission is lower. The Board of Selectmen voted to open the town beach parking lots and the governor opened golf courses just yesterday. The required face coverings has been made stricter.

Mr. Armendo rendered his recommendation and asked the Board to consider the Association's proposal to allow the delivery of trailers and that they follow their own recommendation of phasing in and social distancing.

**MOTION** by Mr. Weinberg to rescind May 1, 2020 order effective immediately that prevented the delivery and occupancy of trailers in East Beach area effective today, May 8, 2020. Seconded by Mr. May.

Discussion ensued: Mr. May stated the DPH opened a trailer beach in Plymouth and although not the Governor, it is his administration through DPH and that is why he is in favor of rescinding the order. Mr. Weinberg agreed with the number factor in Mr. Armendo's recommendation . There have been positive movements in flattening the curve and that the surge has been reduced and that the state is still looking for a balance to allow activities that were previously unpermitted. He put a lot of weight on Mr. Curt's commitment in requiring his people to follow the guidelines. Mr. Curt thanked the Board for accepting their proposal by allowing trailers with the understanding there is to be no occupancy. He is prepared to distribute his guidelines to the residents and will continue to keep everybody safe.

The vote was unanimous with all in favor by roll call vote.

Mr. Armendo cautioned everyone that while the board has voted to make this move, this virus is not over and he urged everyone to follow the facemask order and self-quarantine to help make all this work. Mr. Curt stated he would do his best to have everyone do that.

Ms. Ryden stated that in terms of getting notices out, how can this rescission be notified to the association and other members not part of the association. Mr. Curt will get this information to everyone as quickly as possible. Ms. Ryden asked what the office staff expectation is to get this notice in the mail. Mr. Weinberg stated that he will work with Mr. Armendo for getting it out today.

Mr. Curt stated he would assist Mr. Armendo in helping to bring the last few properties into compliance with septic requirements.

The Board of Health convened the Executive Session at 6:28 p.m.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G.L. Chapter 30A, § 21(a): Chair declares an open meeting will have a detrimental effect to discuss strategy over the Public Health Director's contract.

Mr. Armendo proposed eliminating any increase in his salary and 2% increase for FY2021 due to the budget cuts that await the town next year in exchange for extending his contract this year instead of waiting until next year. Members felt this was very generous on his part and that he has been a valuable employee and supported this proposal. Members discussed creating a formal review for his file in the next few days prior to any extension of contract. Mr. Weinberg will create a draft for review and recognize his exemplary performance and dedication. Members would also like to see the integration of the Animal Control department into the contract, which was approved previously.

Ms. Ryden was prepared to recommend extending Mr. Armendo's contract for 3 years hence and he will in exchange, forgo the 2 percent increase for FY21 (to resume in FY22) and forgo the proposed increase of \$5,200 to his salary at this time for approval of the BOS. Discussion ensued.

Mr. Weinberg and Ms. Ryden will work on a draft letter and will look to update the contract to include the Animal Control duties to ensure he remains in Westport and reach out to the Town Administrator to discuss and possibly place on the next BOS agenda.

**MOTION** by Mr. May to adjourn the executive session and not return to regular session at 6:25 p.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May Aye; Ms Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:02 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman      Matthew J. Armendo, Director  
                  Tanja Ryden, Vice-Chair  
                  Maurice E. May, Secretary

### **PUBLIC HEALTH NURSE PRESENTATION**

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Linda Pierce, RN – Update on Coronavirus (COVID-19)

Ms. Pierce stated there are 48 confirmed cases in town, 22 recovered and 2 deaths. She indicated that there is more need to stay diligent. The Governor has ordered masks for public places and this is to keep everyone safe in the community. The order takes effect May 6, 2020. Mr. Weinberg said failing to do that is subject to penalties per the order.

Mr. Weinberg addressed the East Beach property owners who joined the remote meeting. Public meeting law requires two (2) full days of posting an item on the agenda and the association has submitted a proposal at the Selectmen meeting last Friday, not giving enough time for the Board of Health to post. On advice of Town Counsel, because there is prospect of litigation, the meeting on Wednesday will be in executive session. They will come out of that meeting with some direction.

### **MINUTES**

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1. April 02, 2020
2. April 06, 2020 – passed over because Mr. Armendo has questions about one of the septic plans and will need to review it. Mr. May stated that under Septic plan reviews # 7, it is not listed as Mr. May making the motion.
3. April 17, 2020
4. April 21, 2020  
**MOTION** by Ms. Ryden to accept April 2, April 17 and April 21 and to submit any non-substantive edits to staff. Seconded by Mr. May. Unanimous with all in favor by roll call vote.

### **OTHER BUSINESS**

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1. Pump Reports. No Comments from Mr. Armendo. Noted.
2. Delegate Authority to Set Timeline on Failed SAS Repairs. Mr. Armendo noted there is an increase in failed Septic systems and he would like to set the timeline for the repair to be more efficient.  
**MOTION** by Ms. Ryden to allow Mr. Armendo to set the timeline. Mr. May seconded the motion. Unanimous with all in favor by roll call vote.

### **DIRECTOR**

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1. Written Report. Noted.
2. Update

- Board of Health – the staff have been very busy with COVID19 and noted that Linda Pierce is doing the bulk of the work. They are accommodating septic inspections as well.
- Transfer Station. The railing will be installed for safety. He was at the station selling vehicle stickers.
- Nurse. Ms. Pierce gave her update earlier.
- Animal Control. Mr. Armendo stated that he received Ms. Lambert' report and gave that summary to the Board. He noted they are still working remotely and are able to answer all calls.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None. Mr. Weinberg asked if the BOH needs to revise their order for facemasks. Mr. Armendo stated that there is no need as the Governor's order was more restrictive

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**EXECUTIVE SESSION**

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Members convened into Executive Session at 6:28 p.m. pursuant to the provisions of M.G.L. Chapter 30A, § 21(a). Chair declares an open meeting will have a detrimental effect to discuss strategy over the Public Health Director's contract.

Members adjourned the Executive Session and did not return into regular session.

**MOTION** by Mr. May to adjourn at 6:58 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the 10:04 a.m. at the Town Hall Annex.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**ALSO PRESENT:** Attorney Jeffrey Blake, KP Law

**EXECUTIVE SESSION**

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Pursuant to the provisions of MGL c 30A, section 21(a), Chair declares an open meeting will have a detrimental effect to: Discuss litigation concerning East Beach.

Members invited Attorney Jeff Blake from KP Law to participate in discussion to allow placement of trailers on East Beach Road. The DPH guidance for campgrounds, relates to essential services. Mr. Weinberg stated that the Board looked at this in regards to leisure activity and the DPH issue was concerning people owning or renting land in a campground – and the guidance was not being enforced against these owners. Mr. Armendo did not support opening the area to occupancy. Discussion ensued. Attorney Blake stated that with regards to this category of seasonal trailers, what the BOH has done is lawful and that allowing the trailers to be placed, would eliminate possible litigation. Members discussed the possible hazards allowing this activity taking into account the DPH Plymouth situation. Mr. May supported rescinding the BOH order and allowing opening up East Beach to both trailers and occupancy.

Members will make their determinations in open session indicating the Board will allow trailers to be placed on properties subject to the agreement the association proposed but not allow occupancy until May 18 as an act in good faith. Mr. Blake will discuss the intention with the association's attorney Ken Mello.

Members will discuss the lifting of the draft emergency order on May 8, 2020 in open session.

**MOTION** by Mr. May to adjourn the executive session at 11:00 a.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

**Solid Waste & Recycling Hauler Regulations.**

Modification to solid waste and hauler regulation will need to include new guidance from DEP. DEP wants to make sure that commercial haulers handle the recycling. Haulers must offer waste removal and recycling twice a month and it's part of a statewide initiative.

**MOTION** by Ms. Ryden to adopt the amendments as proposed. Seconded by Mr. May. Unanimous by roll call vote.

**MOTION** by Mr. May to adjourn at 12:41 p.m. Seconded by Ms. Ryden. Unanimous.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the 7:07 p.m. at the Town Hall Annex.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of, any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): To review, approve and discuss the possible release of executive session meeting minutes dated: 1/9/20, 2/26/20, 5/04/20, 5/06/20.

**MOTION** by Ms. Ryden to approve the minutes with correction to scrivener's errors. Seconded by Mr. May. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

**MOTION** by Mr. Weinberg to release executive session minutes of May 6, 2020 and not release executive session minutes of 1/9/20, 2/26/20, 5/04/20. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

**MOTION** by Mr. May to adjourn the executive session at 7:18 p.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, RN-Public Health Nurse

**PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN – Update on Coronavirus (COVID-19)**

Ms. Pierce provided number of persons infected in Westport for this week: to date there have been 62 persons that tested positive, 2 deaths, 48 persons recovered and 4 are still in the hospital. She noted that there are two other symptoms to be on the lookout for - loss of taste & smell. She urged people that they must continue to self-quarantine. Mr. Weinberg stated that the Governor provided a 4-phase program starting May 18, 2020. He read a portion of that order into the record. Starting on May 25, 2020, the Governor’s order provides for opening of certain industries. All business must self-certify. The Board of Health will provide guidance in the next days.

**April 17, 2020 Emergency Meeting: Board of Health Emergency Order Discussion**

The Board implemented face coverings through an emergency meeting. That meeting was not posted. The Board will correct the oversight at this time. **MOTION** by Ms. Ryden to affirm the emergency order on April 17, 2020 that was effective April 20, 2020 as a result of the public health emergency to require face coverings as described in the order and subsequently amended. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**MINUTES**

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April 06, 2020 – passed over.

**OTHER BUSINESS**

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Pump Reports. Noted.

**SEPTIC PLAN REVIEW**

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W. Normandin Street (M-18A/L-55,56,12) Todd Cerruti, 4-Bedroom New Construction, Infiltrator Quick 4 Chamber Bed. **MOTION** by Mr. May to approve conditional on standard I/A compliance. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.

**DIRECTOR**

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1. Written Report. Noted.
2. Update

- COVID-19. Ms. Pierce gave her brief as noted above and staff continues to meet remotely with DPH. The key is to help stop the spread of the disease.
- Board of Health. There will be more info on COVID to be posted this week. Staff continues to work on regular business in addition to COVID issues.
- Transfer Station. The railing, retaining wall and paving are complete. Operations are running well.
- Nurse. Noted above. Contact Tracing is the next focus.
- Animal Control – the department remains busy and both ACOs are keeping up with the work.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Ryden asked to include an item on the next agenda about a webinar by the Marion Board of Health proposing a denitrification regulation so she can share what she learned. Marion has scheduled a public hearing for June 16.

### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

### **APPOINTMENTS**

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#### **6:20pm – Waiver Hearing: Civil Engineering for 102 Cummings Lane, Dean Hickey.**

The engineer requested a continuance to June 1. Ms. Ryden did not see the wetland line and requested the engineer to look at that. **MOTION** by Ms. Ryden to continue to June 1. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

#### **6:30pm – Waiver Hearing: Alex Gorodetsky for 992 State Road, Shekinah Holdings.**

Repair of 3-bedroom system with the following variances:

- Setback from SAS to property line, 7 feet vs. 10 feet.
- Over dig, 3 feet vs. 5 feet

Mr. Armendo asked to add a sieve analysis to list of variances.

**MOTION** by Mr. May to approve the variances requested and approve a sieve analysis conditional on inclusion of a standard I/A compliance statement. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.

#### **6:40pm – Waiver Hearing: RIM Engineering for 239 Briggs Road, Robert Chase, Jr.**

The engineer stated they submitted the sieve analysis two weeks ago.

Variances requested:

- Use of sieve analysis;
- Separation to ground water 3 feet vs. 4 feet.

**MOTION** by Mr. May to approve variances conditional on a 3-bedroom deed restriction, standard I/A compliance statement and a Hold Harmless Agreement. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.

**6:50pm – Waiver Hearing: Len Potter for 34 N. Breault Street, Christopher DeNault.**

Existing 3-bedroom house with a failed septic system.

Variances requested:

- 66 feet from wetland
- 70 feet from leach field to well

Mr. Potter stated that the water test came back in good shape and that the well is up gradient from the system. He also noted that ConCom approved the plan at their meeting last week. Although the stamp is not on this set of plans yet.

**MOTION** by Mr. May to approve variances requested conditional on ConCom approval, Standard I/A compliance statement, 3-bedroom deed restriction, Hold Harmless Agreement and 3-years of well testing. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.

**7:00pm – Waiver Hearing: Mark Rodrigues for 24 Bower Avenue, James Butler.**

Ms. Ryden questioned note number 8. Mr. Rodrigues, the applicant’s engineer, explained note number 8 on the plan having to do with the greywater discharge being caused by the sump pump.

The proposed repair for a 3-bedroom will be a Bottomless Sand Filter Advantex System and a monolithic tank.

Variances requested:

- Setback from SAS to site well, 64 feet vs. 100
- Setback from SAS to Bower Avenue, 7 feet vs. 10 feet
- Setback from septic tank to foundation wall, 5 feet vs. 10 feet
- Setback from SAS to foundation wall, 6.6 feet vs. 10 feet
- Setback from SAS to slab garage, 8 feet vs. 10 feet
- Reduction of 12” in separation between inverts
- Sieve analysis

**MOTION** by Ms. Ryden to approve the variances conditional on a 3-bedroom deed restriction, standard I/A statement, ConCom approval, 3-years of well testing and a hold harmless agreement. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call vote.

**Executive Session (at the end of the regular meeting)**

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Members convened into Executive Session at 7:07 p.m. and adjourn the regular session at its conclusion, pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of, any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): To review, approve and discuss the possible release of executive session meeting minutes dated: 1/9/20, 2/26/20, 5/04/20, 5/06/20.

**MOTION** by Mr. May to adjourn at 7:18 p.m. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the Executive Session at 7:52 p.m.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): To review, approve and discuss the possible release of executive session meeting minutes dated 2/12/20.

**MOTION** by Mr. Weinberg to approve executive session minutes of February 12, 2020 and not release at this time. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

**MOTION** by Mr. May to adjourn the executive session at 7:55 p.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:01 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**PRESENT** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

- Prevention of Sunburn. Discussion was about making sure to use the highest SPF to protect your skin now that the warmer weather is here and people would be spending more time outside.
- Prevention of Tick & Mosquito Bites. Ms. Pierce strongly urged to use tick and mosquito repellants. Lyme disease is carried by ticks and ticks will often travel on mice. It's important not encourage mice because of this.
- Update on Coronavirus (COVID-19) Ms. Pierce stated as of today there have been 88 active cases in Westport; 66 have recovered; five persons have died and there are two people that have been in the hospital for 2 months. The virus spreads by aerosol, which is why it is very important to wear masks. It has been noted in some recovered patients that they will often have myocardia issues.

### **MINUTES**

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1. **July 29, 2019.** **MOTION** by Ms. Ryden to approve as amended. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
2. **Jan. 13, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.
3. **Jan. 22, 2020.** **MOTION** by Ms. Ryden to approve. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
4. **Feb. 07, 2020.** **MOTION** by Ms. Ryden to approve. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
5. **March 16, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. The vote was two in favor by roll call vote. Ms. Ryden abstained because she was absent at that meeting.
6. **March 23, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote
7. **March 30, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote
8. **April 06, 2020.** Ms. Ryden noted there was a discrepancy with 1680-I Drift Road proceedings and needed correcting. **MOTION** by Mr. Weinberg to continue. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
9. **April 09, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
10. **April 30, 2020.** **MOTION** by Mr. Weinberg to approve as amended. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

11. **May 04, 2020.** **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote
12. **May 08, 2020.** **MOTION** by Mr. Weinberg to continue. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
13. **May 18, 2020.** **MOTION** by Mr. Weinberg to approve as amended. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

#### **OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Marion Webinar-Proposing Denitrification Regulation. Ms. Ryden participated into May 16 webinar where George Heufedler, Director of the Massachusetts Alternative Septic System Test Center spoke about nitrogen-reducing septic systems and how they work. The Town of Marion has scheduled a remote public hearing for June 16 for a proposed denitrification regulation that would be required for failed systems and new construction at point of sale. Marion is concerned with excess nitrogen in their waterways and Ms. Ryden felt that it would be beneficial to learn about for Westport. Discussion ensued.

#### **SEPTIC PLAN REVIEW**

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1. 32 Robert Street (M-61/L-31; 20,000 sf) Kathleen Russell, 3-Bedroom Repair, Presby System. This is an emergency repair under the community septic loan program. **MOTION** by Mr. Weinberg to approve the proposed Presby system plan dated 4-18-20 subject to ConCom approval and a standard I/A deed notification. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote. Plans to be updated as discussed.
2. 854 State Road (M-13/L-67-71; 22,013 sf) Kathleen Ferreira, 3-Bedroom Repair, Presby. **MOTION** by Mr. Weinberg to approve conditional on a 3-bedroom deed restriction and an I/A deed notification. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
3. 27 Boysenberry Drive (M-53/L-79; 37,047 sf) Joseph Erwin, 3-Bedroom Repair, Presby. **MOTION** by Mr. Weinberg to approve 3-bedroom upgrade on plan dated 5-20-20 subject to ConCom approval and an I/A deed notification. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
4. 532 Sanford Road (M-23A/335-336; 29,533 sf) Kathleen Mayo, 3-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve 3-bedroom upgrade on plan dated 4-8-20 subject to a 3-bedroom deed restriction and ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
5. 593 Old County Road (M-39/L-15; 32,670 sf) Jeanette Souza Trust, 3-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve 3-bedroom upgrade on plan dated 4-23-20 subject to ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
6. Bentley Lane (M-5/L-18G/SL-13; 69,332 sf) KRG Realty Trust, 3-Bedroom New Const., Stone Bed. **MOTION** by Mr. Weinberg to approve a new 3-bedroom system on plan dated 5-18-20 subject to ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
7. Bentley Lane (M-5/L-18/SL-14; 251,889 sf) KRG Realty Trust, 3-Bedroom New Constr., Stone Bed. **MOTION** by Mr. Weinberg to approve a new 3-bedroom system on plan dated 5-18-20

subject to ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

8. Narrow Avenue (M-63/L-7B & 7C; 881,512 sf) Michael Camara, 4-Bedroom New Constr., Stone Bed. **MOTION** by Mr. Weinberg to approve a new 4-bedroom system on plan dated 5-22-20 subject to ConCom review. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
9. 651 River Road (M-89/L-125; 43,995 sf) Goose Green Inc., 4-Bedroom Upgrade Quick 4 Infiltrator Chamber Bed. **MOTION** by Mr. Weinberg to approve a new 4-bedroom system on plan dated 5-24-20 subject to ConCom approval and compliance with I/A approval and standard conditions. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.
10. 310 Briggs Road (M-29/2H; 20,000 sf) Antone Souza, 2-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve 2-bedroom repair on plan dated 5-5-20 subject to ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

## **DIRECTOR**

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1. Written Report. Noted.
2. Updates on the following: Mr. Armendo made his update and stated the staff are very busy and are working hard at doing a great job in all areas
  - COVID-19
  - Board of Health
  - Transfer Station
  - Nurse
  - Animal Control

## **TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Ryden asked to have a discussion on denitrification systems at the next meeting. Discussion ensued. Members will have a work session on June 8 at 10 am. Mr. May asked to place a discussion on the betterment program on the work session agenda on June 8 at 10 am and on the June 15 agenda.

## **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

## **APPOINTMENTS**

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**6:30pm – Waiver Hearing: Wendy Henderson/Carl Bevilacqua, 10 Third Avenue, Lisa Ferreira**

After discussion, **MOTION** by Mr. Weinberg to approve the plan dated 5-11-20 with the following variances: setback from SAS to cellar wall, 17 feet vs. 20 feet; setback from bordering vegetated wetlands, 24 feet vs. 50 feet; set back to site well, 63 feet vs. 100 feet; Setback to well at 4 Third Avenue, 88 feet vs. 100 feet and a sieve analysis conditional on ConCom approval, hold harmless agreement, a 2 bedroom deed restriction, 3-year well testing for both wells, an /IA deed notification

and compliance with standard conditions statement. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**6:40pm – Waiver Hearing: SFG Assoc. for 19 Third Street, Mike Byron.**

Mr. Fitzgerald was present for the applicant to explain the Infiltrator Quick 4 Pump Chamber replacing the failed system.

Variances requested:

- setback to site well, 65 feet vs. 100 feet
- sieve analysis
- separation to ground water 4 feet

There will be a 3.5 wall on all sides with poly barrier.

Given the high nitrate level, Ms. Ryden requested consideration of a denitrification system. Discussion ensued. Ms. Ryden stated that the drinking water is already contaminated and the engineer should discuss that with the property owners as healthful and beneficial thing to do. Mr. May stated that at 8, the water testing levels are still below the 10 limit. The applicant was asked to fill out the maximum feasible compliance paperwork and to return once that was completed.

**MOTION** by Mr. Weinberg to continue the hearing date uncertain at this time. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**6:50pm – Waiver Hearing: Zenith for 23 Orlando Avenue, Beaver Dam Property Management.**

Miles Zager for the applicant was present.

This is a 4-bedroom septic repair. The applicant has met all setbacks to wells. Because of the high water table, they are proposing a gravity Presby system. They received ConCom approval last week.

The variances requested are:

- one deep hole vs. two;
- sieve analysis;
- 1 inch vs. 12 inches separation of inlet and outlet tees to water table.

The Presby system will provide 2 feet separation to ground water vs. 4 feet. They propose a swale to direct the water correctly. Ms. Ryden noted the errors and omissions statement on the plan had not been signed.

**MOTION** by Mr. Weinberg to approve the plan dated 4-22-20 with the following variances: one deep hole vs. two; sieve analysis and separation inlet and outlet tees to water table of 1 inch vs. 12 inches conditional on an I/A deed notice and statement of standard compliance and signature of the errors and omission statement Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**7:00pm – Waiver Hearing: Civil Eng-102 Cummings Lane, Dean Hickey-Cont'd from 5/18/20.**

Request Received to continue to June 15, 2020.

**MOTION** by Mr. Weinberg to continue the hearing to June 15, 2020. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**7:10pm – Discussion: Sitec Eng.-222 Brayton Point Road, Susan Baltrus, septic upgrade & floor plan.**

**MOTION** by Mr. Weinberg to continue the discussion in 2 weeks. Seconded by Mr. May. The vote was unanimous with all in favor by roll call vote.

**Executive Session**

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Members convened into Executive Session at 7:52 p.m. and adjourn the regular session at its conclusion, pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): To review, approve and discuss the possible release of executive session meeting minutes dated 2/12/20.

**MOTION** by Mr. May to adjourn at 7:55 p.m. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the Executive Session at 11:00 am.

**Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of, any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): to discuss strategy in preparation for negotiations related to non-union contracts.

The members reviewed non-union contracts. Any pay increase requests would not be supported by the BOS. The Board would need to consider a contract duration. Mr. May said that FY2021 should be looked at cautiously and the 2% increase could be supported, but nothing more. Ms. Ryden agrees to stick with the 2% increase for non-union personnel and for a duration of 1 year. Discussion ensued. Mr. Armendo will inform the non-union personnel that the Board wants to only enter into a one-year contract simply because there may be opportunity later for additional funding further down the road and did not want to lock anyone in for a 3-year period.

**MOTION** by Mr. May to adjourn the executive session at 11:29 a.m. Seconded by Ms. Ryden. Unanimous with all in favor. Roll Call vote: Mr. Weinberg, Aye; Mr. May, Aye; Ms. Ryden, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 11:00 a.m. by remote participation with the Chair announcing the remote meeting was being recorded followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **EXECUTIVE SESSION**

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Members convened into Executive Session at 11:00 a.m. and returned to regular session at its conclusion, pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of, any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g): to discuss strategy in preparation for negotiations related to non-union contracts.

The Members reconvened into regular session at 11:27 a.m.

### **OTHER BUSINESS**

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- Old Betterment Funds. Mr. Weinberg noted the \$140,000 in the first loan program through DEP for betterment assessments and repair of septic systems was for discussion. The account contains betterment repayments that accumulated over the years. The funds do not have to be repaid to the State. He said that the SRF program contact stated that the BOH could use these funds consistent with repairing septic systems. Mr. Weinberg wanted to discuss how to use these funds going forward and asked the members for their input.

Mr. May felt that the Robert Street property should benefit from these funds and that there should be a policy in place to avoid any favoritism. Ms. Ryden agreed and suggested looking at financial need and asked to look at other programs with financial parameters to help structure this one. She also suggested that some of the funds be set aside for financial need and another amount for an incentive program for denitrification systems for environmental sensitive wastewater prioritization needs. Discussion ensued over the structure of a grant vs. a loan. The repayment to the Town would be at the change of ownership. Mr. May urged the members to make the process simpler but to layout a policy sooner so the funds could be used for those in need. Members also discussed the amount of the incentive to make it worthwhile.

- Receivership for 23 Oakland Street. Mr. Armendo explained that receivership puts the financial obligation on the owner and he is asking for the Boards approval to do so. **MOTION** by Ms. Ryden to authorize going into receivership at 23 Oakland Avenue. Seconded by Mr. May. The Board voted unanimous with all in favor by roll call.
- Update on Landfill monitoring. Mr. Weinberg stated that Campbell Environmental made application to DEP for reduction in monitoring at the landfill. DEP provided a detailed response and how to qualify for a relaxation of monitoring of the landfill. Currently the BOH budgets \$10K annually for monitoring. Mr. Armendo stated the request would require additional work from Campbell engineering to file with DEP and does not feel that it is worth the extra cost when there are 8 years left on the monitoring. The cost to file would be \$3,400 or more. Mr. May stated that to spend \$3,400

now, to him, is worth saving \$5K yearly, if possible. It all depends what the savings will be. Ms. Ryden stated it would not be worth the additional cost for the report, if the savings were minimal. Members did not know the savings. Members were concerned that DEP may require even more testing. Mr. Armendo would ask Mr. Campbell what the estimated savings might be over the last years of the 30-year monitoring requirement.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

**MOTION** by Mr. May to adjourn at 12:39 p.m. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 p.m. by remote participation with the Chair announcing the meeting was being recorded and indicating the meeting is remote followed by the Pledge of Allegiance.

**Present:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Maurice E. May, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

- Alzheimer's disease: The disease is not curable and targets cognitive mental decline, forgetfulness, confusion and inability to create new memories, among other deterioration. Ms. Pierce gave a full description and encouraged any questions be directed to her on this cruel disease.
- Update on Coronavirus (COVID-19): Ms. Pierce reported 98 positive; 85 recovered; and 6 deaths. She urged the public to follow the guidance on how to minimize spreading the disease. Many people do not know what they are supposed to do especially with quarantining.

### **MINUTES**

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1. April 6, 2020 (Amended) Continued from June 1, 2020 meeting.
2. May 08, 2020, continued from June 1, 2020 meeting.
3. June 01, 2020.

**MOTION** by Mr. May to approve April 6, 2020 and June 1, 2020 minutes as submitted and May 8, 2020 minutes as amended. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

### **OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Annual Board of Health Appointments.
  - Medical Advisor: Dennis Calen.
  - Special Agent: Fred Ponte.
  - Burial Agents: Bernadette Oliver; Jonathan Potter; Harry Potter; Shane Erickson Potter.
  - Tobacco Control: Marilyn Edge; Seth Baker.

**MOTION** by Ms. Ryden to approve as listed. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.

3. Septic Betterment Program. Mr. Armendo discussed the old septic betterment funds. Mr. Weinberg stated there are criteria the BOH would like to use in terms of distributing the funds in consideration to legal authority. Ms. Ryden thanked Mr. May for flushing out \$140K that is in possession of the Town to be used for this purpose. Members will continue to work with town officials on how to be able to gain access to these funds for this purpose.
4. 32 Robert Street. Mr. Armendo stated the funds are constraint but in this consideration suggested a 0% loan. **MOTION** by Ms. Ryden to waive the interest and provide a 0% loan. Seconded by Mr. May, with discussion. He supports this and feels the family needs the help but would like to see the

funds from the old betterment fund or the town. Mr. Armendo stated that the questions from the Tax Collector and the Accountant have not yet been resolved. Mr. Weinberg felt that on this one transaction, the BOH would lose the interest under the normal program but is an exceptional situation. If this was not done, then there would also be other fees incurred to include legal fees. The vote was unanimous with all in favor by roll call.

- 222 Brayton Point Road. Members discussed the non-compliance of occupancy and the owner's request for expansion and the BOH request for a number of bedrooms by inspection. Mr. Weinberg would like to have a conference call with the owner prior to going to court action. Discussion ensued over this and going directly to court to save on legal fees.

**MOTION** by Ms. Ryden for Mr. Armendo to work with Town Counsel to draft a court order regarding 222 Brayton Point Road. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.

- Rabies Clinic. Free to Town residents on July 12 and \$15 for non-residents to be held at the Hix Bridge Fire Station observing social distancing. People must bring their last rabies certificate to get a 3-year vaccine.

#### **SEPTIC PLAN REVIEW**

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- 6 Attatash Way (M-43/L-5G; 4,24AC) Tom Gavriluk, 3-Bedroom Repair, Quick 4 Low Profile Chamber Bed. **MOTION** by Ms. Ryden approve plan dated 4/24/20 conditional on compliance with DEP standard IA system. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.
- 29 N Drive (M-23A/L-319-321,339-340: 38,500 s.f.) Janice Webb, 3-Bedroom Repair, Stone Bed.  
Mr. Armendo stated the applicant had a sieve analysis and did not ask approval from the Board. In addition, there was a question of there being an additional bedroom. **MOTION** by Ms. Ryden to continue to the next meeting pending request for a sieve analysis and more information on number of bedrooms and more information on a possible expansion. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.
- 28 Sodom Road (M-65/L-7H; 23,440 s.f.) Joseph Carvalho, 3-Bedroom Repair, Presby. Mr. Armendo stated that this plan would require a deed restriction. **MOTION** by Ms. Ryden to approve the plan dated 5/18/20 conditional on a 3-bedroom deed restriction and compliance with DEP standard IA system and IA Deed. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.
- 345 Robert Street (M-62/L-18D; 15,246 s.f.) Michael Salvo, 2-Bedroom Repair, Quick 4 Infiltrator Bed. **MOTION** by Mr. May to continue. Seconded by Ms. Ryden with discussion: that the applicant provide details as to why the system is designed over capacity. The vote was unanimous with all in favor by roll call.
- 526 Old County Road (M-34/L-5; 11,499 s.f.) Pacific Union church, Install Grease Trap & Backwash Pit. **MOTION** by Mr. Weinberg to continue pending additional information. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.
- 175 Robert Street (M-61/L-9; 19,994 s.f.) Jane Soares, 3-Bedroom Repair, Advantex Bottomless Sand Filter. **MOTION** by Mr. Weinberg to approve plan dated 8/6/19 conditional on ConCom approval, a 3-bedroom deed restriction, compliance with DEP requirement for bottomless sand filter and IA Deed. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.

- 7. N. Breault Street (M-13/L-283-288; 25,344 s.f.) Gabriel & Tina Medeiros, 2-Bedroom New Constr., Arc 36 LP Chamber Bed. **MOTION** by Mr. Weinberg to approve plan dated 3/20/20 subject to a 2-bedroom deed restriction. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.
- 8. Seabury Lane (M-87/L-23D; 6.03AC) Carl & Ann Moberg, 4-Bedroom New Constr., Stone Bed. **MOTION** by Mr. May to approve plan dated 5/26/20 subject to ConCom approval. Seconded by Mr. May. The vote was unanimous with all in favor by roll call.

**DIRECTOR**

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- 1. Written Report. Noted.
- 2. Updates on the following: Mr. Armendo gave his update.
  - COVID-19. Regarding compliance: Mr. Armendo stated that Phase II is running much smoother and folks are following the rules. No issues at this time.
  - Board of Health. The staff continues to be busy and are working hard at addressing the various duties during this time of year.
  - Transfer Station: Operations are running smoothly.
  - Nurse: Ms. Pierce is working to bring all information and requirements to the department and has been on top of all the necessary COVID related issues/requirements.
  - Animal Control. Operations are running smoothly; this past weekend had a lot of call outs and a few injured animals. The new e-mail on the website has helped with communication from the public. It is AC@westport-ma.gov.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**APPOINTMENTS**

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**6:40pm – Waiver Hearing: Civil Eng-102 Cummings Lane, Dean Hickey-Cont’d from 6/01/20.**

Request received to continue to the next meeting. **MOTION** by Mr. May to continue the hearing to the next meeting. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call vote.

**MOTION** by Mr. May to adjourn at 7:11 p.m. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Donna M. Amaral, Member  
Matthew j. Armendo, Director  
Linda Pierce, Public Health Nurse

### **BOH RE-ORGANIZATION**

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Mr. Weinberg welcomed Donna M. Amaral, the new member after elections. Designations were made at the end of the meeting.

**MOTION** by Ms. Amaral to nominate Tanja Ryden as Chair. Seconded by Mr. Weinberg. The Board voted unanimously with all in favor by roll call.

**MOTION** by Ms. Amaral to nominate Mr. Weinberg as Vice-Chair. Seconded by Ms. Ryden. The Board voted unanimously with all in favor by roll call.

**MOTION** by Mr. Weinberg to nominate Ms. Amaral as Secretary. Seconded by Ms. Ryden. The Board voted unanimously with all in favor by roll call.

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN:**

Update on Coronavirus (COVID-19). The Town Nurse stated the number of cases is at 100 and there have been a total of 6 deaths. One resident has been in the hospital for the last 3 months. Ms. Pierce stated that this disease can attack anyone and everyone needs to keep safe and wear a mask to protect one self and others as well. She urged everyone to practice due diligence and that all lives matter.

### **MINUTES**

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1. June 15, 2020 regular meeting. **MOTION** by Ms. Ryden to approve. Seconded by Mr. Weinberg. The Board voted two in favor by roll call. Ms. Amaral abstained.

### **OTHER BUSINESS**

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1. Pump Reports. Members reviewed and had no comments.
2. 222 Brayton Point Road. Mr. Armendo updated the Board on the status.
3. Rabies Clinic. Mr. Armendo stated the clinic is scheduled for July 12, 2020 from 10-12 noon; free for residents; non-residents \$15.
4. Housing Authority – Request for endorsement on their Covid-19 Protocol. Mr. Armendo circulated a sign request from the Housing Authority. The BOH was requested to approve

the sample. Mr. Weinberg stated that he suggested the Housing Authority consult with Town Counsel to discuss what authority the BOH had in this matter. Ms. Ryden is reluctant to endorse that particular sign from personal experience. Ms. Amaral also agreed and suggested looking at the BOH authority and to proceed more cautiously.

5. Meeting Schedule. Members agreed to meet in 3-weeks on July 20 to avoid a conflict with the BOS meeting and then meet every two weeks thereafter. **MOTION** to move the next meeting to July 20, 2020. Seconded by Ms. Amaral. The Board voted unanimously with all in favor by roll call.

### **SEPTIC PLAN REVIEW**

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1. 526 Old County Road (M-34/L-5; 11,499s.f.) Pacific Union Church, Install grease trap & backwash. Water samples came back clean with no nitrate or ammonia detected. **MOTION** by Ms. Ryden to approve plan dated 4/21/20 subject the addition of errors and omission statement and statement of compliance with Title-V. The Board voted unanimously with all in favor by roll call.
2. 13 Windrush Lane (M-5A/L-47F; 112,300 s.f.) William Hampton, 3-Bedroom Repair, Stone Bed. Failed system to be repaired. All well setbacks exceed 100 feet and no conservation issues on this project. Mr. Armendo request that the engineer's stamp on the plan also be signed by the engineer. Ms. Ryden asked if the engineer had discussed a denitrification system. Mr. Potter stated he did but the applicants declined. **MOTION** by Mr. Weinberg to approve conditional on signatures for the plan are made by engineer and ConCom approval. Seconded by Ms. Amaral. The Board voted unanimously with all in favor by roll call.
3. 457 Adamsville Road (M-79/L-17&18; 127,614 s.f.) M & M Homes, 3-Bedroom Repair, Presby System. All setbacks are met. No waivers are requested. **MOTION** by Mr. Weinberg to approve plan dated 5/22/20 subject to a deed notice for a Presby system. Seconded by Ms. Ryden. The Board voted unanimously with all in favor by roll call.
4. 8 Heritage Drive (M-23/L49-51; 61,028 s.f.) Deborah Amaral, 3-Bedroom Repair, Presby System. **MOTION** by Mr. Weinberg to approve plan dated 5/22/20 subject to a deed notice for a Presby system. Seconded by Ms. Ryden. The Board voted unanimously with all in favor by roll call.
5. 345 Robert Street (M-62/L-18D; 15,246 s.f.) Michael Salvo, 2-Bedroom Repair, Quick 4 Infiltrator Bed. Mr. Potter explained the over design and that this could never be considered a 3-bedroom home because there is no reserve area.

Ms. Ryden's concern was the proximity to Sawdy Pond and algae blooms, which is why her focus is maximum feasible compliance. Discussion ensued over not installing a larger system. Mr. Potter stated that new construction calculation, as the Board suggested, was being followed and would require a reserve area and this could not be considered new construction as suggested. He said he would cut it to 2-bedroom but noted that Title-V does not restrict making a system larger than needed.

Mr. Armendo is ok with the explanation from Mr. Potter. With regards to maximum feasible compliance, the BOH will need to consider the well test reading under 5 in the 2018 report.

Ms. Amaral asked what is acceptable within standard well testing. Mr. Weinberg stated it is usually a recent water sample within a month's time. Mr. Armendo said it is up to the Board to accept the one presented.

**MOTION** by Ms. Ryden to approve the plans dated 5/11/20 subject to a 2-bedroom deed restriction and well testing by an independent tester and, if the nitrates are 5 or more the plan will need to come back to the Board. Seconded by Ms. Amaral. The Board voted unanimously with all in favor by roll call.

## **DIRECTOR**

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1. Written Report. Noted.
2. Update
  - COVID-19. Mr. Armendo stated that he and the Nurse are on daily conference calls with the state for updates on the changing nature of the virus situation.
  - Board of Health – business is successfully done by appointment only.
  - Transfer Station – Trash has increased recently and the Transfer Station has been busy; seeing the increase in tipping fees. Ms. Ryden asked if mattress recycling is at capacity until the new fiscal year. She asked how people are getting their stickers. Mr. Armendo explained that they have not been getting any complaints and people are getting them either at the transfer station or through the mail.
  - Nurse – working additional hours as she screens any visitors in the building and follows up on contacts.
  - Animal Control – this department is seeing a busy season at this time. Ms. Ryden asked to remind the public that with only a staff of 2, there is no coverage on a holiday weekend. Mr. Armendo is working on a plan for coverage when one of the two staff are out.

## **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

## **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

## **APPOINTMENTS**

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### **6:30pm – Waiver Hearing: Len Potter for 17 Old Horseneck Road, Irene Hatch Estate**

Failed Title-V 2-bedroom system. The leaching field is proposed to be replaced. Wells of two abutters are beyond 100 feet.

Because the water table is high, the variance requested is for reduction to groundwater separation. Ms. Ryden noted that the plan requires ConCom review.

**MOTION** by Ms. Ryden to approve the 2-bedroom variance for separation to groundwater for 3 feet vs. 4 feet on the plan dated 6/4/20 subject to ConCom approval and a hold harmless agreement. Seconded by Ms. Amaral. The Board voted unanimously with all in favor by roll call.

**6:40pm – Waiver Hearing: SFG Assoc. for 19 Third Street, Mike Byron**

This was previously before the Board and applicants are returning with the maximum feasible compliance paperwork filled out.

Engineer, Mr. Fitzgerald, was asked what caused the system to fail. He said he was called after the inspection and does not know the reason. Mr. Weinberg felt that the details of the failure should be known in the case the system would need to be replaced.

Ms. Ryden stated the nitrate levels are at 8 and is a flag of something more. Mr. Armendo stated there is no Title-V inspection in the files. Mr. Byron, the owner, explained he was told the system would fail because of a stain on the soil sample. Mr. Weinberg suggested postponing the hearing until a licensed Title-V inspector looks at it. He also suggested they look at installing a denitrification system. The Title-V inspection will clarify if they can go forward. The nitrogen level is just short of the maximum contamination level of 10 and the lots in that area are small. Mr. Weinberg asked if he was opposed to postponing until a Title-V inspection can be done. Mr. Byron agreed.

**MOTION** by Mr. Weinberg to postpone the hearing to the next meeting. Seconded by Ms. Ryden. The Board voted unanimously with all in favor by roll call.

**6:50pm – Waiver Hearing: Civil Eng-102 Cummings Lane, Dean Hickey-Cont'd from 6/15/20.**

Ken Fortier was on the line on behalf of Mr. Hickey who was also present and their attorney Bob Feingold.

The house and accessory structure are tied into the current system. The current system is in failure. The proposed system will be further from the shoreline.

Variances requested:

- Set back of SAS to wetlands/river, 90 ft. vs. 100 ft.
- Setback from SAS to site well 52 ft. vs. 100 ft.
- Setback to abutting well at 104 Cummings Lane, 82 ft. vs. 100 ft.
- Setback from to tank to foundation, 8 ft. vs. 20 ft.
- Setback from leaching field foundation, 5 ft. vs. 20 ft.

Ms. Ryden stated that given the constraints of the lot, this is better than what is there now. Water testing results were not available. Discussion ensued. Mr. Fortier noted they have an order of conditions from ConCom for this project.

**MOTION** by Ms. Ryden to approve variances for plan dated 3/4/20 revised 4/28/20 and again revised 5/16/20 subject to a 4-bedroom deed restriction, a hold harmless agreement, 3-years of

well testing for both wells, compliance with I/A approval and standard conditions. Seconded by Mr. Weinberg. The Board voted unanimously with all in favor by roll call.

**MOTION** by Ms. Ryden to adjourn at 8:05 p.m. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the Executive Session at 10:35 am.

**Present:** Tanja Ryden, Chairman      Matthew Armendo, Director of Public Health  
Philip Weinberg, Vice-Chair  
Donna M. Amaral, Secretary

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7) comply with or act under the authority of, any general or special law or federal grant-in-aid requirements-the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g) to:

- a. Amend the employment agreement with the Animal Control Officer. Members continued this item to a future meeting.
- b. Approve Executive Session Minutes from May 18, 2020, June 1, 2020 and June 8, 2020.  
**MOTION** by Mr. Weinberg to approve and release the executive session minutes as listed.  
Seconded by Ms. Ryden. The vote was two in favor with Ms. Amaral abstaining. Roll Call vote: Ms. Ryden, Aye, Mr. Weinberg, Aye; Ms. Amaral, Aye;

**MOTION** by Mr. Weinberg to adjourn the executive session at 10:41 a.m. Seconded by Ms. Amaral. Unanimous with all in favor. Roll Call vote: Ms. Ryden, Aye, Mr. Weinberg, Aye; Ms. Amaral, Aye;

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 9:00 a.m. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Tanja Ryden, Chair  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Member  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

## **APPOINTMENT**

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### **9:15am – Civil Engineering with Atty. Bob Feingold for 102 Cummings Lane, Dean Hickey. Rescind Approval from June 29, 2020 meeting.**

This is a follow up to the June 29, 2020 hearing. The Board approved the plan without the information that the Board has received now. Mr. Armendo stated that since there were documents unknown to the office that surfaced. Documentation went back to 1992. From the progression over the years, the accessory unit became an illegal unit and the building commissioner had asked it be removed.

The Building Department asked the owners to bring this before the ZBA for a determination. Mr. Armendo noted that even if the ZBA approved their request, this unit would be an increase in flow to the property and cannot meet T-V requirements or new construction guidelines. Ms. Ryden stated that the status of this septic system is an emergency order that requires the owner to bring this into compliance and pump regularly. The important factor is that there is already a 3-bedroom deed restriction on the property and not consistent with what the Board approved for a 4-bedroom restriction plan. Members had no other questions on the timeline or documents found.

Mr. Weinberg stated that based on the information, this is an illegal structure and was specifically agreed upon that it was not going to be a bedroom or apartment. Attorney Feingold stated this was being designed as a 3-bedroom and possibly a 4-bedroom. There was no knowledge of the documentation. Mr. Souza had suggested conferring with the BOH, and at that time, it did not appear to be a problem to upgrade. The owner did not know this information at the time, but planned to go to the ZBA for a special permit. The system was designed for a 4-bedroom. Attorney Feingold asked if the Board would consider a conditional approval based on the ZBA outcome. Mr. Fortier stated that the system he designed is at the highest quality. Mr. Armendo stated that when he spoke with Mr. Feingold, he was not aware of all the documentation from the Building Department. Mr. Feingold assumed he knew. Mr. Feingold was not aware of the 3-bedroom deed restriction until just recently. Mr. Hickey stated that over a year ago he spoke with Mr. Souza regarding the new accessory in-law in 2006 and then in 2016. He did not know he needed a special permit.

Ms. Ryden stated that the Board is interested in getting the system repaired as quickly as possible since it is in a delicate neighborhood. It is unfortunate that the documents were misfiled, but the facts are before all at this time. She asked Mr. Armendo what can be allowed as an accessory structure. Mr. Armendo stated that the lot size would not support nitrogen loading for a 4<sup>th</sup> bedroom with a denitrification system. Mr. Weinberg would need to treat the 4<sup>th</sup> bedroom as new construction because it is an increase in flow beyond what was approved for the 3-bedroom house and particularly with a deed restriction in place. As new construction, it would be subject to nitrogen loading limitations and

the owners would need probably  $\frac{3}{4}$  of an acre with denitrification just to get to 4 bedrooms. This lot is less than half an acre. He said the ability of the system to handle the flow relates to its ability to handle the load on the system is not designed to handle nitrogen reduction, which is not factored in to standard Title-V systems. From a de-nite point of view, they are able to get some benefit but not for less than half an acre. There is not enough acreage to handle the nitrogen flow based on the formula as in 310 CMR 15.216. The Building Department required that they decommissioned it as a bedroom.

Ms. Ryden stated that legally, this is a 3-bedroom system and the Board is eager to see the repair accomplished. She suggested rescinding the vote from 6-29-20 and continuing to the next meeting. Mr. Fortier stated that the plan he submitted on 4-28-20 plan was submitted as a 3-bedroom plan. Ms. Ryden did not have that before the members.

Mr. Armendo stated that the Board would have to rescind their vote and an inspection is required to verify that the accessory apartment is decommissioned before the Board approved a 3-bedroom system plan.

Mr. Weinberg felt the Board should not give any approvals until the ZBA and the Building Department provide their feedback. The Board of Health should not give approvals on unlawful structure. Ms. Amaral agreed as well to not approve a system without other department approvals. Procedurally, the Board does not have the documents for them to make a decision.

**MOTION** by Mr. Weinberg to rescind the June 29, 2020 vote approving the septic plan dated 5/16/20 for 102 Cummings Lane. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

**MOTION** by Mr. Weinberg to continue to the next meeting or a date requested by the applicant. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

### **OTHER BUSINESS**

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1. 32 Robert Street-Septic Betterment Program and Rescind Vote on interest rate. The interest rate can only be set by the Town Treasurer. Despite the work members have done to help this family, the Treasurer and the Accountant are hesitant to allow any borrowing of other than 5% as the funds were thought to have been set up. Mr. Weinberg stated DEP said that this money could be used in any way for septic betterment. The current betterment septic plan under the Treasurer allowed a 1.5% interest rate. Ms. Ryden asked to discuss at a future meeting and to request the Treasurer participate in it also.
2. Ms. Ryden responded to a question in the remote meeting chat asking about the rabies clinic. Ms. Lambert provided the information, which Ms. Ryden read into the record.

### **SEPTIC PLAN REVIEWS**

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1. 127-A Brayton Point Road (M-88/L-43&41; 19,112 s.f.) Pierce Kearney 1-B to a 2-B Upgrade. Len Potter was on the call. Mr. Armendo noted that there is a closing date on July 31, 2020. The lot size without the right of way would not support the upgrade from 19,126 sq. ft. to 22,562 to accommodate 2 bedrooms. Mr. Potter stated there are two other homes that use this right of way for access – it is a 30-foot ROW and he researched this back to 1030. If the heirs of the ROW are no longer living, the land reverts to abutters on each side. By using a portion, it increases the

square feet needed for a 2-bedroom. Ms. Ryden requested the origin of this rule. Discussion ensued. Mr. Weinberg asked that Mr. Armendo forward the nitrogen lending information to Mr. Potter. **MOTION** by Ms. Ryden to continue to the next. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call. Staff will call Mr. Potter with a time.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**EXECUTIVE SESSION** – Members convened into Executive Session, and did not return to regular session at its conclusion, pursuant to the provisions of MGL c. 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

- a. Amend the Employment Agreement with the Animal Control Officer.
- b. Approve Executive Session Minutes: May 18, 2020, June 01, 2020 and June 08, 2020

**MOTION** by Mr. Weinberg to adjourn at 10:31 am. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting is being recorded and noting the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Member  
Matthew J. Armendo, Director of Public Health  
Linda Pierce, Public Health Nurse

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). The Public Health Nurse stated the number of cases is at 103 and there have been 6 deaths. One resident has been in the hospital for the last 3 months, and 95 have recovered.
2. Blood Drive-August 6, 2020 from 10:00am-3:00pm in the Annex Gymnasium. Ms. Pierce organized a blood drive on August 6 through the American Red Cross from 10 am to 3 pm, advance appointment is required. Ms. Ryden suggested the rapid pass on line.

### **MINUTES**

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1. June 8, 2020 spcl. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The Board voted two in favor by roll call. Ms. Amaral abstained.
2. June 29, 2020 reg. **MOTION** by Mr. Weinberg to approve as amended. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

### **OTHER BUSINESS**

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1. Pump Reports. Members reviewed and had no comments.
2. 222 Brayton Point Road. Mr. Armendo updated the Board on the status. Mr. Armendo stated Town Counsel is being working on this.
3. Relocation of Harbor Community PWS. Mr. Weinberg stated that they are looking for a new public water supply. They have found a tentative location and regulatory issues through DEP is being reviewed. It was mentioned that they are also looking at cisterns but as a public water supply, it is something that was questionable to maintain a rainwater system for drinking water.
4. ATM Preparation. Ms. Ryden noted that the BOH is going to be screening with temperature check of persons and have encouraged people exhibiting symptoms to not attend and persons travelling out of state in the last 14 days. Face covering and 6-foot social distance will be required. Any persons with possible risk will be asked to go home but will still have the right to attend and would segregate them to another area. Ms. Ryden stated that she plans to speak on the Household Hazardous Waste article and then request passing it over. The second article on the dumpsters should not be an issue.
5. Mr. Armendo would like to arrange a meeting Thursday morning at 8 am with Mr. Weinberg and Ms. Ryden behind the high school. Ms. Amaral is self-quarantining and can't meet.

**SEPTIC PLAN REVIEW**

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1. 5 Whalon Way (M-10/L-18D/SL-10; 60,001sg) KRG Realty Trust, 4-Bedroom New Construction, Stone Bed. Mr. Armendo stated this is a straight forward plan in a subdivision and stormwater is addressed through that process. ConCom has approved. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.
2. Blue Acres Way (M-46/L-4B; 65,340sf) Pavilion Realty Trust, 4-Bedroom New Construction, Stone Bed. **MOTION** by Mr. Weinberg to approve plan dated 6/8/2020. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.
3. 51 Fisher Road (M-40/L-28; 36,346sf) Kim Farnsworth, 3-Bedroom Repair, ARC 36 LP Chamber Bed. Mr. Armendo stated this is a straightforward upgrade and both cesspools would be abandoned. ConCom has approved this plan. **MOTION** by Mr. Weinberg to approve plan dated 6/17/2020 conditional on standard IA compliance statement. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.
4. Tickle Road (M-21A/L-89; 61,074sf) Long Built Homes, 3-Bedroom New Construction, Infiltrator Quick 4 Chamber Bed. Mr. Armendo stated that the new construction needs a reserve area documented correctly on the plan. Otherwise, calculations are correct. **MOTION** by Mr. Weinberg to approve plan dated 5/20/2020 conditional on submittal of revised plan showing the reserve area and the correct legend and compliance with BOH stormwater regulation. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.
5. Quail Trail (M-85/L-28K/SL-2; 75,141sf) John McNally, 3-Bedroom New Construction, Stone Bed. Mr. Armendo stated that stormwater was taken into account when this subdivision was constructed. This is new construction. **MOTION** by Mr. Weinberg to approve plan dated 6/12/2020. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.

**DIRECTOR**

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1. Written Report. Noted.
2. Update
  - COVID-19 & Board of Health – Mr. Armendo noted the influx of new construction applications and answering complaints and implementing new guidance from the state regarding COVID.
  - Transfer Station - The crew is working very hard and keeping the station running smoothly.
  - Nurse – Ms. Peirce continues to work with COVID related issues.
  - Animal Control – This department continues to be a busy department. Donna Lambert gave a report on the successful Rabies Clinic. There was a peacock issue on the Dartmouth side of Highland Avenue. She reported the complaint from a Westport resident to the Dartmouth Animal Control. She noted there has been a large number of cats gone missing in various parts of town in the last few weeks and is monitoring the situation.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing: Mark Rodrigues for 233 Sanford Road, Country Liquor & Variety-Richard Briere.**

Mark Rodrigues was present.

Replacement of system to a Quick-4 chamber bed. There is no record of the existing system and they will be abandoning and filling in the old system.

Variance requested: Ground water to tank inverts of less than 12 inches.

**MOTION** by Mr. Weinberg to approve the variance on plan dated 6/30/2020 conditional on a Hold Harmless Agreement and a standard IA compliance statement. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.

**6:40pm – Waiver Hearing: Civil Eng. for 102 Cummings Lane, Dean Hickey-Cont'd From 7/07/20.**

Applicant has asked for a continuance. The applicant has decided to seek a special permit from the Zoning Board of Appeals.

**MOTION** by Mr. Weinberg to continue indefinitely at the request of the applicant pending a new plan. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.

**6:50pm – Discussion for Septic Upgrade: Len Potter for 127A Brayton Point Road, Pierce Kierney-Cont'd from 7/7/20.**

Mr. Potter reported on the graveled right of way. He explored the derelict fee statute and found the original property owners no longer exist leaving each half side of the road to the abutters. Mr. Potter calculated 5 feet of the right a way would be needed. Taking away 5 feet would allow 20 feet to be paved if necessary, but he noted that this right of way has been graveled since he was a boy.

**MOTION** by Mr. Weinberg to approve the 2-bedroom upgrade on a plan dated 6/10/20 conditional on a revised plan showing the total acres of the project site. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 7:09 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote followed by the Pledge of Allegiance.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN**

1. Update on Coronavirus (COVID-19) 112 positive cases and six deaths. Contact tracing is very involved. She asked all to keep wearing masks, washing hands and social distances. She also asked people to wear insect repellants and using sunscreen greater than SPF 30. She recommended everyone keep hydrated in the heat.
2. She noted that all slots have been filled for the Blood drive – which are by appointment only. There will be another blood drive in November with details to follow. Ms. Amaral thanks Ms. Pierce for organizing this and she also thanked those who signed up to give blood.

### **MINUTES**

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3. July 20, 2020 reg. Ms. Ryden said she submitted a few corrections. Donna Amaral requested that her title as Secretary and not “Member” of the Board is noted at both places in the minutes. She also asked that the change in footage be noted on the plan for the septic system at 127A Brayton Point Road and that Mr. Potter said he would include it, but it is not noted in the minutes. Ms. Ryden also handed into Mr. Armendo changes of a technical nature. **MOTION** by Ms. Amaral to approve as amended. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call.

### **OTHER BUSINESS**

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1. Pump Reports. Members reviewed and had no comments.

### **SEPTIC PLAN REVIEW**

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1. 1676 Drift Road (M-54/L-64; SqFt-23,160) DosVais Family Trust, 3-Bedroom Repair with Sieve Analysis, Infiltrator Quick 4 Chamber Bed System. Mr. Armendo stated there is nothing out of the ordinary. There will be a need for a deed restriction due to the size of the lot. **MOTION** by Mr. Weinberg to approve plan dated 6/18/20 conditional on a 3-bedroom deed restriction, approval of the sieve analysis and compliance with I/A standard conditions. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

2. Westport Lakes Road (M-31/L-2/SL-1; SqFt-64,468) 4-Bedroom New Construction, Quick 4 Standard System. This is part of a subdivision and exempt from the storm water regulation. **MOTION** by Mr. Weinberg to approve plan dated 6/30/20 conditional compliance with I/A standard conditions. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.
3. 29 N Drive (M-23A/L-319-321,339&340; SqFt-38,500) Janice I. Webb, 3-Bedroom Repair with a Sieve Analysis, Stone Bed System. **MOTION** by Mr. Weinberg to approve plan dated 5/1/20 conditional of a sieve analysis and 1-foot separation to groundwater from bottom of SAS. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

## **DIRECTOR**

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1. Written Report. Noted.
2. Update
  - COVID-19 – as previously noted in the Town Nurse’s report
  - Board of Health - Mr. Armendo gave status of operations and noted the water advisory issued last week. He cautioned everyone to use discretion when using well water. The increase in perc tests and inspections have become challenging due to the cut in Agent’s hours; appointments are now booked through October as an example of how busy the schedule has become.
  - Transfer Station. Noted.
  - Nurse - previously noted.
  - Animal Control - activity is still very busy.

## **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

## **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Mr. Weinberg asked to place on the next agenda a discussion regarding the Treasurer’s request for a letter from DEP regarding the 1994/1995 Betterment agreements. He said that the access/steps to use these funds would be for discussion. Mr. Weinberg will provide background material for the next meeting.

Ms. Amaral asked to start focusing on community involvement of the Board of Health. With communication providing for a healthy community, she is aware of the press releases by the other members and asked how she can provide input. Ms. Amaral is still focused on promoting a healthy community.

Mr. Weinberg also noted that the priorities plan will need to be revisited.

## **APPOINTMENTS**

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**6:10pm – Waiver Hearing: Mark Rodrigues for 81 Robert Street, Deolinda LePage.**

Applicant is proposing a denitrification system on a small lot. Seeking approval of a sieve analysis. Remedial repair for this system is above the water table thus *not* requiring buoyancy calculations.

The system proposed is a Singulaire denitrification system.

Variances requested:

- Set back of 30.7 feet to bordering vegetative wet lands vs. 50 feet (for a denitrification system)
- Sieve analysis

**MOTION** by Mr. Weinberg to approve the 3-bedroom repair variances requested: sieve analysis and set back of 30.7 feet to bordering vegetative wet lands vs. 50 feet (for a denitrification system) for plan dated 7/28/20 conditional on ConCom approval, 3-bedroom deed restriction, notice of alternative system, compliance with DEP standard conditions for an alternative systems, I/A Deed notice and a hold harmless agreement. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

**6:15pm – Waiver Hearing: Mark Rodrigues for 35 Second Street, Jamie Labonte.**

The design is for a proposed addition for a single-family 3-bedroom home with a septic upgrade. Lot size 11,500 sq. ft.

Variance requested is setback from SAS to slab foundation of 6.9 feet vs. 10 feet. Mr. Armendo referenced the 2017 repair plans and has not seen the addition and recommended looking at the building application in its entirety.

Discussion ensued over the discontinuance of a bedroom in the basement by order of the Building Department.

An RDA was filed with ConCom.

It is not in compliance with the BOH regulation. A deed restriction would be required. Discussion ensued. Mr. Armendo suggested looking over the building plans to verify the number of bedrooms because the field card indicates it is a 2-bedroom home.

**MOTION** by Mr. Weinberg to continue for two weeks. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

**6:20pm – Waiver Hearing: Mark Rodrigues for 52 Davis Road, Paul & Brenda Tavares.**

Voluntary 3-bedroom home. Replacing the existing system.

Waiver requested:

- distance from proposed tank to cellar wall, 6 feet vs 10 feet.

**MOTION** by Ms. Amaral to approve plan dated 7/2/20 conditional on a hold harmless agreement and notice of compliance standard I/A conditions. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call.

**6:30pm – Waiver Hearing: Mark Rodrigues for 3 Beeden Road, Gordon Rebello.**

Repair of septic system on an 11,500 +/- sq. ft. lot with an Advantix septic denitrification system for

two dwelling on the property – a two-bedroom single family home and a 4-bedroom single family home.

Variations requested for two dwellings (6 bedrooms total):

- Set back from foundation wall to site, 11.5 feet vs. 20 feet
- Bottomless Sand Filter (BSF) to site well, 91 feet vs. 100 feet
- Setback from SAS to well at 11 Beeden Road, 81 feet vs. 100 feet
- BSF to leaching pit, 81 feet vs. 100 feet
- Sieve analysis

In both properties, the proposed system components are further away than they are currently. Water samples were delivered to the lab last Tuesday and results have not yet been received.

Mr. Armendo asked about the DEP approval letter requested the individual items be certified and asked the letter be signed by the owner and submitted to the BOH as part of the application.

The abutter Ms. Huggin, at number 9 and 11 Beeden Road questioned the new system. Mr. Rodrigues stated that the proposed system increases the distance to the wells and makes it a better system. She asked who would be responsible for well failure. Ms. Ryden stated that because a sample was just taken, it will provide a baseline going forward. Ms. Ryden stated the proposed system is a significant improvement over the current situation and environmentally. Discussion ensued. Mr. Armendo noted the newer compliant system is an improvement over the system that is not in compliance. Ms. Ryden noted that the recent well testing will provide a baseline of any impacts prior to the repairs.

**MOTION** by Mr. Weinberg to approve the variations requested for a 6-bedroom repair on plan dated 7/7/20 conditional on an I/A deed notice for the BSF and denitrification system, 6-bedroom deed restriction, compliance with operation and maintenance agreement, compliance I/A standard conditions, hold harmless agreement and 3 years of well testing for site and abutting wells. Seconded by Ms. Amaral.

The Board voted unanimously in favor by roll call. Mr. Rodrigues is to correct the scrivener's error on the plan.

**6:40pm – Waiver Hearing: Mark Rodrigues for 640 Highland Avenue, Altino Brum.**

The posting notice was for 640 and should have been 460 Highland Ave.

**MOTION** by Ms. Amaral to continue for two weeks. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call.

**6:50pm – Waiver Hearing: SFG Associates for 19 Third Street, Mike Byron.**

A Title 5 inspection was pending at the last meeting and since, the system has been determined to fail.

The applicant filed to repair the system. The applicant is requesting to postpone the repair based on the pending feasibility study by Buzzards Bay for a community system.

Mr. Armendo stated that they have exceeded the time limit for a repair. The feasibility study will not guarantee a solution as it is only a study. The actual community system can be years away. The

nitrates are high at 8 and there is concern over potability of the water. Mr. Weinberg was not opposed to postponing another year based on many residents using bottled water in that area. Ms. Amaral asked when the process began and are others showing high nitrates. Mr. Armendo stated that in general, nitrates are higher and lots are small.

Ms. Ryden asked if there were prior well tests on record. Mr. Byron is a new owner since February.

The variances requested are:

- separation from leaching field to site well, 65 feet vs. 100 feet,
- approval of a sieve analysis
- reduction of tees.

**MOTION** by Mr. Weinberg to continue this plan for one year. Seconded by Ms. Amaral. The Board voted unanimous in favor by roll call.

### **7:00pm – Waiver Hearing: Principe Eng. for 8 Faulkner Street, Alyssa Travers**

For a 3-bedroom dwelling on a 10,000 sq.ft lot, the applicant is proposing a pretreatment tank and BSF.

Variances requested:

- SAS to site well, 70 feet vs. 100 feet
- SAS separation from property line, 5 feet vs. 10 feet
- sieve analysis

Mr. Armendo questioned the 1500 septic tank and asked if this was a 2-compartment tank. The engineer stated that the primary tank is 1000-gallons with a secondary 800-gallon circulating tank. These specs are correctly listed in the plan.

Mr. Armendo questioned the triangular pressure dosed BSF. The tanks will be a 1000-gallon primary tank followed by an 800-gallon secondary tank. Mr. Armendo questioned the triangular system due to pressure dosing. The engineer explained the mechanism and Mr. Armendo was ok with it.

Mr. Armendo stated the owner did not provide the certification document. The engineer would be able to submit that at a later time because they were not able to have it notarized.

Mr. Armendo stated the storm drains less than 200 feet away were not noted on the plan. The engineer will make the changes. Mr. Armendo stated that the Board could approve conditional on the review by Mr. Armendo. The notes on the plan are clear.

Mr. Weinberg stated that he looked into Rhode Island designs. He researched the requirement in the DEP approval of a BSF where a provision is made for a secondary BSF if the current BSF fails – similar to a reserve area. The engineer, James Traglia, was not aware of this but he would be able to show where a standard system could fit. Mr. Weinberg stated that would be helpful. With regards to the RI piece, noted that three should be a 2:1 ratio to avoid mounding but the triangular design is about 1:1. Mr. Weinberg asked if the Board should be concerned over the risk of mounding. Mr. Traglia stated that the design has been approved and meets the requirements in RI. Ms. Ryden noted the Assessor's list this as a 2-bedroom. The prior design was designed for a 3-bedroom.

**MOTION** by Mr. Weinberg to approve the variances requested for a 3-bedroom repair plan dated 6/23/20 and revised through 7/28/20 conditional on a new date due to additional edits with the following conditions: 3-years of well testing, a new 3- bedroom deed restriction, a new hold harmless agreement, I/A deed notification for both the treatment system and BSF, compliance with standard approvals of system and BSF, identifying location of storm water drains on plan, providing certifications, correction on plan of tank size in both places. All is to be submitted prior to construction on a revised plan for review by Mr. Armendo and considered approved if in compliance. Seconded by Ms. Amaral. The Board voted unanimous in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 8:12 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the Executive Session at 8:37 pm.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

**EXECUTIVE SESSION**

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Pursuant to the provisions of M.G. c. 30A, § 21(a)(7), Chair declares an open meeting will have a detrimental effect to:

Approve Executive Session Minutes: Sept. 03, 2019. **MOTION** by Mr. Weinberg to approve minutes 9/3/19 and released. Seconded by Ms. Ryden. The vote was two in favor with Ms. Amaral abstaining. Roll Call vote: Ms. Amaral, abstained; Mr. Weinberg, Aye; Ms. Ryden, Aye.

Approve Executive Session Minutes: July 7, 2020. **MOTION** by Mr. Weinberg to approve the executive session minutes and release. Seconded by Ms. Amaral. The vote was unanimous with all in favor. Roll Call vote: Ms. Ryden, Aye; Mr. Weinberg, Aye; Ms. Amaral, Aye.

**MOTION** by Ms. Amaral to adjourn the executive session at 8:41 p.m. Seconded by Mr. Weinberg. Unanimous with all in favor. Roll Call vote: Ms. Ryden, Aye; Mr. Weinberg, Aye; Ms. Amaral, Aye.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chair  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). Ms. Pierce reported there have been 112 cases, 105 recoveries still 6 deaths and one contact tracing. She reminded all to use face coverings and wash hands.
2. Mosquitos/EEE & WNV. Mosquito protection is utmost. People should take all precautions as possible. There is information on the Board of Health website. Ms. Ryden also noted that flu season is coming up and encouraged regular flu vaccines.

### **MINUTES**

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1. Aug. 03, 2020. **MOTION** by Mr. Weinberg to approve as amended. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.
2. Sept. 05, 2019
3. Sept. 18, 2019
4. Oct. 02, 2019
5. Oct. 23, 2019
6. Nov. 13, 2019
7. Nov. 25, 2019
8. Dec. 04, 2019
9. Dec. 11, 2019
10. Dec. 16, 2019

**MOTION** by Mr. Weinberg to approve minutes from September 2019 through December 19, 2019. Seconded by Ms. Ryden. The Board voted 2 in favor by roll call. Ms. Amaral abstained because she was not a member at the time.

11. Aug. 21, 2019 – tabled to the next meeting.

### **OTHER BUSINESS**

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1. Pump Reports. Members reviewed and had no comments.

2. Septic Betterment Program-Old Betterment & Current Program.

Mr. Weinberg and Mr. Armendo met with the Treasurer over the 1994 DEP betterment grant for \$140,000. The question is if the conditions under which the grant was awarded would bind the Town. He wrote to the program director at DEP, the Town is not bound by those conditions. He sent a letter out on August 19, 2020 but has not yet received the DEP letter to confirm. He felt the BOH still needs to work with the Treasurer to decide how to move forward. The DEP reply will segue into what is next required. The members will wait to hear from DEP. Discussion ensued.

3. BOH Priorities/Board Member Project Discussion. Ms. Ryden briefly reviewed priorities and asked the members to comment or add or subtract from the list. Ms. Amaral asked to include anything to do with community nursing and offered to take the lead on it. Mr. Weinberg noted the ongoing COVID response work and Animal Control should be included in the list. He thought that discussing the next steps for the registry should also be listed and offered to take the lead. Ms. Ryden will take the lead in the Household Hazardous waste planning. She suggested a working meeting and asked the members to rank what they want to work on, what they want the staff to work on and to plan to have a more efficient discussion at a working meeting in the next few weeks.

### SEPTIC PLAN REVIEW

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1. 67 Masquesatch Road (M-57/L-173G; 60,176 sq. ft.) Brian Giblin, 2-Bedroom Repair, Bottomless Sand Filter w/ Advantex Treatment. This is repair is for an incinerating bathroom in an existing workshop. There is no known septic system on the property. The applicant wanted to put a system in to capture the effluent. Ms. Ryden asked when the apartment was permitted, how did it not trigger septic repair. Mr. Corey stated the prior owner did this without any permits. The wetland line was approved by the ConCom as a NOI for another project on the east end of the property approximately 300 feet from the dwelling. The well is 84 feet from the existing system. Discussion ensued. The system is designed for 2-bedrooms.

The existing situation is an incinerator toilet with greywater waste discharged out into the ground. There is no existing septic system in place. Because of this, Ms. Ryden felt this was under the category of a "new system". Attorney Corey stated that the toilet itself is fully functional and the incinerator toilet is in addition, as well as the kitchen, bathroom and workshop sinks.

If this were considered a new system, they would need a variance under the Town bylaw, but Mr. Weinberg said the BOH could approve since it is a nitrogen removal system. BSF's may not be allowed for new systems. After reviewing the definition of non-conforming systems, Mr. Weinberg felt this system could be considered non-conforming and therefore not be considered as new construction. The Board discussed at length the need to upgrade from the current situation.

**MOTION** by Mr. Weinberg to approve the septic plan upgrade for a 1-bedroom unit on plan dated 7-15-20 subject to approval of locating the site well at 84 feet to SAS vs. 100 ft., 3-years well testing, amendment to the plan identifying the structure as a proposed one-bedroom structure, BOH standard approval letter for alternative systems, IA deed notification, conditional on ConCom approval and a hold harmless agreement. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.

**Remote Participation Regular Meeting of the Board of Health**

2. 685 Old Harbor Road (M-88/L-6; 165,528 sq. ft.) Alan Manchester Est., 4-Bedroom Repair, Quick 4 Standard Infiltrator Bed. **MOTION** by Ms. Amaral to approve the plan dated 7-27-20 conditional on MA DEP approval letter for alternative systems and BOH standard approval letter for alternative systems. Seconded by Mr. Weinberg. The Board voted unanimously all in favor by roll call.
3. 1 K C Drive (M-21/L-5E; 60,013 sq.ft.) Brandon Bigelow, 2-Bedroom Repair, Quick 4 Standard Infiltrator Bed. **MOTION** by Ms. Amaral to approve plan dated 8-3-20 conditional on ConCom approval and BOH standard conditions for alternative systems. Seconded by Mr. Weinberg. The Board voted unanimously all in favor by roll call.
4. Butterfly Lane (M-88/L-98A; 65,358 sq. ft.) Justin Boyan, 4-Bedroom New Construction, Stone Bed. Ms. Ryden and Ms. Amaral asked about a denitrification system because of the proximity to the wetlands. Mr. Potter stated that he did discuss it with the applicant but the applicant declined as it is not mandatory. **MOTION** by Ms. Amaral to approve plan dated 7-21-20 and revised through 8-10-20 conditional on ConCom approval. Seconded by Mr. Weinberg. The Board voted unanimously all in favor by roll call.
5. 1787 Scotch Pine Lane (M-83/L-163A; 62,297) Doug Cormier, 4-Bedroom New Construction, Quick 4 Standard Infiltrator Bed. Mr. Potter noted the design of rain gardens to collect storm water. Mr. Armendo stated that the storm water design does not meet the expedited permit per the regulation and asked for storm water calculations. Members discussed the expedited permit design and David Potter explained how the site calculations would address storm water as seen on the page 2 calculations. **MOTION** by Mr. Weinberg to approve plan dated 7-18-20 conditional on ConCom approval and compliance with BOH storm water regulations. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call.
6. 75 Benoit Street (M-18A/L-93; 22,225 sq. ft.) Carlos Freitas, 3-Bedroom Repair, Arc 36LP Chamber Bed. **MOTION** by Ms. Amaral to approve plan dated 8-6-20 with requested waiver of sieve analysis, conditional on ConCom approval, a 3-bedroom deed restriction and BOH standard conditions for alternative systems. Seconded by Mr. Weinberg. The Board voted unanimously all in favor by roll call.

**DIRECTOR**

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1. Written Report. No questions.
2. Update
  - COVID-19: as was reported earlier. There is a call every day with different agencies and all town departments.
  - Board of Health – as updated.
  - Transfer Station – a large increase in volume in sticker sales, no complaints.
  - Nurse – this department is very busy. Working on when flu vaccine will arrive and how to structure giving flu vaccines.
  - Animal Control – no written report available, department is busy.

**TOPICS FOR THE NEXT REGULAR MEETING**

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None.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

Right to Farm by-law was returned from the Attorney General's review – a denial was delivered to a portion of what was passed at Town meeting. The ruling can be found on line. Ms. Ryden asked for Town Counsel review and for guidance how to proceed and discuss after that.

**APPOINTMENTS**

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**6:20pm – Discussion: Sean Leach for Third Street, Map 76, Lot 61-62 Pat Mayall-Flood Zone**

Applicant owns two lots created in the 1950 and were considered buildable at the time. The lots are 30K sq. ft. each one of the lots can meet all the requirements except for one – the lot is in the velocity zone by one foot. Mr. Leach requests if the Board is willing to approve a denitrification system on this lot. The hardship the applicant faces is that she has no buildable lots according to local regulations. The lots were created before the regulations. They will forego the south side lot in order to allow the north lot to be considered. If they held the 10-foot setback then the setback would be approximately 80 feet from the BVW. There is a good perc rate on this lot: 1 in 6min. This may be an alternative to get out of the Velocity Zone. Discussion ensued over the placement of new construction in the velocity zone and on a barrier beach. Ms. Ryden was in favor of a denitrification system. Mr. Leach also noted that the owner owns to the centerline of the private way and has not used that area for calculations.

At this time, there are no issues with abutting wells. Ms. Ryden would consider a system outside the Velocity Zone as far away from the BVW with denitrification to meet the variance requirement for Town By-law 38. Mr. Amaral also is in support of a denitrification system. Mr. Weinberg talked about the regulated areas where no new construction is permitted. Moving the system south would avoid these areas. Because they are proposing a denitrification system, the 100-foot distance is not a requirement. Mr. Leach will design a plan that take the system out of the V-zone and as far away from the wetland line with denitrification in order to satisfy Town requirements.

**6:30pm – Waiver Hearing: Len Potter for 27 Second Street, Mary Bradley & Ruth Clayton**

Variations requested:

- Distance to west property line 5 ft. vs. 10 ft.
- Distance from site well less than 100 ft. but more than 50 ft. along with 4 abutters' wells.

Well testing has not returned at this time and Mr. Potter asked to continue the hearing. Mr. Clarkin, an abutter, was not given reasonable notice of this hearing having only received the notice this afternoon. He is at 31 Second Street and noted had water quality issues at his property. He would like to discuss with Mr. Potter. Mr. Potter stated that he received two return receipt postal cards back. Mr. Clarkin stated his mailing address is 1560 Gardner's Neck Road in Swansea and no longer at Westport Point. Mr. Weinberg asked if all the wells are down-gradient from the proposed septic. Mr. Potter stated that the owner's well and Mr. Clarkin's well are up-gradient. The other 3 are down-gradient.

**MOTION** by Mr. Weinberg to continue to the next meeting. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:40pm – Waiver Hearing: Mark Rodrigues for 460 Highland Avenue, Altino Brum.**

Standard Quick-4 system for a 3-bedroom repair continued from the previous meeting. The prior posting recorded the address as 640 Highland Avenue and was reposted since the last meeting with the correct address.

Variance requested:

- depth of leaching chambers 38-54 inches below finish grade with heavy duty chambers proposed and dual vented.

**MOTION** by Mr. Weinberg to approve the dual vented heavy duty chambers on plan dated 7/17/20 subject to allow a reduction of distance to finished grade conditional on a hold harmless agreement and compliance with standard conditions for IA systems. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:50pm – Waiver Hearing: Mark Rodrigues for 35 Second Street, Jamie Labonte.**

This hearing was continued from the previous meeting in order to verify if there was a bedroom in the basement. Mr. Armendo stated that an inspection revealed that there was no bedroom in the basement and that the addition would create a 3<sup>rd</sup> bedroom.

Variances requested:

- Setback from SAS to proposed addition slab: 6.9 ft.

**MOTION** by Mr. Weinberg to approve the 3-bedroom plan dated 7-22-20 with a hold harmless agreement and a 3-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**EXECUTIVE SESSION**

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**MOTION** by Mr. Weinberg to enter into Executive Session at 8:37 pm and to adjourn the Regular Session at its conclusion pursuant to the provisions of MGL c. 30A section 21(a), Chair declares an open meeting will have a detrimental effect to: Approve Executive Session Minutes: Sept. 03, 2019 & July 7, 2020. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 8:41 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 1:30 pm. by remote participation.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting is being recorded.

### **OTHER BUSINESS**

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- **BOH Priorities Discussion:**

Ms. Ryden reviewed the topics each member wanted to take a lead.

She started with the updated Septic system regulation focusing on policy priorities requiring denite systems in new construction. She discussed a strategy to move forward. The next step is to construct a finalized version of the regulation and then conduct a public information session in mid-September followed by a public hearing a few weeks after that. The goal is to adopt the regulation by mid-October. Maximum feasible compliance was also need to be revisited. Ms. Amaral was in agreement. Mr. Weinberg supports a public information session and moving forward. Members discussed their project goals and considered some community outreach, for example, which would have to be postponed to the fall of 2021 because of the pandemic. Ms. Amaral is eager to begin Wellness Westport and Community engagement. Ms. Ryden asked that members keep their topic list of priorities handy to discuss. Discussion ensued.

- **BOH Budget Requests:**

Ms. Ryden stated that the warrant is not yet closed and the special Town Meeting is looking like late September or early October. The BOH request to reinstate John Swartz's positon to full time was included. The ACO hours were cut from 35 to 25 hours and she thought it would be important to be at a full complement and ask the BOS to restore the hours for that unit. Ms. Amaral was in agreement to advocate for that. Mr. Weinberg also supports making the request. For purposes of requesting, the funding would be needed from October to June and the Board can make a quick vote on Monday night, if needed.

- **Septic Betterment Program**

Mr. Weinberg stated the Treasurer's decision is that all future Community Septic loans would be at 2% vs. the 1.5% in place earlier. He and Mr. Armendo met with Mr. King and Ms. Brayton to discuss this. He asked the members if they were in favor of the increase in the Community Septic loan interest rate or if they preferred to make an issue about trying to returning it to 1.5%. He said that the difference between the two amounted to a small sum. He did not think there was a reason to increase it because at 1.5% the program is still in the black plus some people will have differing rates changing at mid-stream. He noted the formal letter from DEP providing permission to spend the '94 Betterment Fund money of the recouped money from the original \$140K held in the reserve account for septic repairs. Mr. King suggested taking some funds out of the 94 Betterment Fund

and placing them into the Community Septic plan so that the interest rate could be offered at 1.5%. Ms. Ryden suggested going back to Ms. Brayton and laying out scenarios justifying 1.5%. Mr. Weinberg has already met with Ms. Brayton twice. Ms. Ryden suggested using some of the 94 Betterment Fund to off-set the interest rate in some way or waive fees associated with a denitrification system, as an idea close to the net effective of 1.5%, she feels that it would be cleaner to keep the 1.5%.

She asked the members would want to advocate for the 1.5% or come up with other ways to reduce the cost and keep it as attractive as they hoped it would be. Ms. Amaral wanted to know what the Board is trying to achieve either way. Mr. Weinberg stated that the first consideration was what was the lowest interest rate they could create without it being a liability to the town or what is the difference to a market rate loan. He felt that the 1.5% would not be that much different but it sounds better. He thought it better to bring a lower rate to the citizens. He though waiving the fees would not work to make up the .5% and up until now, there have been loans issued at a higher percentage. Mr. Armendo stated that he spoke with Ms. Williams who administers the loans and she felt that combining the administrative funds would not work. Ms. Ryden felt making another effort with the Treasurer and find some incentives for the loans. Mr. Weinberg stated that most people are applying for conventional systems. Discussion ensued over the incentives and the criteria for applicants. Mr. Weinberg will work on writing a proposal to be able to go back and discuss the Community Betterment program with the Treasurer.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

Ms. Ryden reminded members that all use of Town Counsel should go through Mr. Armendo.

**MOTION** by Ms. Amaral to adjourn at 2:51 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Philip M. Weinberg, Chairman  
Tanja Ryden, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). Ms. Pierce stated that cases in Town are 121 positive cases 110 recovered and 6 deaths. This week she had 3 children who tested positive, two within the same household. Symptoms are seen in one child the others are asymptomatic. She urged everyone to continue to wash hands, continue to social distance and wear a mask.
2. September 25 is the anticipated flu clinic date: she has ordered the over 65 vaccine and the universal for people 6 to 106 years of age. These have not yet been received. She will schedule additional clinics as needed. Ms. Pierce explained the benefits of vaccinations and the immune system being able to fend off the infectious diseases. She has urged people to call for more information.

### **OTHER BUSINESS**

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1. Pump Reports. Mr. Armendo noted 52 & 58 Boathouse Row needed to be looked into.
2. Unappoint Burial/Special Agent. **MOTION** by Mr. Weinberg to unappoint Harry Potter as the Burial Special Agent for FY2021. Seconded by Ms. Amaral. The vote was unanimous by roll call.
3. Status of Piggery & Equine Permitting/Animal Site Registry. Mr. Armendo recommended starting the renewal cycle for the Piggery and Equine for May 1, 2021. March is the beginning of renewal. First time application are being processed as they come in. Mr. Weinberg supported this and thought they should revisit the fee table. Ms. Amaral agreed with Mr. Armendo's recommendation. Ms. Ryden also was in support with Mr. Armendo's recommendation extending them one full year. She suggested giving people a reminder.

With regards to the Animal Site Registry, the Board has not actively promoted it based on the by-law proposal at February's special Town Meeting and rejected by the Attorney General. Mr. Armendo stated that it is important to know where the animals are and helpful to the ACOs. For example, this was helpful for one of the ACOs to identify the home a loose bull quicker to get it home to a safe place. It was much faster having that information available. Mr. Weinberg asked if the Barn Book will be implemented this year. Mr. Armendo stated that he is waiting to hear back from Mike Cahill at MDAR for the final disposition, but it is most likely that these would not be required this year. Discussion ensued over having people continuing registering their animals and reminding them to do so.

**SEPTIC PLAN REVIEW**

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1. Hix Bridge Road (M-43/L-33A; 112,385 s.f.) William Franks, 3-Bedroom New Construction, Arc 36LP Chamber Bed. Mr. Armendo stated this is part of a subdivision and does not need to file a stormwater application with the Board of Health. ConCom has approved the plan. Ms. Ryden asked that the bedroom count be listed on the plan. **MOTION** by Ms. Amaral to approve plan dated 7-4-20 conditional on a revised plan indicating it is for a 3-bedroom system. Seconded by Mr. Weinberg. The vote was unanimous by roll call.
2. Rita lane Extension (M-42/L-3M/SL-10; 60,036 s.f.) Twin Pines Westport Realty, 4-Bedroom New Construction, Stone Bed. Members had no issues. **MOTION** by Mr. Weinberg approve plan dated 7-13-20. Seconded by Ms. Amaral. The vote was unanimous by roll call.
3. Sycamore/Magnolia Lane (M-61/L-17AF/SL-44) Bristol Pacific Homes, 4-Bedroom New Construction, Stone Bed. Members had no issues, as it is part of a subdivision. **MOTION** by Mr. Weinberg approve plan dated 7-26-07 revised through 8-12-20. Seconded by Ms. Amaral. The vote was unanimous by roll call.

**DIRECTOR**

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1. Written Report. No questions or comments.
2. Update
  - COVID-19. As reported by the Town Nurse above – he urged people not to become complacent and not let their guards down. Ms. Ryden also agreed especially now with schools looking for a hybrid solution. The Chair asked people to do their best.
  - Board of Health – the staff is doing what they can working to assist all callers and addressing complaints.
  - Transfer Station – no longer taking any paint cans. The pressurized containers are no longer being taken to include the small propane tanks and aerosol containers. If valves are removed from the larger propane tanks or the aerosols are punctured, these could be accepted.
  - Nurse – this department is very busy especially now with the flu vaccine arriving soon.
  - Animal Control – the weekend has been very busy for the ACOs.

**TOPICS FOR THE NEXT REGULAR MEETING**

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- Ms. Ryden mentioned she is looking at a mini-grant for septic tracking.
- Ms. Amaral did not know if this is a topic for the next agenda but stated that she is looking at a grant for the wellness event next year. She is working on a proposal/template of what she envisions it to be and will be sharing that with the members for feedback or input. She said she is aware that there will be a need for some funding to support some of the ideas that she has. She is looking to apply for a grant, if related to community health. Ms. Ryden asked to place this on the next agenda for any board approvals.
- Mr. Weinberg asked for an update on the property at 222 Howland Road. It appears they are working as a 3-bedroom facility.
- Ms. Ryden asked if Mr. Weinberg was going to provide more information regarding the older septic betterment funds. He is waiting for additional information.
- The Septic regulation is expected to be on the next agenda for discussion.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING:**

None.

**APPOINTMENTS**

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**6:30pm – Waiver Hearing: Wendy Henderson for 232 Sanford Road, Lisa Anuszczyk.**

Mr. Armendo stated that he is not sure if all the abutter notifications went out nor to whom they were addressed or when these were issued. Ms. Ryden stated that she had some questions regarding a reduction in the leach field. Mr. Weinberg was not clear as to what the existing system was on the plan. After discussion, Ms. Henderson stated that the Board's concerns would be addressed in a revised plan.

**MOTION** by Mr. Weinberg to continue to the next meeting. Seconded by Ms. Amaral. The Board voted unanimously in favor by roll call.

**6:40pm – Waiver Hearing: Wendy Henderson for 161 E. Beach Road, Antonio Pavao.**

Installation of a replacement monolithic 2,000-gallon tight tank. The property is in the flood zone, velocity zone and on the barrier beach. The owners have been using a failed tight tank over 13 years. Mr. Armendo stated that this needs to be changed out even if it has been used seasonally. Ms. Ryden asked about the existing lavatory shed. Mr. Armendo would like to take a closer look at the lavatory shed. Ms. Amaral asked how the owners acted in such an irresponsible way when they were aware of what was required of them all these years. Ms. Amaral was struck by the blatant disregard of what was supposed to be done. Mr. Weinberg noted that in 2008, the Board required the lavatory and shed was to be removed at that time. He said the lavatory needs to be disconnected from the system. Mr. Armendo suggested immediately going to self-contained system. The Board also noted that the lavatory is not a permanent structure.

Based on 2008, the lavatory must be removed from the shed completely.

**MOTION** by Ms. Ryden for Mr. Armendo to issue an enforcement order as soon as possible to disconnect any mobile home and lavatory in the shed and proceed to a self-contained option. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call.

**MOTION** by Mr. Weinberg to continue this hearing to the next meeting. Seconded by Ms. Amaral. The revised plan will show the disabled sewer line and removal of the lavatory in the shed and any plumbing fixtures and including any conditions by ConCom and proof of any approvals for the shed. The Board voted unanimously in favor by roll call.

**6:50pm – Waiver Hearing: Len Potter for 27 Second St., Mary Bradly/Ruth Clayton-Continued from 8/17/20 meeting.**

Will be requesting another continuance. Mr. Potter stated they do not have the water samples yet. Abutters were notified that the hearing was continued to this evening. He discussed with abutter, Mr. Clarkin, the 31 Second Street abutter and informed him that the hearing would be continued to the next

meeting. **MOTION** by Ms. Ryden to continue this hearing to the next meeting. Seconded by Mr. Weinberg. The Board voted unanimously in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 8:04 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

**Remote Participation Regular Meeting of the Board of Health**

The Regular Meeting of the Board of Health convened at 6:00pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

**CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

**PUBLIC HEALTH NURSE PRESENTATION****Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). Ms. Pierce stated there have been 128 cases and 6 deaths. Please keep washing hands, social distancing.
2. Coping with stress and burnout: She listed the symptoms to look for. She mentioned that taking a break and making list help to tackle the feeling of being overwhelmed. She also cautioned that mosquitos and ticks are still out and to use precautions. Ms. Ryden noted a case of WNV in Fall River and precautions. Ms. Amaral recognized that some are suffering pandemic fatigue and is thankful that Ms. Pierce addressed this topic.

**OTHER BUSINESS**

1. Pump Reports. Noted.
2. Septic Regulation Update. Ms. Ryden stated a draft is being worked on internally and will be made public. There will be a public meeting with the intention of creating a regulation this fall.
3. Budget Update. Mr. Armendo updated the members and noted the Finance Committee will be meeting tomorrow to review the budget. Ms. Ryden urged residents to vote at town meeting on the budget so that they can restore the agent's hours that were cut at the onset of the new fiscal year. There is significant overgrowth on the cap on the landfill. The BOH does not have the equipment or personnel to maintain it. The BOH will either train existing personnel or hire outside personnel. Mr. Armendo will be looking into the cost.
4. Betterment Update on old and current. Ms. Ryden stated that the BOH has funding for load for septic system replacement at 4% and for 2% if it is a denitrification system. The Board is also working on using the earlier grant funding of \$140K but it requires Town Meeting approval to assign use for these funds. Mr. Weinberg will be working on a proposal on how to funds would be distributed. Ms. Ryden reminded residents that there is funding to help with septic repair.
5. BOH Member Updates Discussion. Ms. Ryden stated that each of the members have taken the lead on a priority list. She noted that a BOH column was published in last

**Remote Participation Regular Meeting of the Board of Health**

week's Shorelines and asked if someone would be willing to write the next column. She also asked if members would like to continue to repeat this as a standing agenda item. Ms. Amaral will work on an October article so she can address the impact survey and other items.

6. COVID-19 Impact Survey. Ms. Amaral stated DPH is interested in how COVID is effecting various age groups and other concerns including unintended consequences of this pandemic. Once DPH publishes their online survey, she will encourage people to take the survey especially since the BOH would use the data to plan a wellness event ~~could conduct a wellness event.~~
7. Buzzards Bay National Estuary Program Grant Discussion. Ms. Ryden stated that this is a mini-grant that the Town would be eligible for. One of the topics in the mini-grant is O & M agreements and an on line tracking system for IA systems. She feels this would be a useful tool for the town. The Board would need to adopt a regulation allowing an outside party to monitor the O & M. Mr. Weinberg stated that from his understanding it is an important function to track these systems and it is important to know when and if they fail and it would be more efficient if an outside party were to tackle it. **MOTION** by Ms. Amaral for Ms. Ryden to apply for the Buzzards Bay National Estuary Program Grant. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**Additional other discussion from the Board:**

8. Mr. Weinberg asked for information on the following:
  - Barn Books. Mr. Armendo will ask MDAR about the Barn Books.
  - Status of 222 Brayton Point Road. Mr. Armendo will ask town counsel – the applicant was supposed to resubmit a plan. Mr. Armendo suggested putting a time line for when plans are to be submitted. Ms. Ryden asked to place this on the next agenda.
9. Ms. Ryden stated that the hot spot state list has changed and urges listeners to stay local. RI is still on the hotspot list.
10. 232 Sanford Road – this application was continued from the prior meeting and the plan was not submitted until after the posting deadline for the Sept 9 meeting. Therefore, it was not listed on this agenda. Ms. Henderson asked the Board to continue to a date certain so she did not need to issued new abutter notification. The calculations were reworked for the difference in flow vs. in size of the leaching field. Members to review at the next meeting. There were no plans for the Board to review at this time. **MOTION** by Ms. Amaral to continue the next meeting on Thursday, September 17, 2020. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**SEPTIC PLAN REVIEW**

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1. 23 Acoaxet Street (M-89/L-90&91) Andrew Steinke-Harbor Inn, 14-Bedroom Upgrade, Bottomless Sand Filter with Advantex. The property has 14 bedrooms as verified by a walk though by the BOH and BOS site visit. It has been represented as a 10 bedroom. Discussion over actual flow. Mr. Weinberg felt it was consistent with new construction based on bedroom count. **MOTION** by Mr. Weinberg that the actual flow is equivalent to 10 bedrooms and any increase over that flow would be considered new construction. Seconded by Ms. Ryden. The Board voted unanimously in favor by roll call. The plans

**Remote Participation Regular Meeting of the Board of Health**

submitted would not cover the 14 bedrooms. The Thursday, Sept. 17, 2020 10:00am meeting will address these issues.

2. 1394 Drift Road (M-56A/L-67; 20,995sf) Benjamin Paull, 2-Bedroom Repair, Stone Bed. No waivers are requested. The water test date is the perc date not water analysis. **MOTION** by Ms. Amaral to approve plan dated 8-18-20 conditional on a 2-bedroom deed restriction. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
3. 52 Cherry & Webb Lane (M-91/L-52; 26,707sf) Curt Oliveira Jr., 3-Bedroom Repair, Quick Infiltrator Bed. This is a 3-bedroom upgrade for a 2-bedroom home and an increase in flow. Fast system could not be used for an increase in flow. **MOTION** by Mr. Weinberg continue to 9/28. Seconded by Ms. Ryden. The vote was unanimous with all in favor by roll call.
4. 1642 Drift Road (M-57/L-62/1; 36,119sf) Mark & Stephanie Pawlak, 3-Bedroom Upgrade, Quick 4 Infiltrator. Mr. Armendo stated that the building application has not made it to the Building Department for the 2-story addition on this plan and recommended to continue to the next meeting. **MOTION** by Mr. Weinberg to continue to September 28, 2020. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**DIRECTOR**

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1. Written Report. No questions or comments.
2. Update
  - COVID-19. As reported by the Nurse above. He cautioned everyone about not being out of the woods. They received numerous complaints of gatherings that exceeded the Governor's orders
  - Board of Health – the BOH office fields questions and calls for all departments under the Board of Health. They are maintaining as best as possible.
  - Transfer Station – New signs have been made regarding no longer taking any paint cans pressurized containers or small propane tanks and aerosol containers. Propane tanks can be accepted only if valves have been removed. Two new dumpsters were received; older dumpsters will be disposed of.
  - Nurse – this department is very busy; the flu vaccine will be arriving soon. Ms. Ryden noted the kiosk for needle disposal is active
  - Animal Control – the weekends have been very busy.

**TOPICS FOR THE NEXT REGULAR MEETING**

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BOH Member Updates. Members agreed this topic be placed as a standing item on all future agendas.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

## Remote Participation Regular Meeting of the Board of Health

**APPOINTMENTS**

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**6:30pm – Maximum Feasible Compliance Waiver: Wendy Henderson for 30 E. Briggs Road, Applicant-Joseph Cabral, 3-Bedrooms (12,600sf), Quick 4 Infiltrator.**

This is a 12,600 sq.ft. lot and no variances needed. The property is up gradient and well over a third of a mile away from the Bread & Cheese Brook. The 3-bedroom home will not change the number of people living there. System and engineering is in excess of 10% of the selling price of the house: two bids received 21,066 and 19,700. Mr. Armendo stated that the system design is fine but the Board needs 3 quotes for MFC and there is no known time sewerage will be installed on Route 6. The value of the home is 226K on the assessors' card. Ms. Ryden noted the nitrates levels are elevated above 5ppm and asked if there any well treatments. Ms. Henderson had no record. Mr. Weinberg agreed that the criteria triggered MFC. He suggested Mr. Armendo review the assessed values and written estimates with all other criteria being met. Ms. Henderson stated that installers reluctant to give anything in writing but is working on it.

**MOTION** by Mr. Weinberg to approve the upgrade plan dated 7/25/20 conditional on a 3-bedroom deed restriction, ConCom approval and submission for review of the Director, of written estimates of Innovative Alternative denitrifying septic system installation, which exceeds 10% of the property value. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:40pm – Title V Waiver Hearing: Wendy Henderson for 161 E. Beach Road, Owner-Antonio Pavao, Tight Tank-Continued from Sept. 14, 2020.**

The lavatory shed was removed and the pipes leading to it have been filled with concrete. There is no way to verify that the system was pumped. A portable tank is on order to be installed this Friday. Mr. Weinberg stated per the BOH order, there should be no occupancy unless the portable tank is installed on Friday but construction should go ahead. There are two issues for consideration: compliance with the enforcement order and approval of the repair plan.

**MOTION** by Mr. Weinberg to approve plan revised 8-31-20 for replacement of a 2-bedroom tight tank and permanent disablement of the septic lines to the lavatory shed. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

With regards to the enforcement order – the applicant must provide the existing tight tank pump-out proof prior to any occupancy.

**6:50pm – Discussion: Stacie Paquette, 6 Dionne Street-Title 5 Insp with Nitrates over 5ppm.**

Ms. Paquette explained her system needs further evaluation from the BOH. The results for water samples came back over 5ppm. She explained that there are various outdoor animal pens and private septic systems that are in close proximity to her well. Discussion ensued over the inspection as passed or failed.

**Remote Participation Regular Meeting of the Board of Health**

**MOTION** by Mr. Weinberg that the BOH evaluates the inspection as passing. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:00pm – Maximum Feasible Compliance Waiver: Greg Nicholas for 10 Conserve Avenue, Owner-Therese Rego, 2-Bedrooms (17,600sf), Presby System.**

There is no financial argument being made for MFC. **MOTION** by Ms. Amaral to approve plan dated 9-1-20 conditional on a 2-bedroom deed restriction, ConCom review, deed notice of I/A system, and notice of BOH standard conditions. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 8:09 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 10:00 am. by partial in-person and remote participation.

**Present:** Tanja Ryden, Chair  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

### **OTHER BUSINESS**

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- Meeting schedule: Members agreed to meet on October 14 at 6pm.

### **APPOINTMENT**

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#### **10:00AM – Discussion: 23 Acoaxet Street (Harbor Inn) with Property Owner/Rep.**

Present were Mr. Steinke, his attorney Mr. Hagstrom, and Ken Fortier from Civil Engineering Concepts. Town Counsel, Nicole Costanzo was on the phone.

Ms. Ryden summarized the situation: There is a court order in place. A walk through at the Harbor Inn was conducted on September 3 with Mr. Steinke, Mr. Hagstrom, Board of Health Agent, Joe Reis, Ms. Ryden and Town Counsel Attorney Costanzo. The visit was followed by an executive session. The subject was then on the regular session meeting of September 14.

At the 9/14/20 meeting, the Board made a finding that the established maximum occupancy for the Harbor Inn number of bedrooms is 10. Any increase to that would be considered new construction. Sometime after, Counsel for Mr. Steinke requested a special meeting and the Board is convening today at their request.

Mr. Hagstrom discussed the merits for installing a bottomless sand filter system. Mr. Weinberg asked how many bedrooms the plan is based on. Mr. Fortier stated the design plan is based on 14 bedrooms. The Board agrees that there are 14 bedrooms on the property. Mr. Fortier used the best system given the constraints of the property. The most compact system due to ledge and limited space is a BSF. It is 1/3 to 1/4 the size of conventional system. The BSF would still be 91 feet away from the well. The BSF would pretreat nitrogen and contains a recirculation media filter. He went on to describe the mechanics of the system for this location. He noted that the system is a fully compliant nitrogen reducing system for this site.

Ms. Ryden stated that the Board made a prior determination that the increase in flow is considered new construction. It is her understanding the BSF are not for use in new construction. Mr. Fortier agreed but added they did not present the plans as new construction but as a repair given the existence of the bedrooms found in the house and no apparent recent work of creating those bedrooms. They do not feel that there have been any changes made that increase the bedrooms. There were 14 existing bedrooms and the system is designed as a repair.

Ms. Ryden stated that the occupancy has been for 10 bedrooms and for flow calculations its 10 bedrooms.

Mr. Fortier is looking there are 14 bedrooms but 20 years ago, there were no less bedrooms. He was not directed to revise this plan for 10 bedrooms. Ms. Ryden stated that the definition of new construction is the increase in flow. The occupancy permit has been set at 10 bedrooms for a very long time. Attorney Hagstrom stated that the building has not changed and has operated as an Inn and there is no new use; it is the same building. Mr. Fortier suggested considering the owner occupied bedrooms, are they dealing with 10-12 guest bedrooms with 1-2 owner occupied bedrooms.

Ms. Steinke stated that Lt. Brisk and Mr. Souza came through a few weeks ago and determined that there are 3 additional rooms raising that number to 15 due to the Inn keeper's quarters. Mr. Armendo stated that as far as what was counted at the site visit 14 bedrooms were counted. Mr. Steinke stated that the Health Agent measured 15 rooms.

Ms. Ryden stated that based on their findings, the occupancy permit (not the fire permit) there are 10 bedrooms. Mr. Weinberg asked what the authority is for granting a variance in Title-V – he found nothing in the I/A provisions and asked is it the standards that the BOH is being asked. He asked what is the criteria for a variance for new construction and other variances not allowed under the upgrades. He expected to see a variance filed for each needed. He noted that there has been no formal request to the Board indicating this property qualifies for a variance. He is asked if under maximum feasible compliance, this plan is expected to be approved as a variance.

Ms. Ryden said there was no request for any variances. She stated that DEP had responded in March regarding the BSF not allowing a variance as 880 is the maximum flow.

Mr. Weinberg asked if the BSF can be used, it all depends if this is new construction – a BSF cannot be used in new construction. The maximum flow is 880gal. Mr. Fortier is aware of 1,200-gallon flow existent in Massachusetts.

Ms. Ryden summarized the 2 issues – does this meet the definition of new construction? Based on historic occupancy and use of the property the bedroom count is 10 bedrooms and the flow was based on this. All agree in counting 14 bedrooms.

The reading of the definition of new construction is construction of a new building or the increase in design flow to any system or the increase in flow to any non-conforming system. The Board of Health has already made a determination that the actual flow is for permitted number of bedrooms, 10. Mr. Weinberg asked what the Building Permit Occupancy Permit contains. Mr. Armendo stated that Mr. Souza's inspection for occupancy states that it is for 10 rooms.

Members did not want to revisit their decision from Monday night. Discussion ensued over the occupancy permit.

Ms. Ryden stated that the order has expired as of September and the plan has been here since March. This is a non-compliance situation and this has not been moving towards resolution.

Mr. Fortier said he could obtain documentation relative the BSF. In terms of redesigning a new plan, he would need to take direction for his client if a new design is required. He said there is nothing he can do to this plan nor design a new plan without direction from his client.

Ms. Ryden stated that the environmental impact needs to be addressed and that Mr. Steinke surely does not want the pumping to continue and so she is seeking some resolution. Mr. Steinke is seeking to operate at a higher capacity.

Mr. Armendo asked Mr. Fortier what will happen to the other 4 rooms if this system is for 10 bedrooms. Mr. Fortier stated these would probably have to be decommissioned.

Mr. Armendo asked if the solar carport could be moved, would that afford more space. Mr. Steinke said that structure has 2,400 lbs. of concrete in the ground.

Attorney Hagstrom stated they have all intention to continue to pump the system. They are fully committed to see this process along and they want to see a system installed. They are trying to be upfront with the Board.

Mr. Weinberg stated that the issue is around timing. He asked them to commit to when a final plan will be submitted. The Board has not agreed to the plan submitted for a BSF for 14 bedrooms. Mr. Weinberg asked the final design plan to be submitted no later than November 2<sup>nd</sup>. Between now and then, these other issues need to be resolved. If there is an appeal process, DEP would reply. If this is not reasonable from DEP, they will be required to submit a 10-bedroom system.

If they do not agree to November 2, then the Board would file with the court for being in contempt. If all agree to move forward, there is no need for that and work can continue. Ms. Ryden asked if the agreement for contempt can be modified.

The applicant needs to ask DEP to decide if possible followed by a consent letter from the BOH. Mr. Steinke recessed to speak to his attorney and engineer.

Returning from a short recess, Attorney Hagstrom said the November 2 deadline would work. He also noted the cost of the system for his client at \$50K.

Ms. Ryden asked if the wedding is still planned for this weekend. Attorney Hagstrom stated it is cancelled.

Ms. Ryden asked if Mr. Steinke has agreed to vacate the premises. He stated he has.

Ms. Ryden stated the intent of both parties is to have both counsels work on the proposed agreement.

Mr. Weinberg felt this was a good outcome and that the technical experts can figure out about the BSF and to get a clear understanding of the variance process is and to accomplish it all by November 2.

Mr. Ryden said to Mr. Steinke that the Board expects his representatives will work on this to resolve it.

### **10:10AM – Cont'd Hearing: Wendy Henderson, 232 Sanford Road, Lisa Anuszczyk**

Ms. Henderson was on the phone for the remote meeting.

Variations requested:

- Reduction of setback to catch basin, 25 feet vs. 20 feet.
- Reduction of setback to property line, 10 feet vs. 8 feet

- Reduction of setback of site well, 100 feet vs. 50 feet
- Reduction of well setback to 10 Banner Avenue, 100 feet vs. 50 feet
- Reduction of 20.7% in the required subsurface disposal area design requirements;
- Approval of a sieve analysis in place of a perc test.

**MOTION** by Ms. Ryden to approve variances for plan revised date 9-10-20, conditional on local upgrade improvements with the following conditions: 4 Bedroom Deed restriction, notice of alternative system, compliance with all I/A conditions, ConCom approval, 3-years of well testing for site well and 10 Banner Avenue and a Hold Harmless agreement  
Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF MEETING**

**Septic Plan Review:** 28 Mt Pleasant Street (M-7/L-249-251, 272-274; 27,000sf) Robert Gilpatrick, 2-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve plan dated 9-21-20. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Mr. Weinberg to adjourn at 11:35 a.m. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 10:00 am. by partial in-person and remote participation.

**PRESENT:** Tanja Ryden, Chair  
Philip m. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

**CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded.

**OTHER BUSINESS**

• **Discussion on proposed Septic Regulation:**

This meeting is for the review of the draft and proceed to the info session, followed by the public hearing and to schedule a date to adopt the regulation.

Ms. Ryden explained to Ms. Amaral the MEP and the TMDL as a result of the Westport River being on the dirty waters list. This regulation has been percolating for a long time. She mentioned the Targeted Integrated Water Resource Management plan by the Planning Board was recently adopted. She noted that new construction is causing the problems to get worst. The draft picks up from prior drafts that have been around and this meeting is the first opportunity to discuss as a group.

Mr. Weinberg has comments on the de-nite part and the legal language. Members proceeded to review the sections and make amendments as warranted. Members discussed the transfer of property triggering an upgrade and requiring cesspools to be upgraded as these are all considered in failure. The actions of the regulation would address the need to reduce the TMDL. They wanted to go out for public comment to address any pushback that may result in requiring cesspool upgrades. All property transfers require a Title-V inspection. The draft regulation would be published on the website. The board will provide, in non-technical language, an explanation of what the regulations intends to do and how systems such as cesspools do not treat wastewater.

Additional discussion took place concerning the planning of the public info session and public hearing and adoption thereafter.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF MEETING**

None.

**MOTION** by Mr. Weinberg to adjourn at 12:40 p.m. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Submitted By Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:01pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN** - Update on Coronavirus (COVID-19)

Ms. Pierce stated there have been 136 cases, 124 have recovered and 6 deaths. Please keep washing hands, social distancing.

She stated Flu vaccines are finally in. These are administered by appointment only and on Thursday night clinics as well.

Ms. Ryden reminded the listeners of the Special Town Meeting on Saturday, October 3, 2020 and the screening the Board will be doing to all that enter.

Ms. Amaral suggested everyone who can participate in the state survey found at [www.Covid19survey@mass.gov](mailto:www.Covid19survey@mass.gov). Information will be posted on the Board of Health webpage and on the front page of the Town Website.

### **MINUTES**

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1. Aug. 21, 2019 spl. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Ryden. The vote was 2 in favor. Ms. Amaral abstained because she was not a member at the time.
2. Aug. 17, 2020 reg. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
3. Sept. 14, 2020 reg. Ms. Amaral requested that her report on the COVID survey read as follows "Once DPH publishes their online survey, she will encourage people to take the survey especially since the BOH would use the data to plan a wellness event." and not "Once DPH publishes their online survey, she will encourage people to take the survey especially since the BOH could conduct a wellness event." **MOTION** by Mr. Weinberg to approve as amended. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

### **OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Board Member Updates
3. 222 Brayton Point Road Discussion. Mr. Armendo recommended a timeline for compliance and present a plan in compliance with Title V to the Board or decommission bedrooms. There has been

## Remote Participation Regular Meeting of the Board of Health

no communication at all from the owner. The existing order letter required they come into compliance by May 30 2020 and there has been no movement. Discussion ensued. **MOTION** by Ms. Amaral for Mr. Armendo to issue a non-compliance letter to bring the home into compliance in 14 days or decommission the number of bedrooms to make the home in compliance with Title-V.

4. 10/7/20 Public Information Session for Proposed Septic/Denitrification Regulation. Ms. Ryden announced the info session for the public for the proposed denitrification system regulation. The information can be found on the Board of Health Website. There will be speakers talking about alternative systems and denitrification systems and the recent Targeted integrated water management plan and how the TMDL level needs to be lowered. This info session precedes the public hearing on October 29.

**SEPTIC PLAN REVIEW**

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1. 52 Cherry & Webb Lane (M-91/L-52; 26,707sf) Curt Oliveira Jr., 3-Bedroom Repair, Quick 4 Infiltrator Bed (with a F.A.S.T. System). **MOTION** by Mr. Weinberg to approve plan dated 9/4/20 conditional on a 3-bedroom deed restriction, Notice of alternative/innovative system and compliance with MA DEP and BOH I/A systems. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
2. 194 Robert Street (M-61/L-14F; 4.2AC) Jose & Linda Calheta, 3-Bedroom Repair, Quick 4 Infiltrator with Soil Analysis in Lieu of Perc. **MOTION** by Ms. Amaral to approve plan dated 8/28/20 with a sieve analysis. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
3. 93 Beechwood Drive (M-62/L-34; 21,107s.f) Donna Cateon, 3-Bedroom Repair, Quick 4 Infiltrator with Singulair TNT-500. **MOTION** by Mr. Weinberg to approve plan dated 9/7/20 with a Sieve Analysis conditional on a 3-bedroom deed restriction, I/A deed notice and compliance with standard condition of BOH and O&M Agreement. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
4. 1642 Drift Road (M-57/L-62/1; 36,119sf) Mark & Stephanie Pawlak, 3-Bedroom Upgrade, Quick 4 Infiltrator. **MOTION** by Ms. Amaral to approve plan dated 8/26/20. Mr. Weinberg questioned if this is subject to the storm water regulation. Mr. Armendo to follow-up on stormwater requirements. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
5. Westport Lakes Drive (M-31/L-3F/SL-12; 77,536sf) A. Digiammo, 4-Bedroom New Construction, Stone Bed. This is part of a subdivision and stormwater regulations do not apply. **MOTION** by Mr. Weinberg to approve plan dated 9/18/20. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
6. Westport Lakes Drive (M-31/L-3G/SL-13; 74,487sf) A. Digiammo, 4-Bedroom New Construction, Stone Bed. This is part of a subdivision and stormwater regulations do not apply. **MOTION** by Ms. Ryden to approve plan dated 9/18/20. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
7. Devol Pond Drive (M-62/L-22G/SL-9; 4.5AC) Ronald Potter ET AL, 4-Bedroom New Construction, Stone Bed. **MOTION** by Mr. Weinberg to approve plan dated 9/02/20. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
8. Cypress Lane (M-61/L-17Q/SL-76; 125,549sf) Francisco & Filomena Ponte, 4-Bedroom New Construction, Stone Bed. **MOTION** by Ms. Amaral to approve revised plan dated 9/1/20. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

**DIRECTOR**

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1. Written Report. Ms. Amaral wanted to know about the linens donated to Animal Control. No other comments.
2. Update
  - COVID-19. As reported earlier.
  - Board of Health. Mr. Armendo updated about the changes for COVID. He noted he has worked through Town Counsel and counsel for the Harbor Inn. The signed agreement was signed by the court today. Mr. Weinberg discussed about DEP being involved in the permitting and if the BOH should be involved in the design flow. He asked Mr. Armendo to convey this to the engineer and that what the owner had proposed is not a pathway. Given the tight time frame in the consent agreement, Mr. Armendo is to share the information.
  - Transfer Station. Maintenance of the capped landfill: the BOH has expressed the concern to the Town Administrator and the danger of breaching the cap. He has been pricing mowers and asking landscapers.
  - Nurse. As reported earlier. Mr. Armendo and Ms. Pierce will be meeting with the School nurses to keep track of any reports and through contact tracing.
  - Animal Control. The hours should be back to 30 after STM.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Amaral would like to make a proposal to structure of the BOH meetings by placing the Director's report at the beginning of the meeting. Ms. Ryden stated it would be taken under consideration.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**APPOINTMENTS**

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**6:30pm – Title V Waiver Hearing: Wendy Henderson for 272 Brayton Point Road, Owner-Janet Espo Trustee, 1-Bedroom (16,509sf), Quick 4 Infiltrator.**

This is a 1-bedroom home. The majority of the property is in the flood zone. A denitrification system is proposed.

Variations requested:

- Setback to cellar wall, 11 feet vs. 20 feet;
- Setback to vegetated wetlands, 37 feet vs. 50 feet
- Sieve analysis

Ms. Ryden noted that the MASS DEP number needs to be corrected on the plan.

**MOTION** by Ms. Ryden to approve plan dated 08/25/20 subject to a revised plan, a 2-bedroom Deed Restriction, Hold Harmless Agreement, standard I/A Deed Notice and Operation and Maintenance Agreement. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**6:40pm – Title V Waiver Hearing-Cont'd: Len Potter for 27 Second Street, Owner-Ruth Clayton & Mary Bradley, 2-Bedrooms (7,492sf), Quick 4 Infiltrator.**

Mr. Potter read the well test results. No well samples were obtained for number 28 Second Street because the house was closed the last week of August. Members felt they needed the required information such as testing and estimates based on the number of wells in proximity down gradient. The Board asked Mr. Potter to return with additional information in 2 weeks.

**MOTION** by Mr. Weinberg to continue for 2 weeks. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**6:50pm – Discussion: Len Potter for 28 Mt. Pleasant Street, Additional Square Footage on a Non-Accepted Road.**

Mr. Potter stated that the house is a 3-bedroom house but there are not enough square feet in the lot to support that. In this case, Mr. Potter stated that the paper street, Euclid Street is what he would like to use under the derelict fee statute. He reconfigured the plan for a 3-bedroom system to gain the extra 3,000 sq. feet from Euclid Street. Mr. Potter explained that the fee in the property goes half to one abutter and half to the other under the derelict fee statute based on no surviving owner and was done recently at 227 Brayton Point Road. Members agreed to seek Town Counsel opinion.

**MOTION** by Ms. Ryden to continue for 2 weeks and authorize Mr. Armendo to seek Town Counsel opinion on the derelict fee statute. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**7:00pm – Title V Waiver Hearing: Greg Nicholas for 61 Center Street, Owner-Gerald & Paulette Bouchard, 2-Bedrooms (22,920sf), Flow Diffusor System.**

Mr. Armendo explained the plan. There were no abutters present.

Variance requested:

- setback to tank, 3.2 feet vs. 10 feet

**MOTION** by Ms. Amaral for approve plan revision dated 9/28/20 conditional on a Hold Harmless Agreement. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 8:09 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 5:30 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chair  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

**CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting is Being Recorded.

**WEBINAR – Nitrogen Pollution & Proposed Septic Regulation October 7, 2020**

This webinar presentation with slides (see attached) covered the following topics:

- Water Quality in the Westport Rivers, presented by Rachel Jakuba - Science Director, Buzzards Bay Coalition
- Innovative/Alternatives Onsite Septic Systems, presented by George Heufelder – Director, Massachusetts Alternative Septic System Test Center
- Westport's Targeted Integrated Water Resources Management Plan, presented by Bob Daylor - Vice Chair, Westport Planning Board
- Overview of Proposed Septic Regulation, presented by Tanja Ryden – Chair, Westport Board of Health

Tanja Ryden went over the questions posed through the chat box and by phone, various speakers responded. She noted the slides and a follow up FAQ document would be posted on the Board of Health website. The webinar adjourned at 6:35 pm.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF MEETING**

NONE

Submitted by Tanja Ryden, Chair of the BOH

# Westport Board of Health - Nitrogen Pollution & Proposed Septic Regulation

**October 7, 2020 5:30 pm**

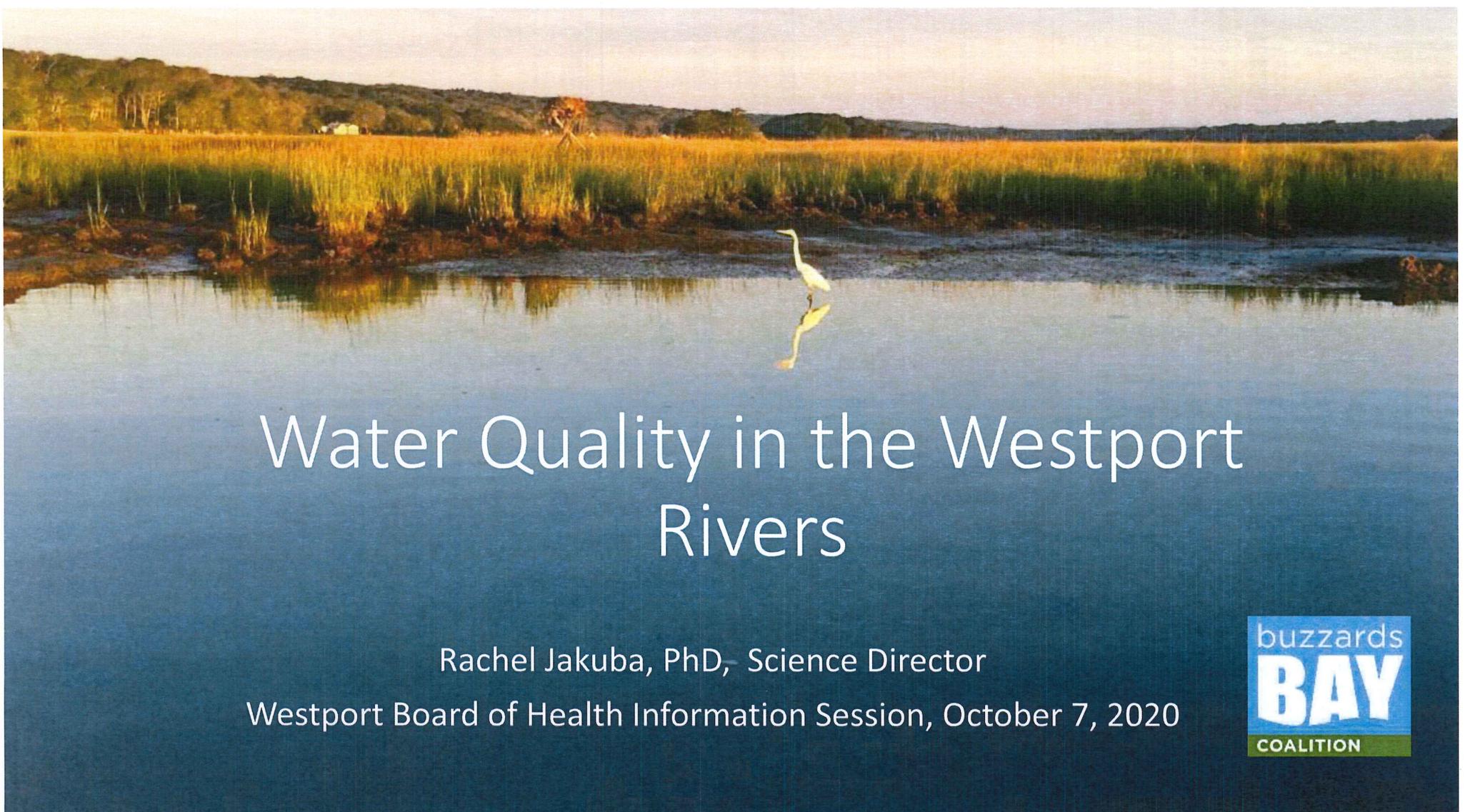
**Presenters:**

**Rachel Jakuba - Science Director, Buzzards Bay Coalition**

**George Heufelder – Director, Massachusetts Alternative Septic System Test  
Center**

**Bob Daylor - Vice Chair, Westport Planning Board**

**Tanja Ryden – Chair, Westport Board of Health**



# Water Quality in the Westport Rivers

Rachel Jakuba, PhD, Science Director

Westport Board of Health Information Session, October 7, 2020



# Septic Impacts to Water Quality

- Nitrogen pollution

- In drinking water can limit oxygen in infants' blood
- In estuaries can lead to algal blooms, murky water, reduced sea life



- Bacteria pollution

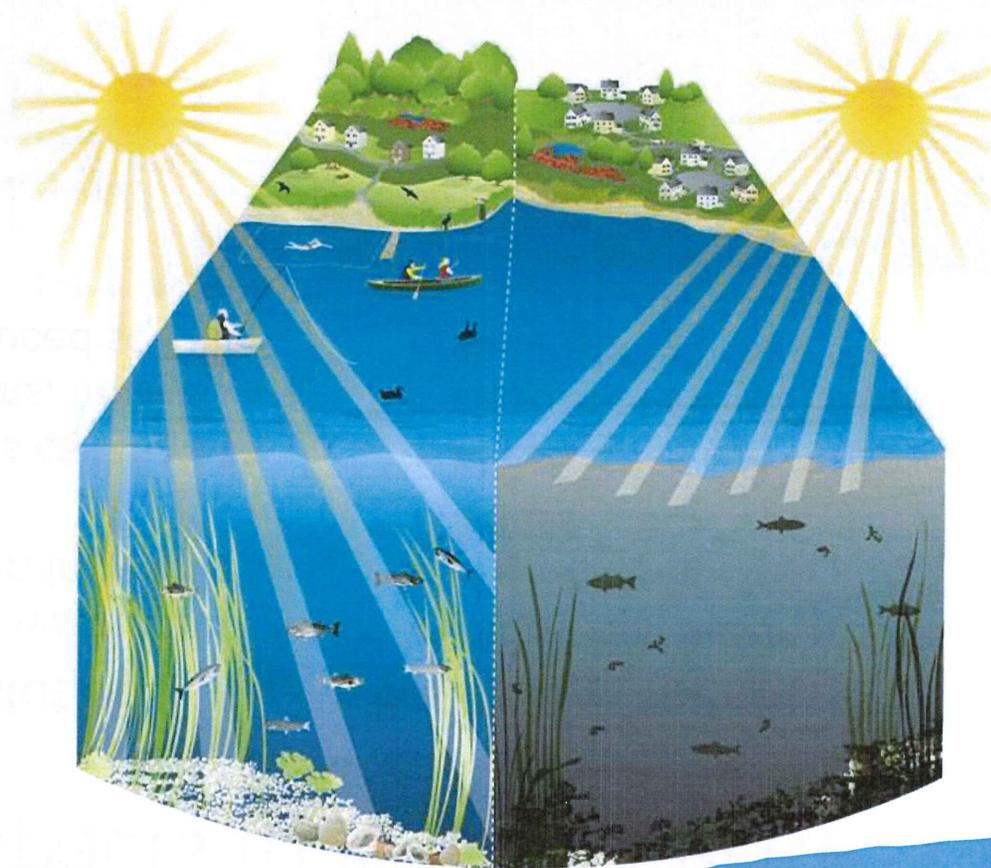
- In drinking water results in gastrointestinal illness
- In estuaries can cause closure of swimming or shellfishing areas



# Nitrogen Pollution of Estuaries

## Healthy Area:

- Clear water
- Dense eelgrass beds
- Abundant fish and shellfish
- Enjoyable place for recreation



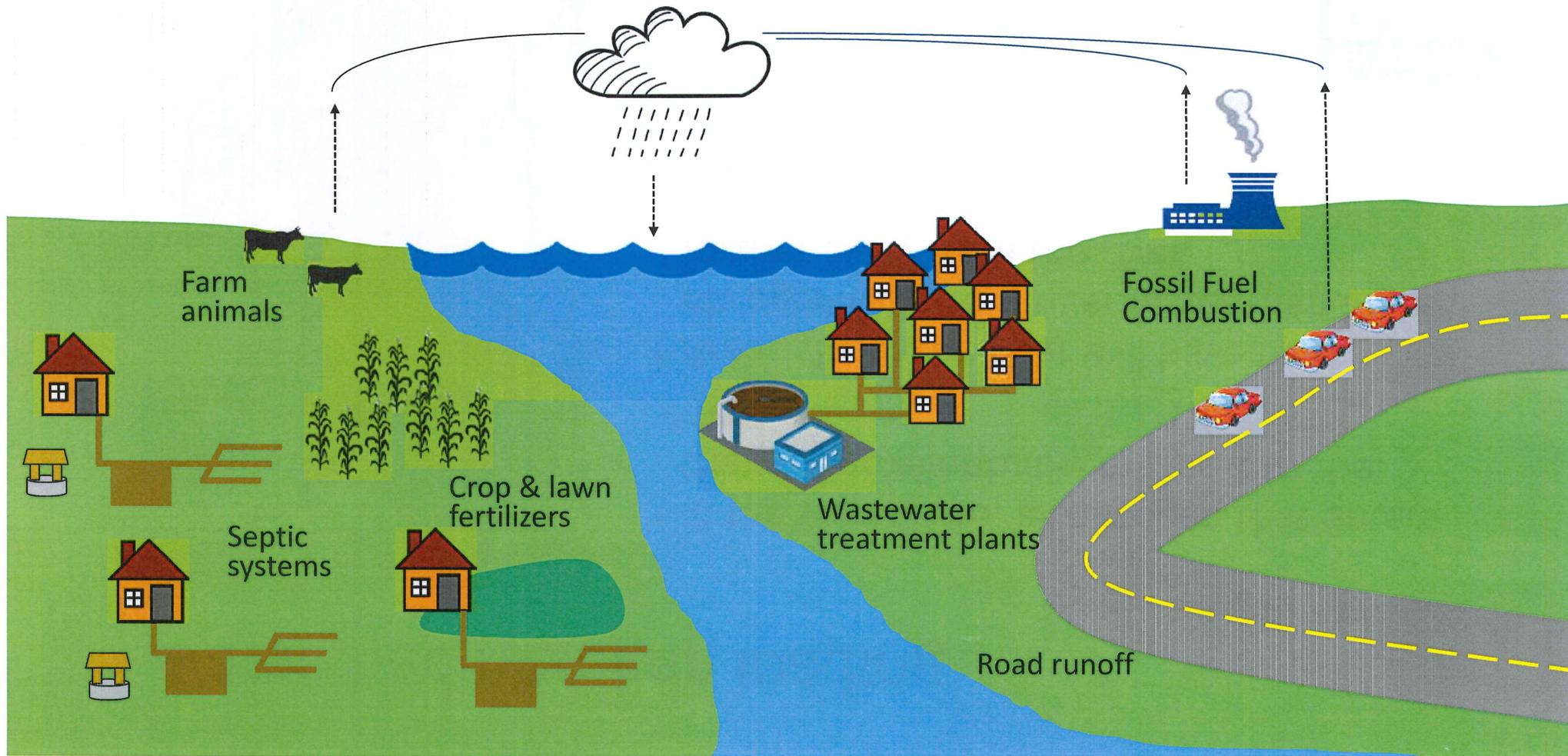
## Nitrogen polluted:

- Cloudy and murky water
- Eelgrass can't thrive
- Low oxygen levels
- Fish and shellfish disappear

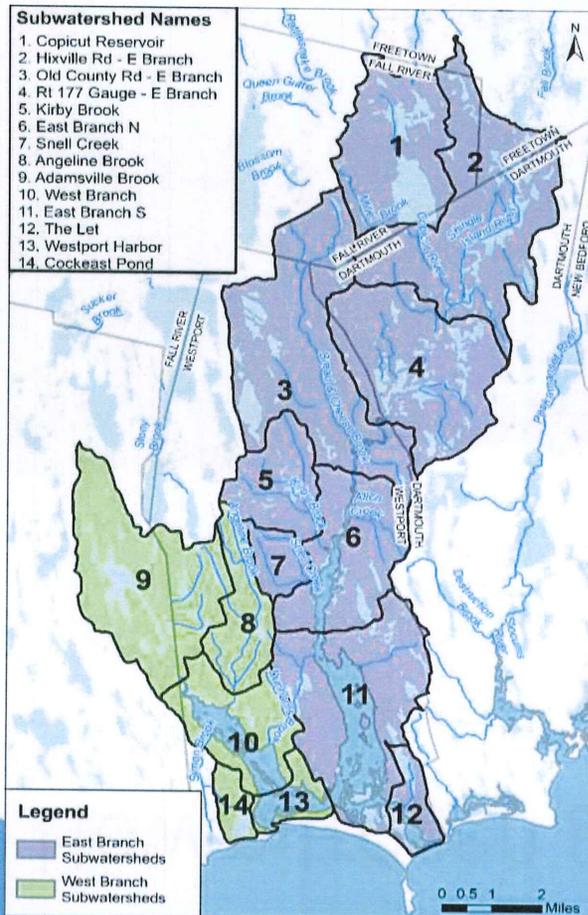


[www.savebuzzardsbay.org](http://www.savebuzzardsbay.org)

# How nitrogen gets into water



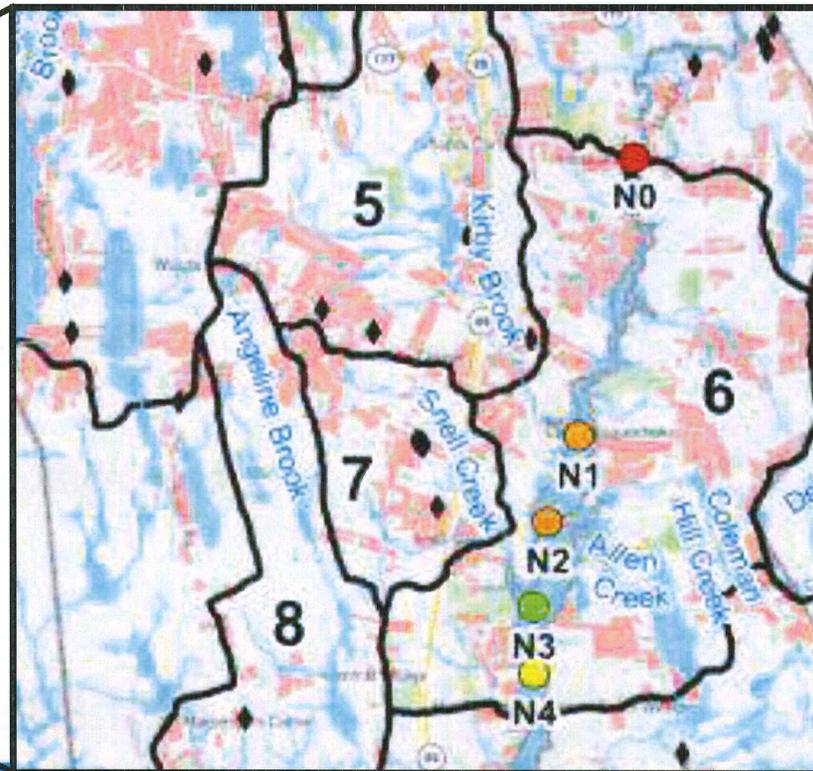
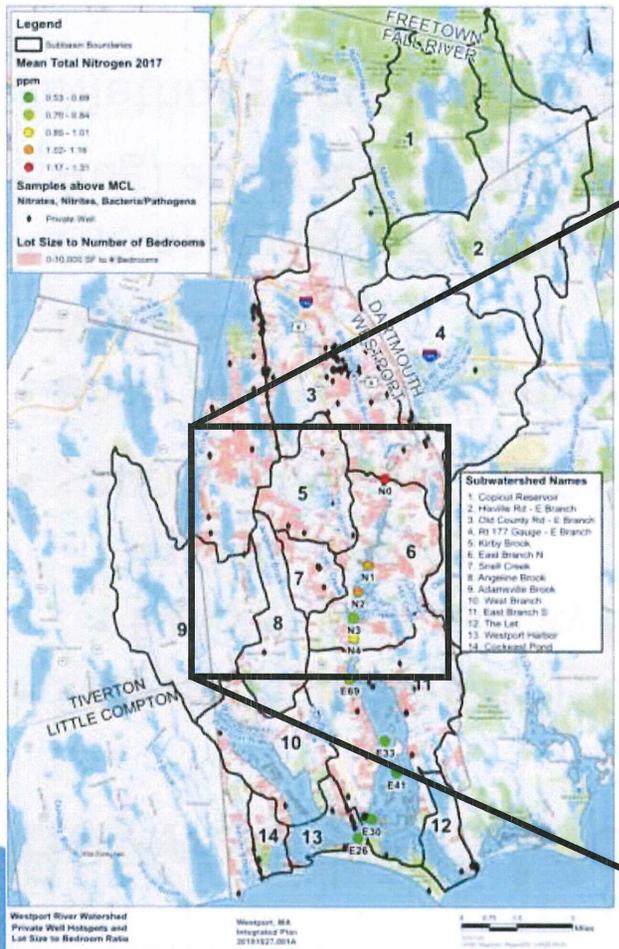
# Watershed nitrogen loading



- In the watershed, all nitrogen that enters the ground eventually makes it to the river.
- Areas closer the river will have their nitrogen reach the river faster than areas further away from the river.

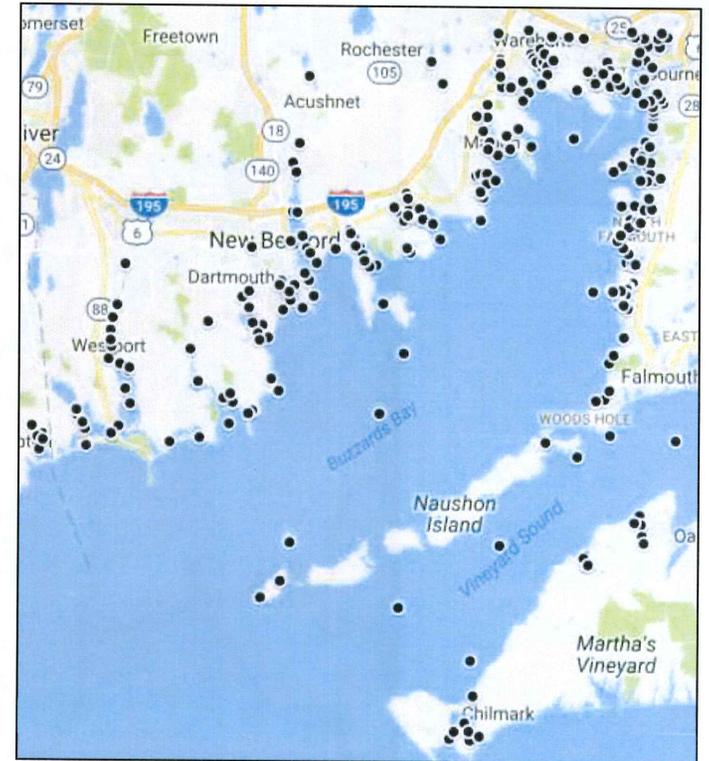
# Nitrogen from septics impacts inland wells

- High levels of nitrogen and bacteria in well water around town



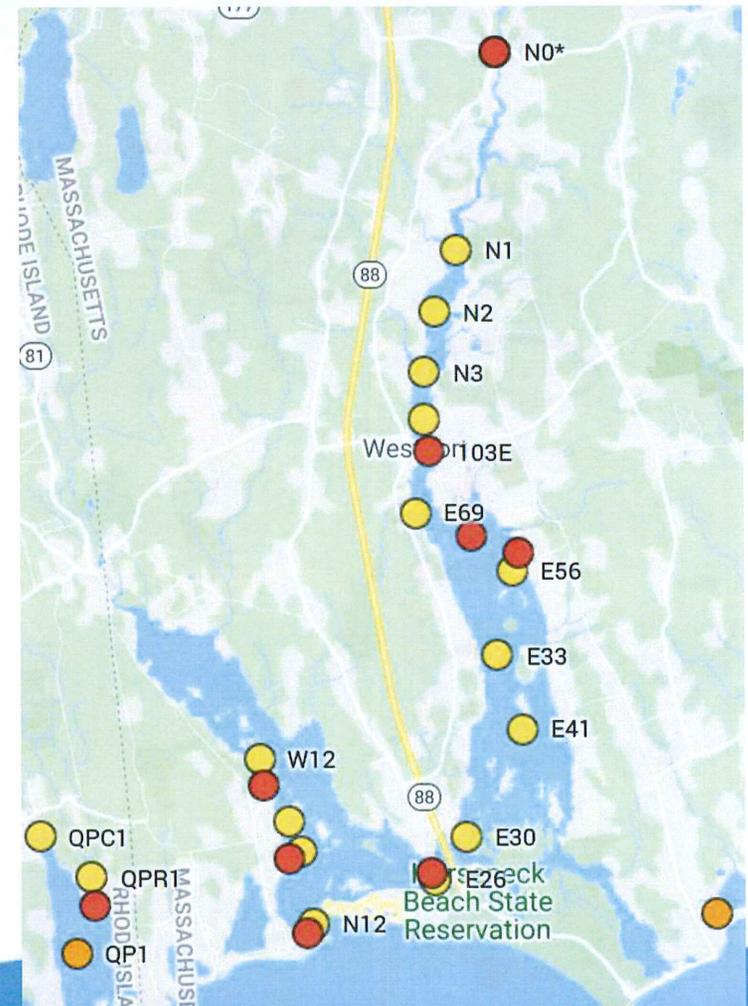
# Baywatchers Monitoring

- Program initiated in 1992
  - Evaluate water quality & ecological health
  - Educate citizens
- >200 stations by ~150 volunteers
- Basic water quality every ~5 days (late May to Sep)
- Lab analysis for nutrients 4 times (Jul & Aug) analyzed by the MBL
- Methods approved by EPA & DEP



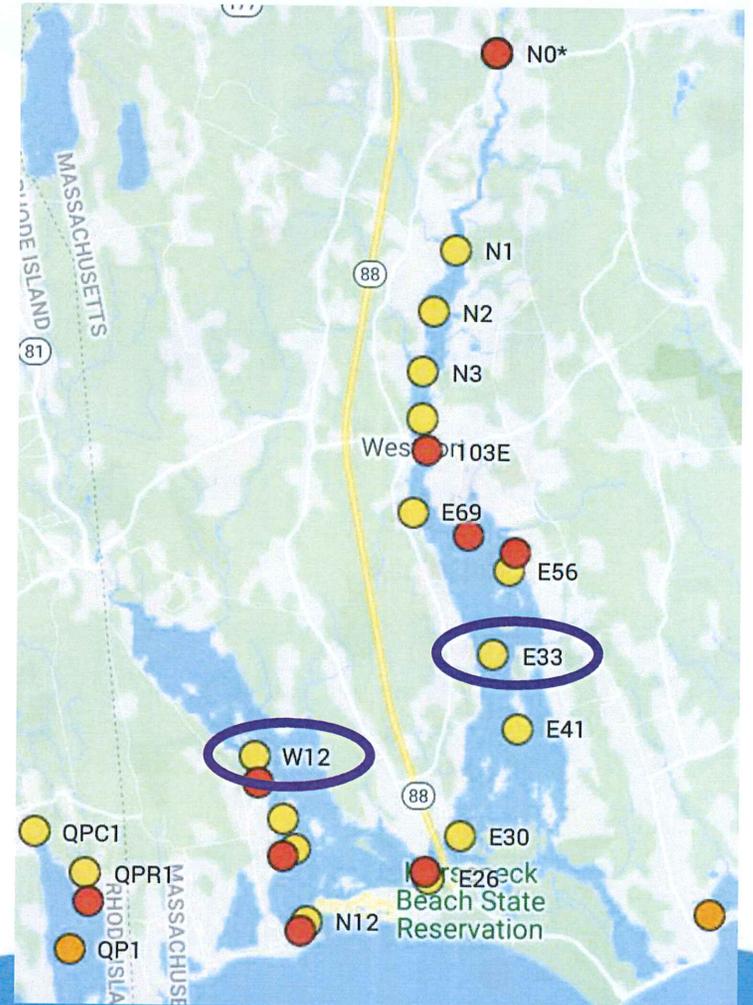
# Baywatchers in Westport

- 25 stations
- In collaboration with WRWA
- In 2019, 206 measurements of dissolved oxygen and 55 nutrient samples analyzed
- Long-term monitoring stations used as sentinel stations in Total Maximum Daily Load (TMDL)

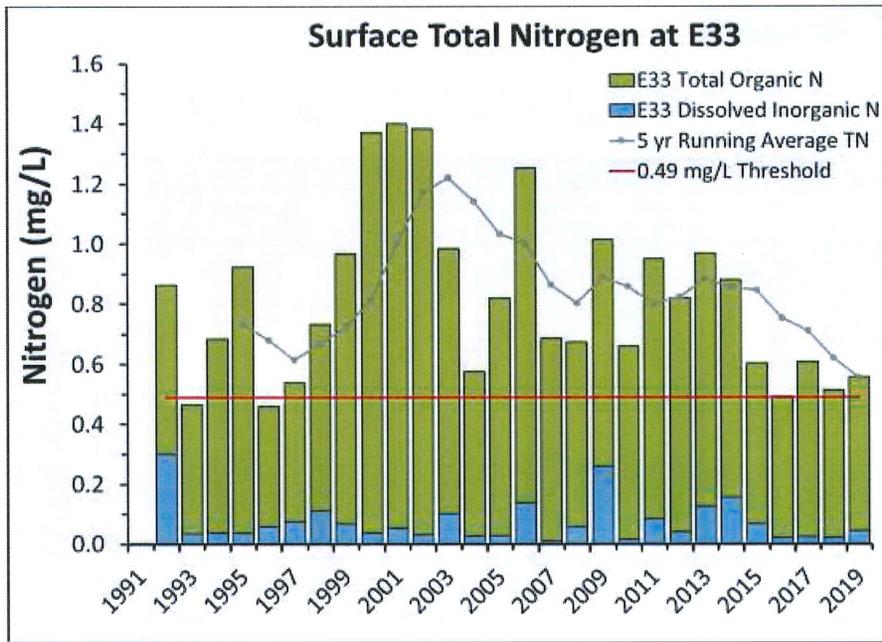
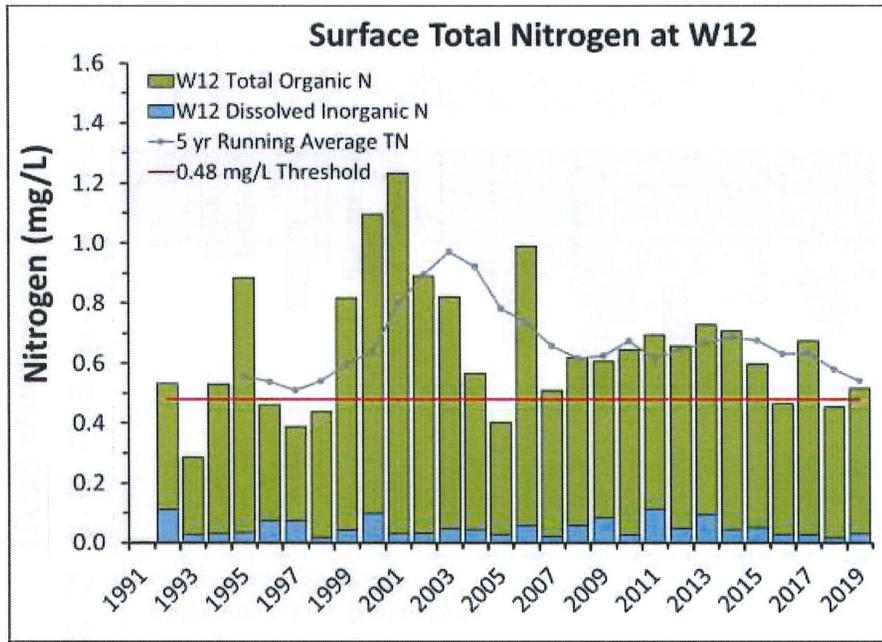


# Baywatchers in Westport

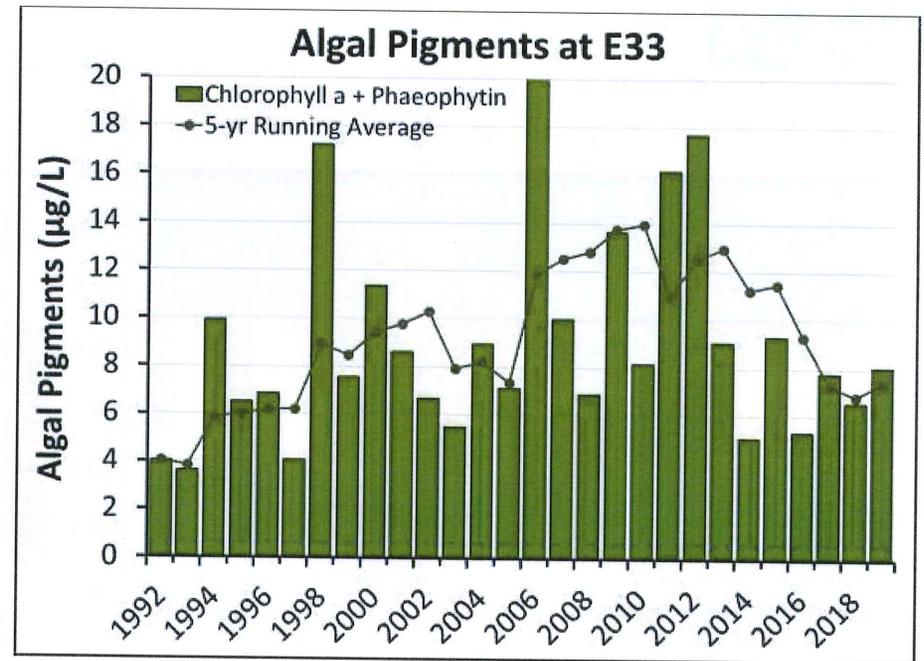
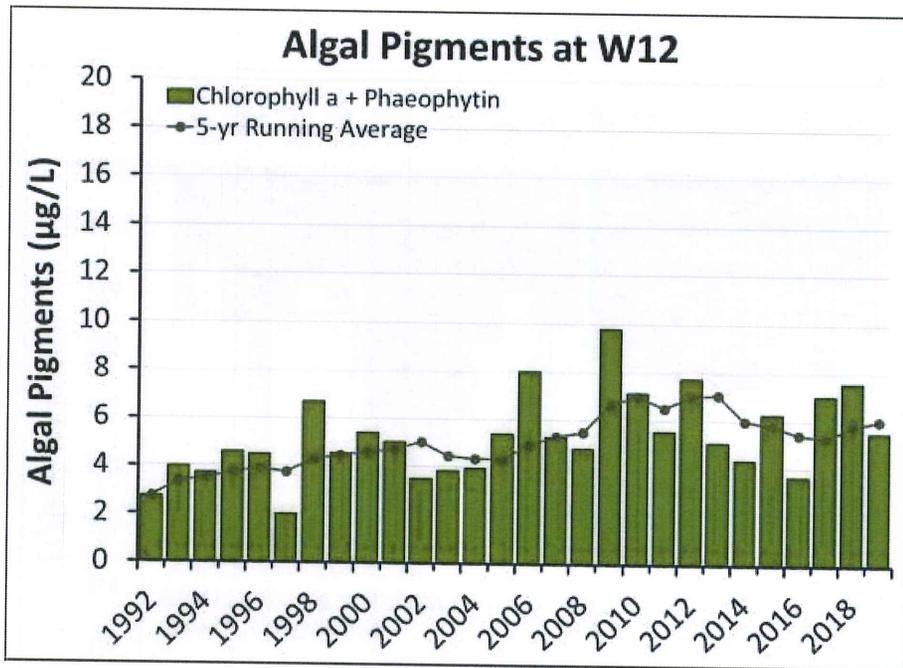
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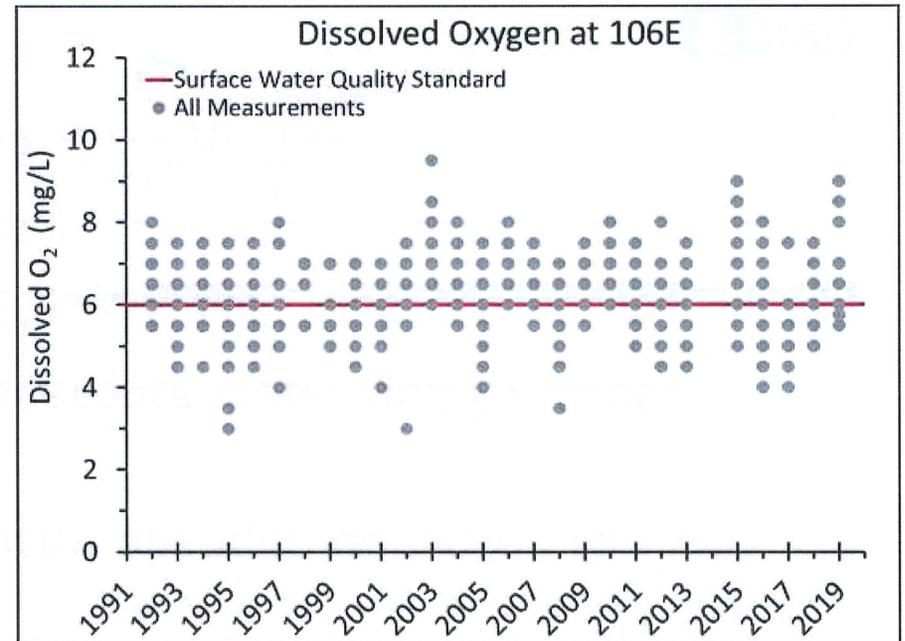
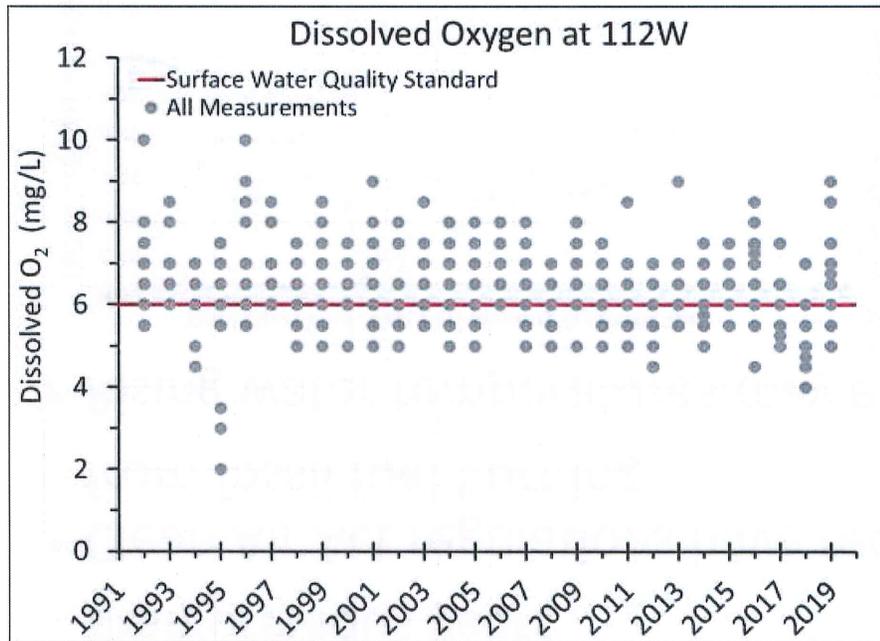
# Nitrogen



# Chlorophyll

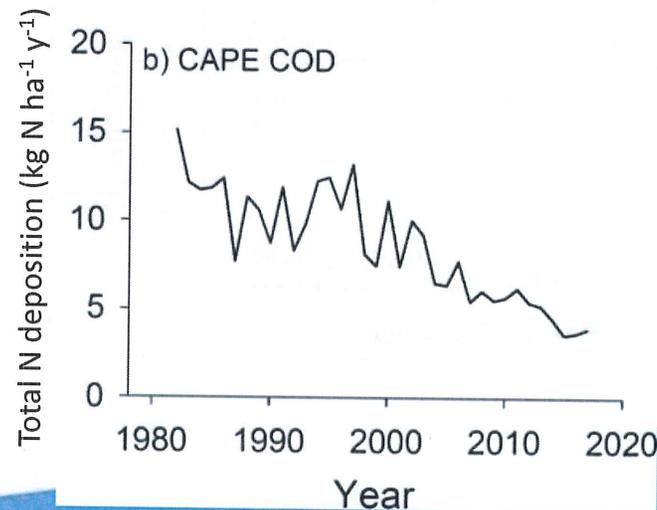
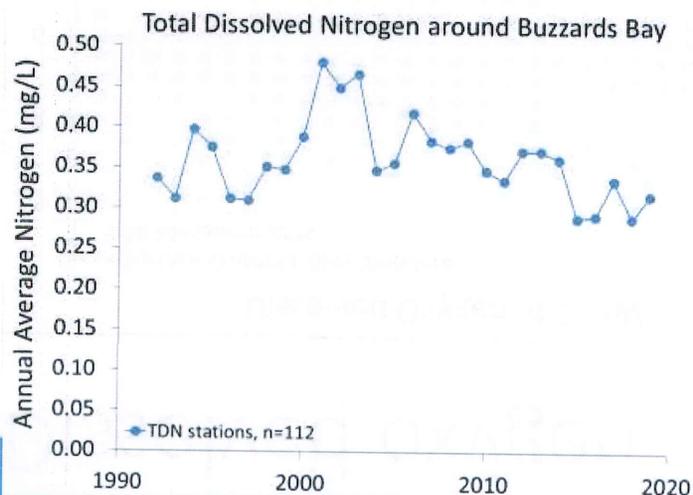


# Dissolved oxygen



# Putting water quality trends in context

- In the past several years, nitrogen levels bay-wide have been lower than previous years
- Clean Air Act regulations have reduced nitrogen delivered to rivers from fossil fuel burning
- Rising water temperatures may exacerbate water quality issues



Lloret et al., in prep.



[www.savebuzzardsbay.org](http://www.savebuzzardsbay.org)

# Summary

- Excess nitrogen reduces estuarine water quality – causing murky water where eelgrass cannot thrive and low oxygen levels that stress fish and shellfish
- Any new construction adds nitrogen, making the existing problem worse





# Innovative/Alternative Onsite Septic Systems

**What are they?**

**Why might we need or want them?**

**How do we know they work?**

**What's new?**

George Heufelder  
Massachusetts Alternative Septic System Test Center  
[gheufelder@barnstablecounty.org](mailto:gheufelder@barnstablecounty.org)

So, what is an “I/A” or an Innovative/Alternative septic system?



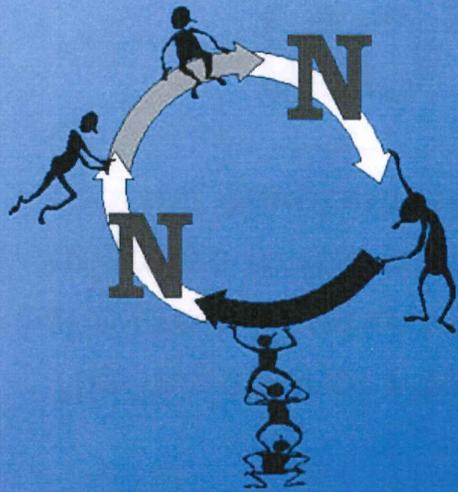
It is a septic system with added features or elements designed to remove target contaminants.



In nearshore marine environments,  
the focus of treatment is NITROGEN

Nitrogen from onsite septic systems is a major cause of environmental disruption in nearshore areas, causing excessive algae growth, depleted oxygen and low biological diversity

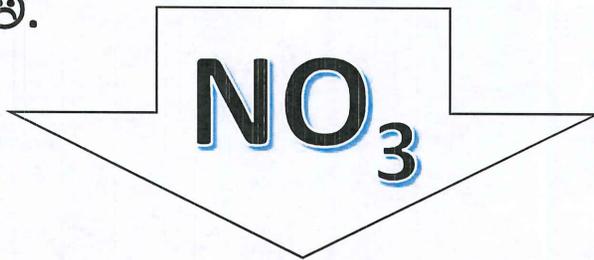
# So, what's so different about I/A septic systems?



Alternative septic systems manipulate the natural nitrogen cycle in order to remove the nutrient forms and produce harmless nitrogen gas

## Standard "Title 5"

The majority of nitrogen leaches to the groundwater as nitrate and migrates to the marine shoreline causing environmental degradation ☹️.

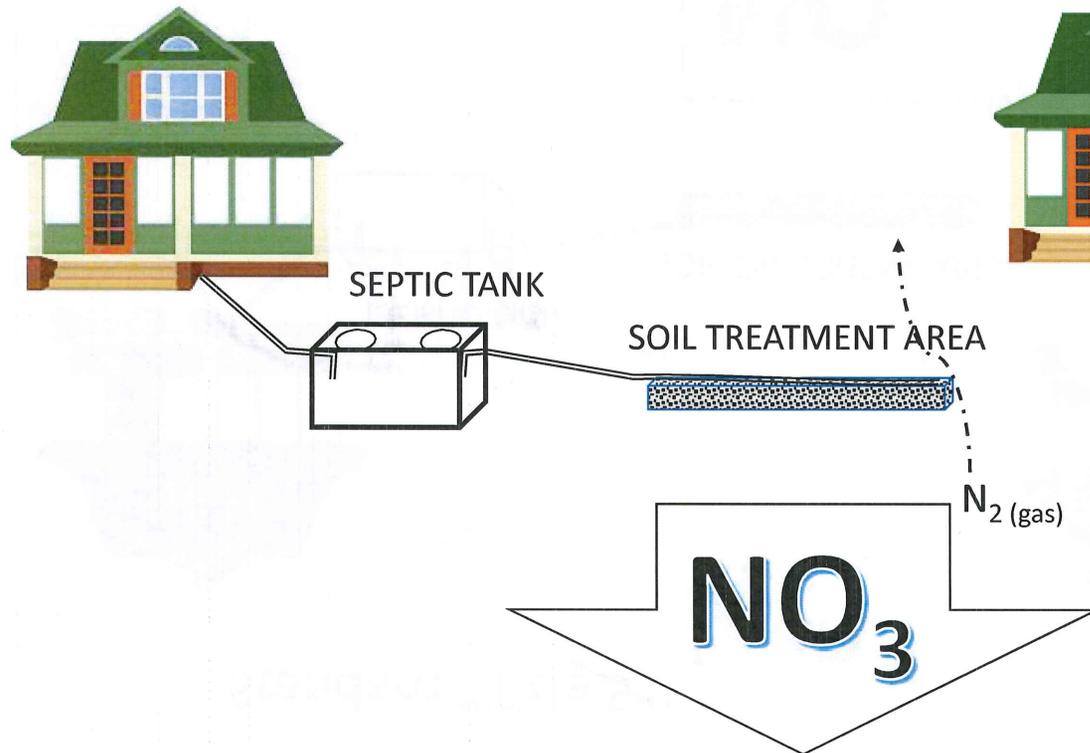


## Standard "Title 5" with treatment unit

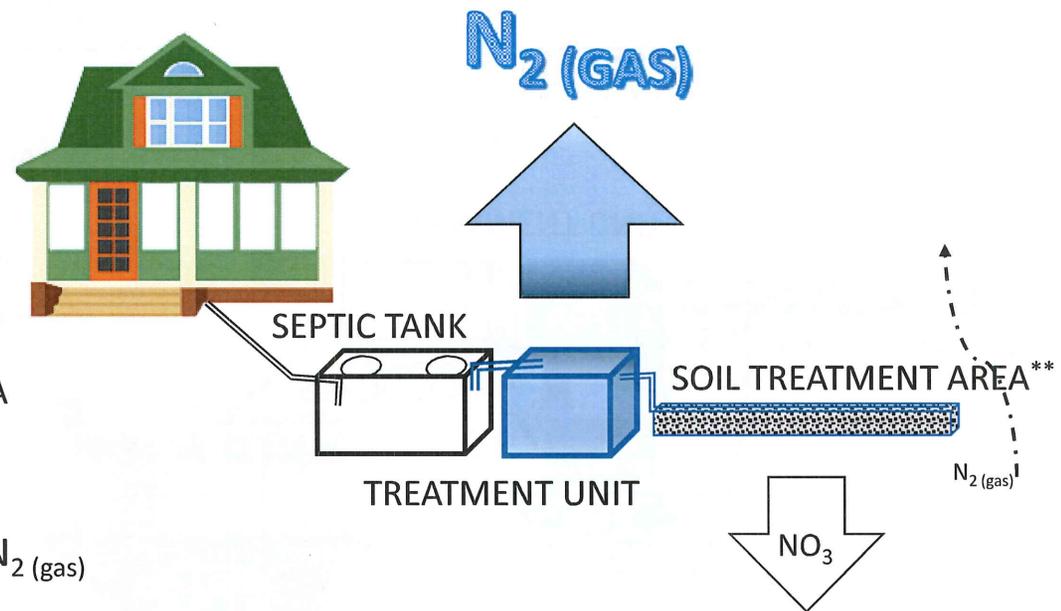


The majority of nitrogen returns to the atmosphere as nitrogen gas, keeping the skies blue 😊.

# Standard "Title 5"

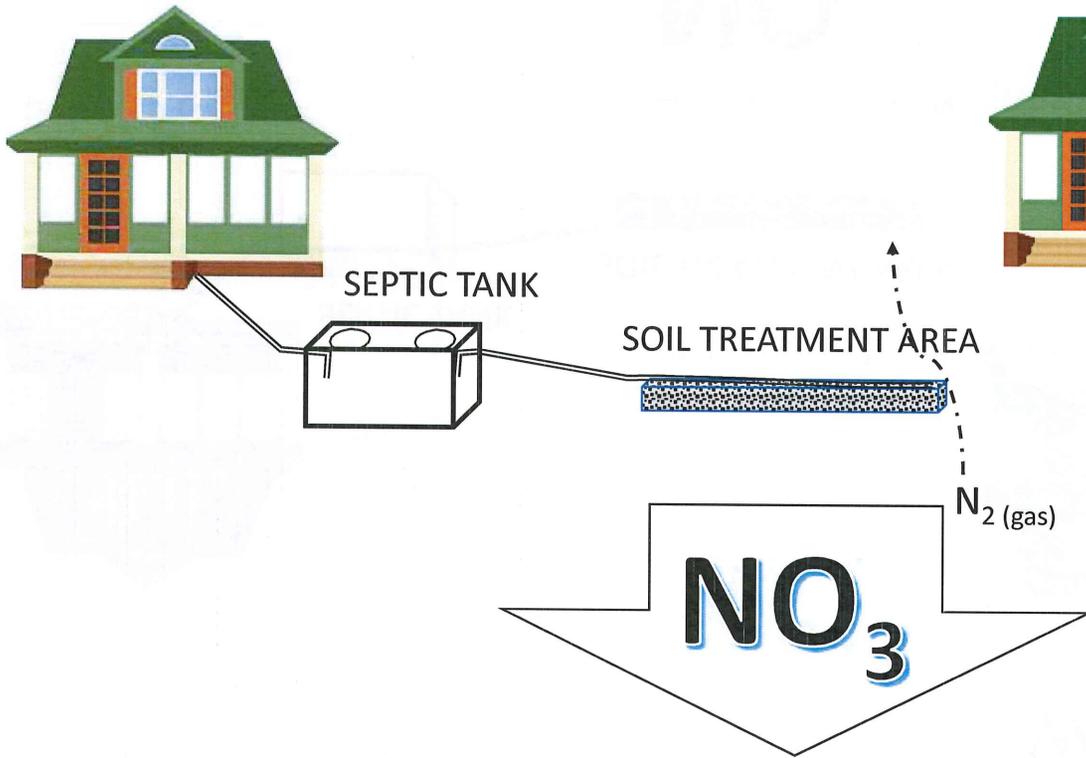


# Standard "Title 5" with treatment unit

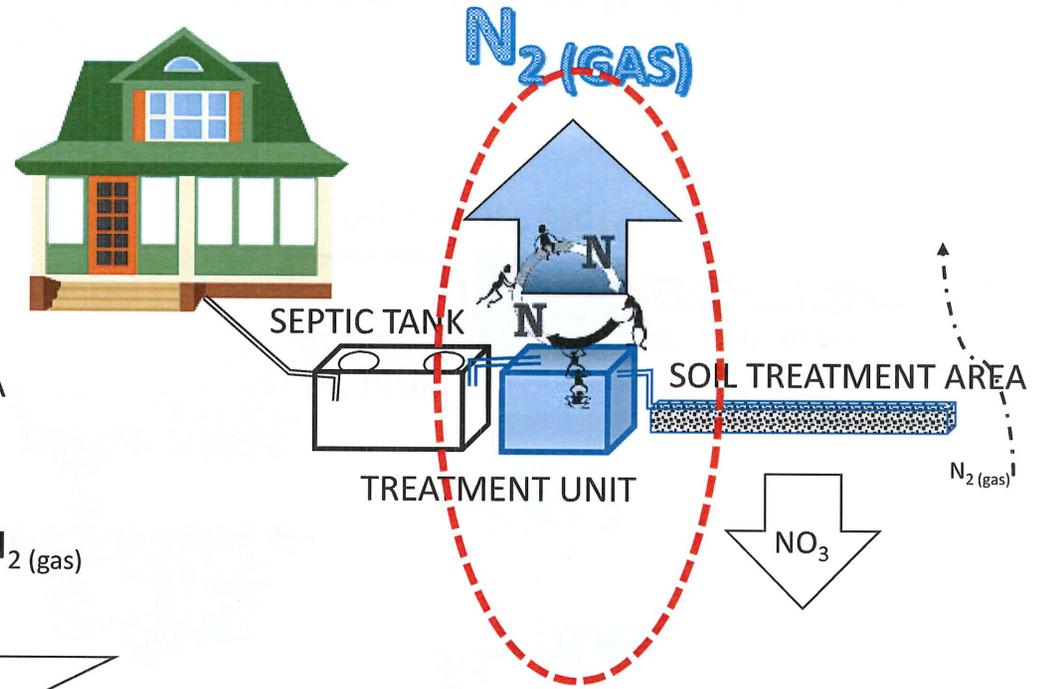


**\*\* SOME RECENT RESEARCH IS BEING COMPLETED ON MODIFYING THE SOIL TREATMENT AREA TO ENHANCE NITROGEN REMOVAL.**

Standard "Title 5"



Standard "Title 5" with treatment unit



# So, what are the options for onsite nitrogen removal technologies ?



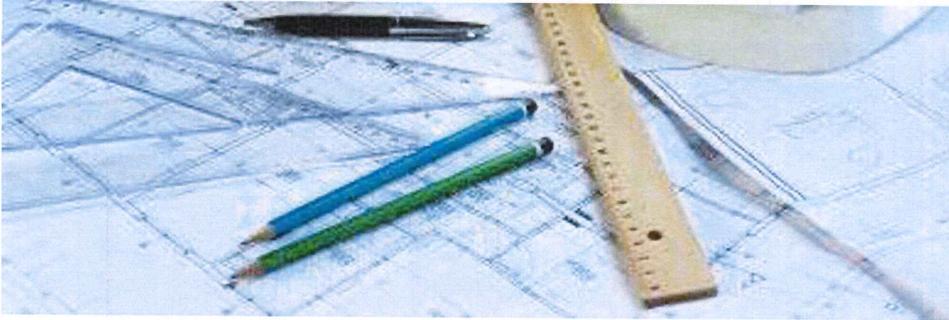
Remember one size does not fit all!

## Please

The mention of any product does not constitute an endorsement nor should the omission of reference to any product be interpreted as disapproval or lack of endorsement



Remember one size does not fit all!



## Choice considerations

- Lot size constraints
- Costs
- Power usage
- Complexity
- Space
- Approval status
- Reuse of existing infrastructure
- Aesthetics

Due ur  
**Homework**

**Massachusetts has three levels of approval**

**<https://www.mass.gov/guides/approved-title-5-innovativealternative-technologies>**

- **Pilot**
- **Provisional**
- **General**

A number of the technologies listed above have received nitrogen reduction credit as part of their technology approvals:

### **General Use Certification**

Recirculating Sand Filters - Generic (25 mg/L TN) up to 10,000 GPD

Ruck (19 mg/L TN) up to 2,000 GPD

MicroFAST (19 or 25 mg/L TN) up to 2,000 GPD - residential flows only

Advantex <2,000 gpd

SeptiTech < 2,000 gpd

Singulair <2,000 gpd

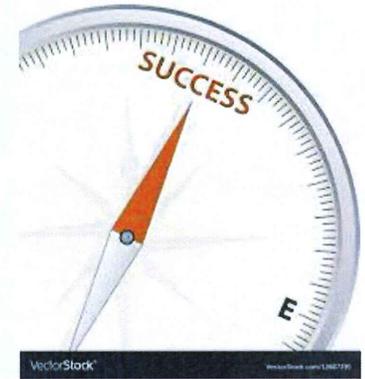
SOURCE: Summary of Innovative/Alternative Technologies Approved for Use in Massachusetts and Under Review

As of February 24, 2020 The inclusion in this table of URLs for I/A technology companies does not in any way constitute a recommendation or endorsement by MassDEP. For schematics of any technology, contact the manufacturer

## **A FEW TOP PERFORMERS**

- Nitrex™ (Provisional Approval in MA)
- NitROE™ (Provisional Approval in MA)
- FugiClean (Based on data from Long Island – Provisional in MA)
- Advantex AX series (General Use Approval in MA)
- Hydro-Action (Based on data from Long Island - no MA approvals)

# How do we know what works ?



- **Field data**
- **Standardized testing**
- **Demonstration site data**
- **Research data**

*How do we know what works – Field Data*



# Barnstable County's Web – Based I/A Tracking Program

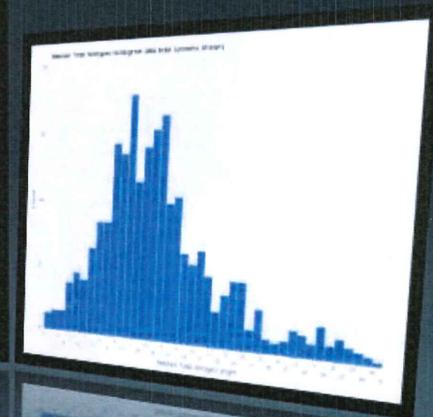
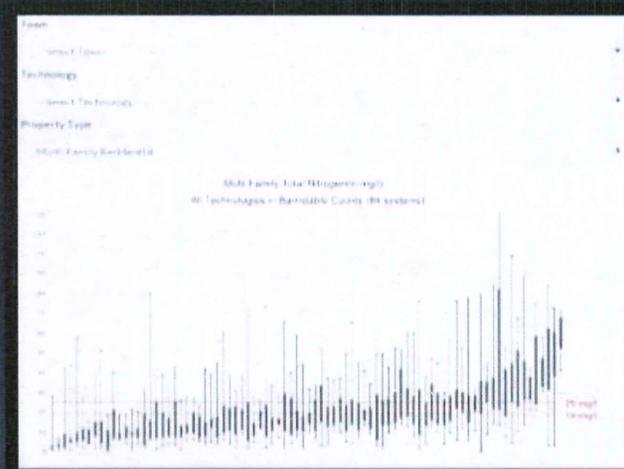
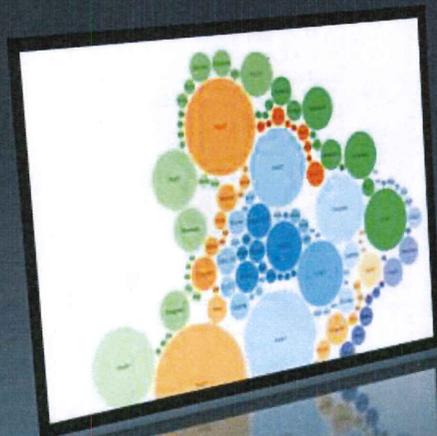
Assisting Boards of Health and Towns across the Commonwealth to administer a program to track I/A system tasks including:

- Tracking monitoring data
- Tracking operation and maintenance contracts
- Local and state regulatory requirements
- Data summaries

How do we know what works ? – Field Data

# Data Online!

<https://septic.barnstablecountyhealth.org/category/data-and-statistics>



[septic.barnstablecountyhealth.org](https://septic.barnstablecountyhealth.org)

*How do we know what works ? – Field Data*

## Other Field Data

Long Island (Suffolk County)

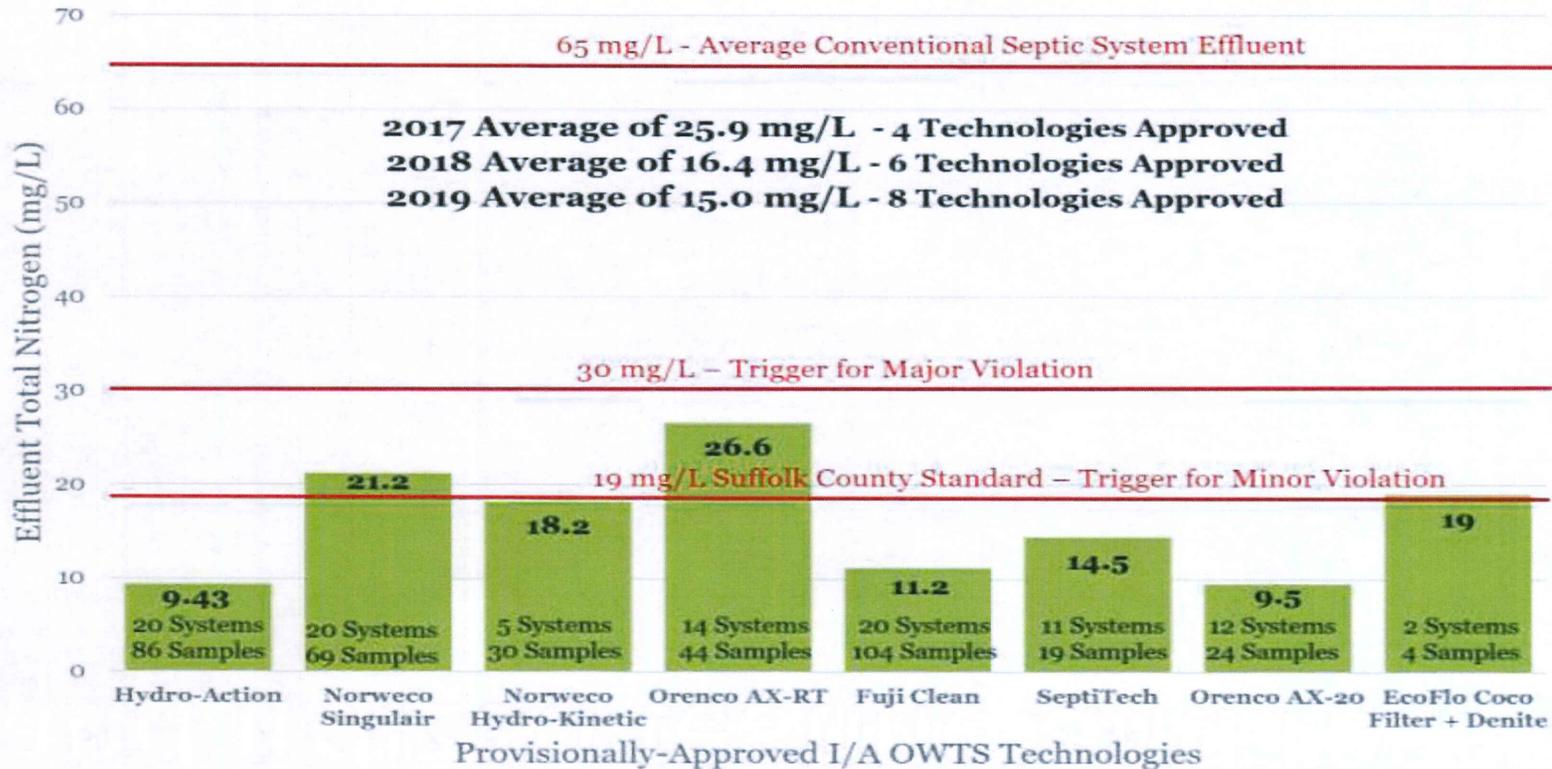
Maryland

New Jersey Pinelands

Various Demonstration Projects

(including BBC West Falmouth Harbor Project)

**PROVISIONALLY-APPROVED I/A OWTS TECHNOLOGIES IN SUFFOLK COUNTY  
CURRENT TOTAL NITROGEN 12-MONTH AVERAGE  
(1/2019 - 12/2019)**



The 12-month rolling average TN is utilized to determine if the technology is meeting Suffolk County standard TN effluent of 19 mg/L or less. If there is non-performance shown in the dataset that is causing an exceedance of performance requirement, the Department reserves the right to revoke or suspend the approval status of such technology.

*How do we know what works ? – Standardized testing and research*

# Standardized testing and research

MASSACHUSETTS ALTERNATIVE  
SEPTIC SYSTEM TEST CENTER

Operated by

**Barnstable County Department of Health  
and the Environment**

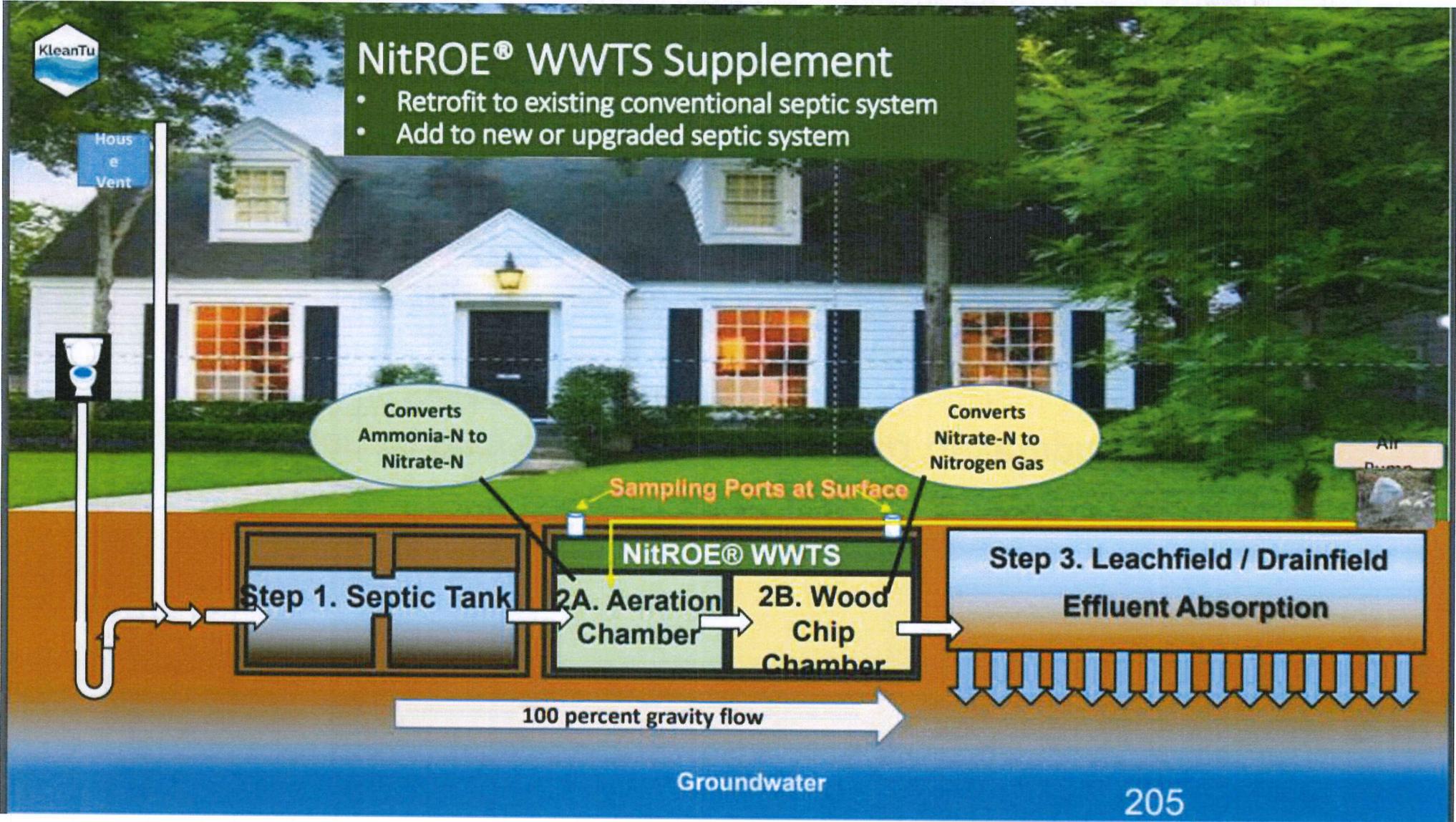
# New and exciting!! Alternative Onsite Septic Systems

- Continued development/use of upflow carbon sources (similar to Nitrex™) and continued development of Nitroe™ system by KleanTu
- Investigation of non-proprietary denitrification systems by MASSTC and others.

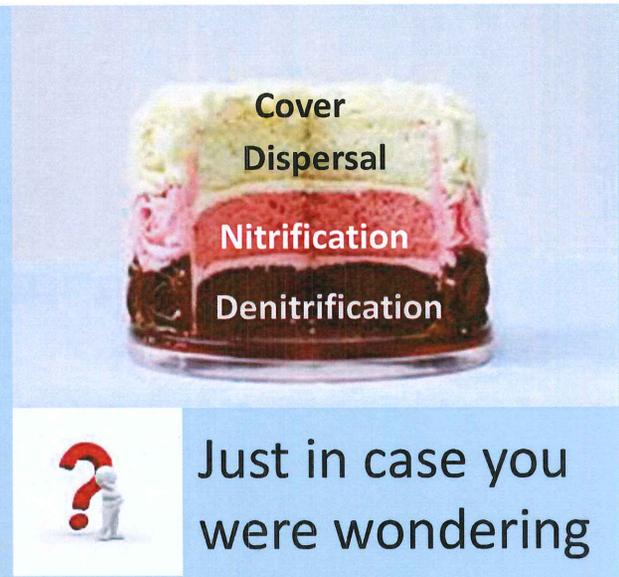
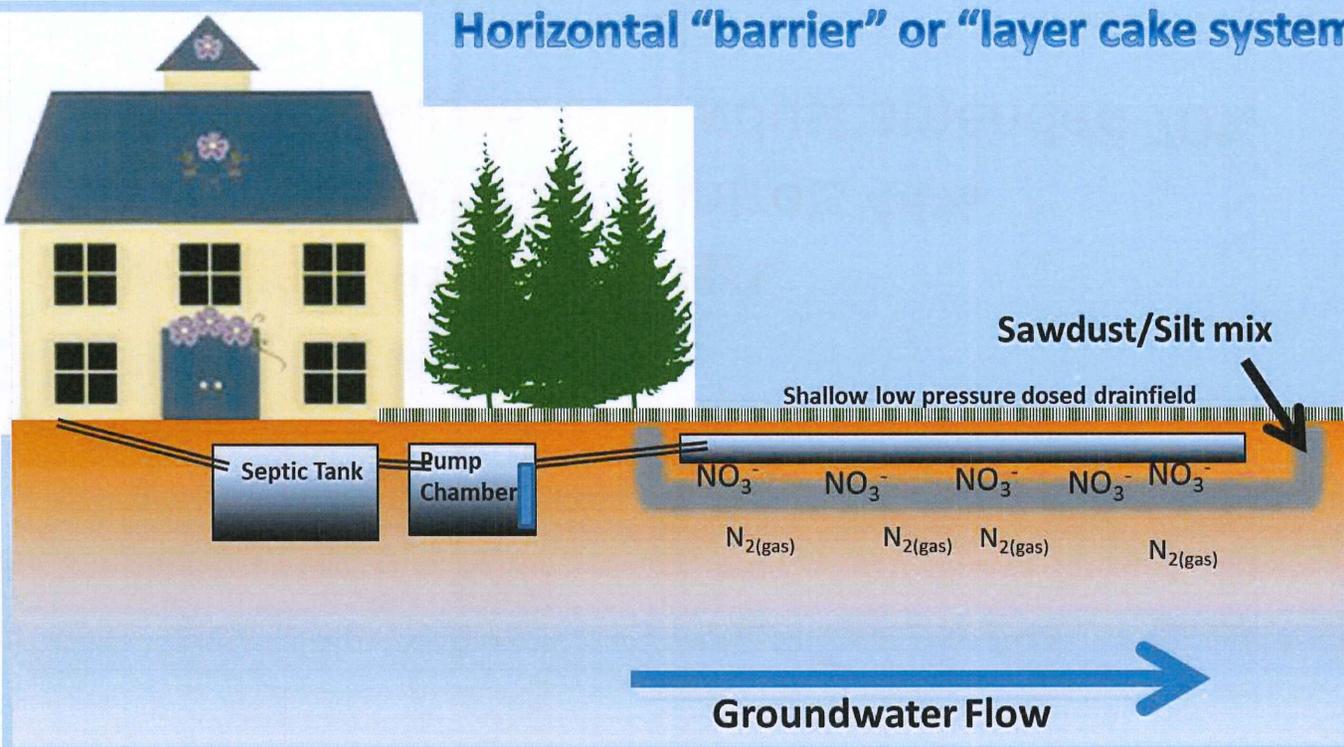


# NitROE® WWTS Supplement

- Retrofit to existing conventional septic system
- Add to new or upgraded septic system



## Horizontal "barrier" or "layer cake system"



A modified leachfield nitrifies wastewater during percolation but interrupts the percolating nitrate, supplying it with a carbon source and removes a larger portion of nitrate (changing it to nitrogen gas)



# Real World?

# 7

Seven Systems installed in residences and monitored monthly for > 1 year

Average influent 67 mg/L

Average removal in controls 44%

Average removal in sawdust amended 70%

# Amend

RESEARCH

Research suggests that amending portions of the leachfield may facilitate reduction of nitrogen

(amendments for other contaminants may be possible)



**Remember**

**If you aren't watching....  
they aren't working.**

# Finally Remember



## Operation and Maintenance

- All advanced treatment units require an Operation and Maintenance Contract for the life of the system.
- Requirements vary with technology and approval status (once per year – four time per year).
- Monitoring requirements also vary and can be adjusted to require more sampling by local jurisdictions.
- Contracts and monitoring can be tracked for the local boards of health through the Barnstable County Department of Health and Environment Program - there is no fee to the municipality for this program.

# Targeted-Integrated Water Resource Management Plan

Public Meeting  
Integrated Plan Phase II



TOWN OF WESTPORT



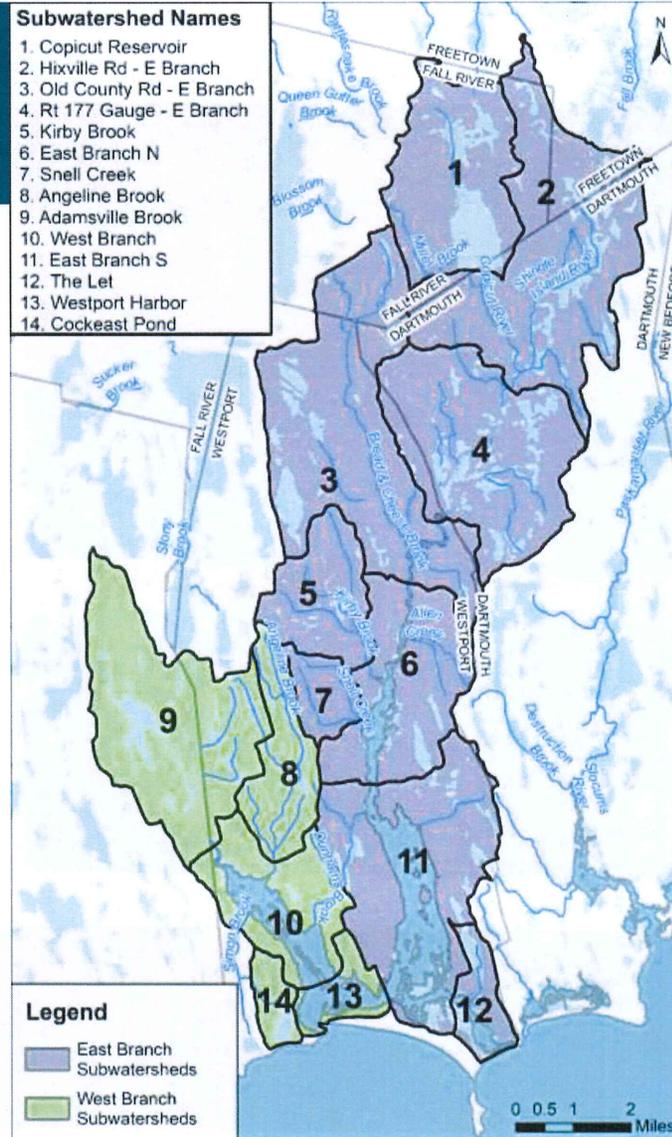
October 7, 2020



# What We Learned

## Westport River Watersheds

The Westport River system flows in two branches through the Town of Westport and surrounding communities.



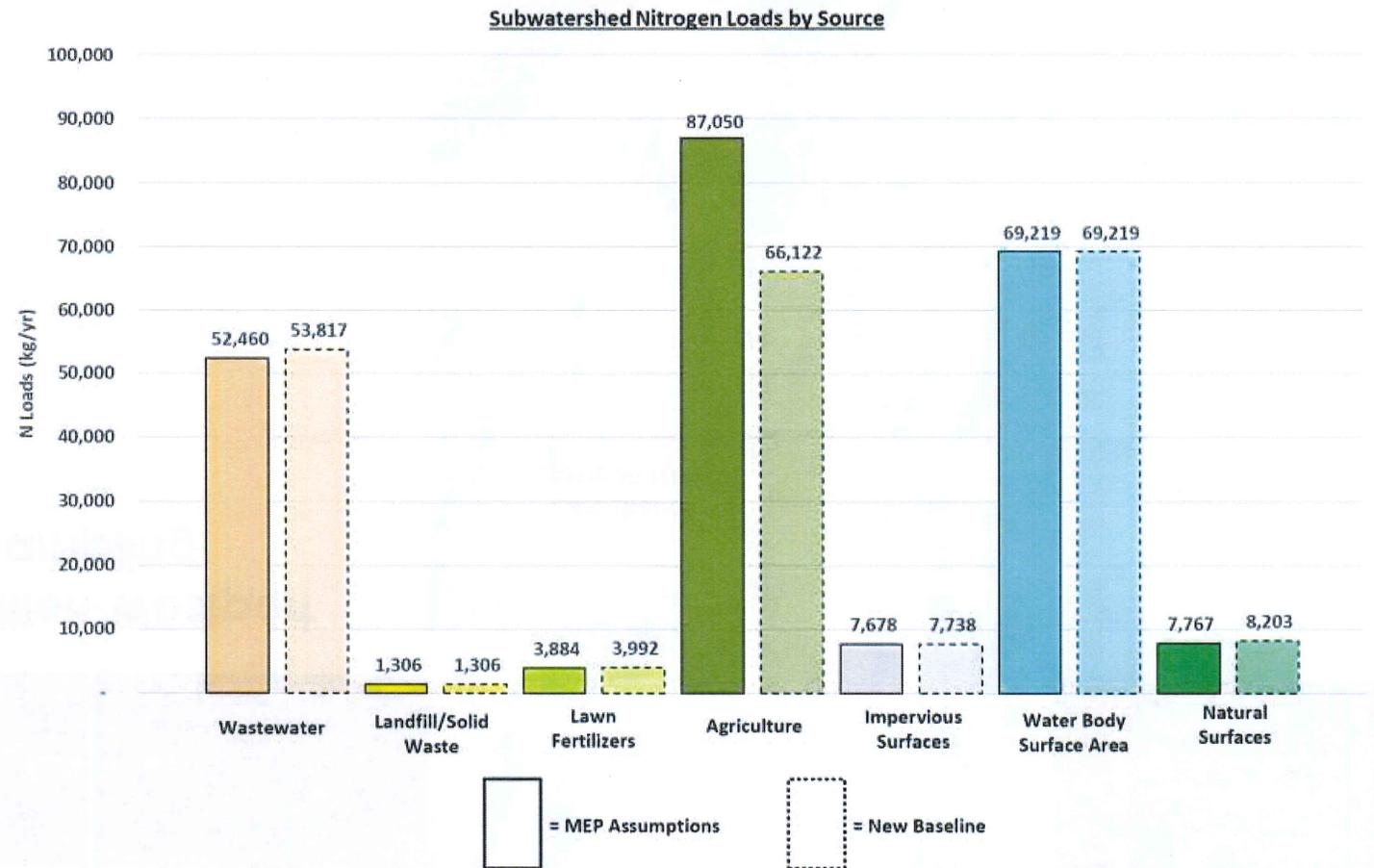
## What Are We Doing?

- **Planning**  
Continue planning and seeking grants to advance report goals
- **Designing**  
Advance the design of the first section of the Route 6 sewer
- **Collaborating**  
Work with Town and Regional agencies to implement report recommendations



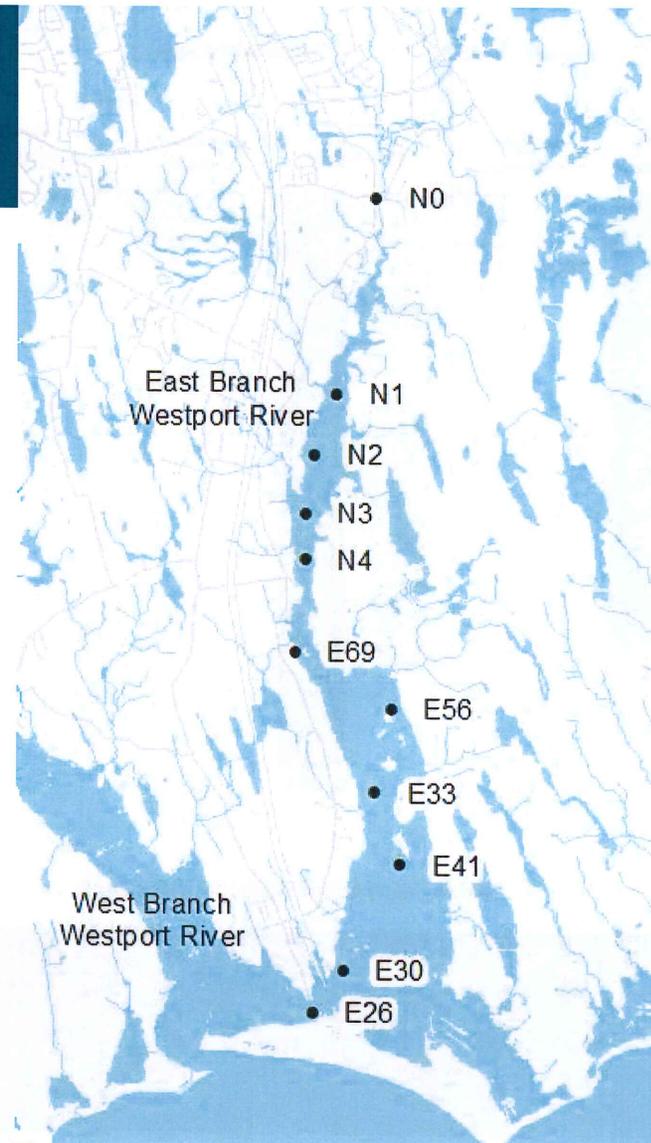
# What We Learned

## Comparison of Nitrogen Loads by Source for Each Subwatershed from MEP to Updated Baseline



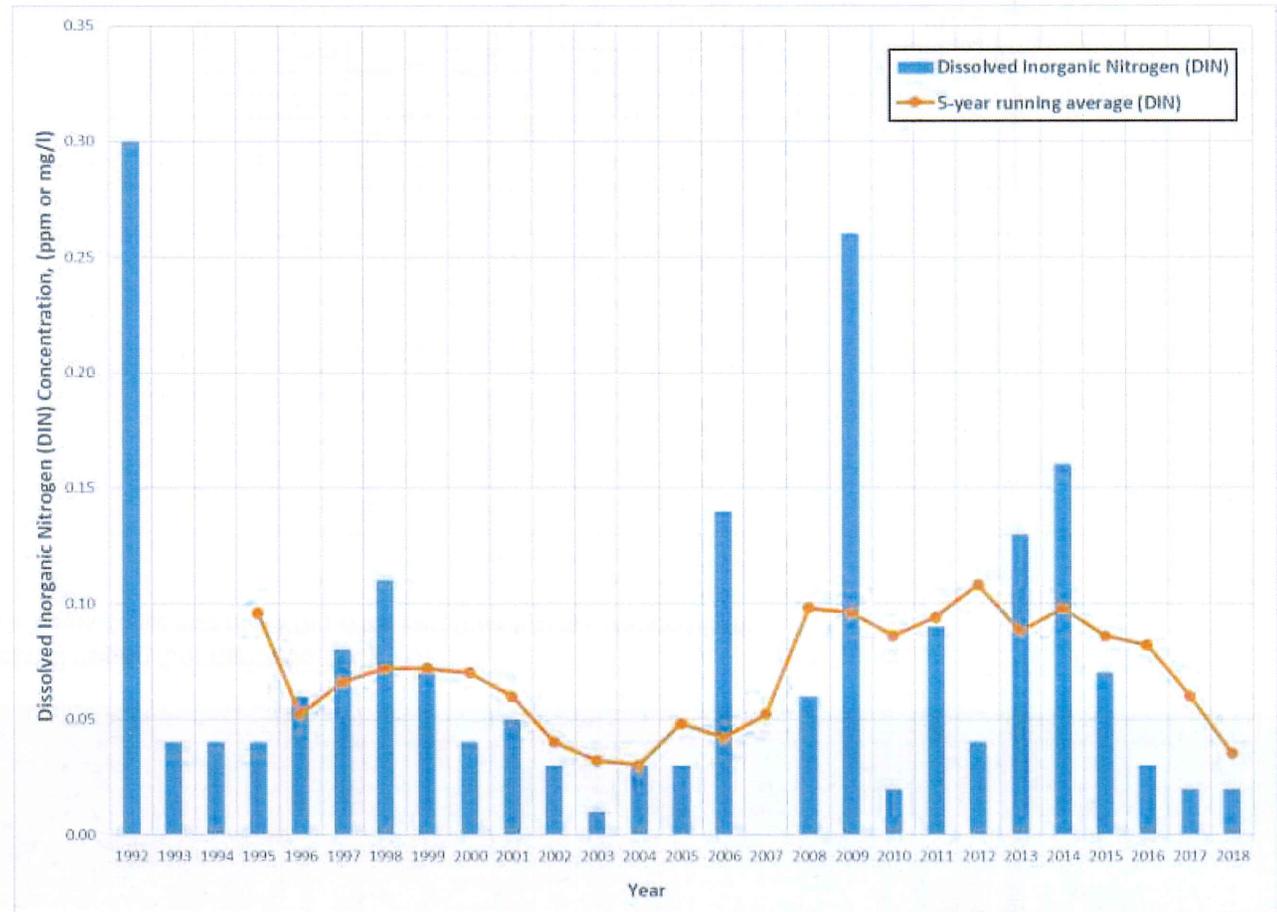
## What We Learned

### Buzzards Bay Coalition Westport River East Branch Sampling Stations



## What We Learned

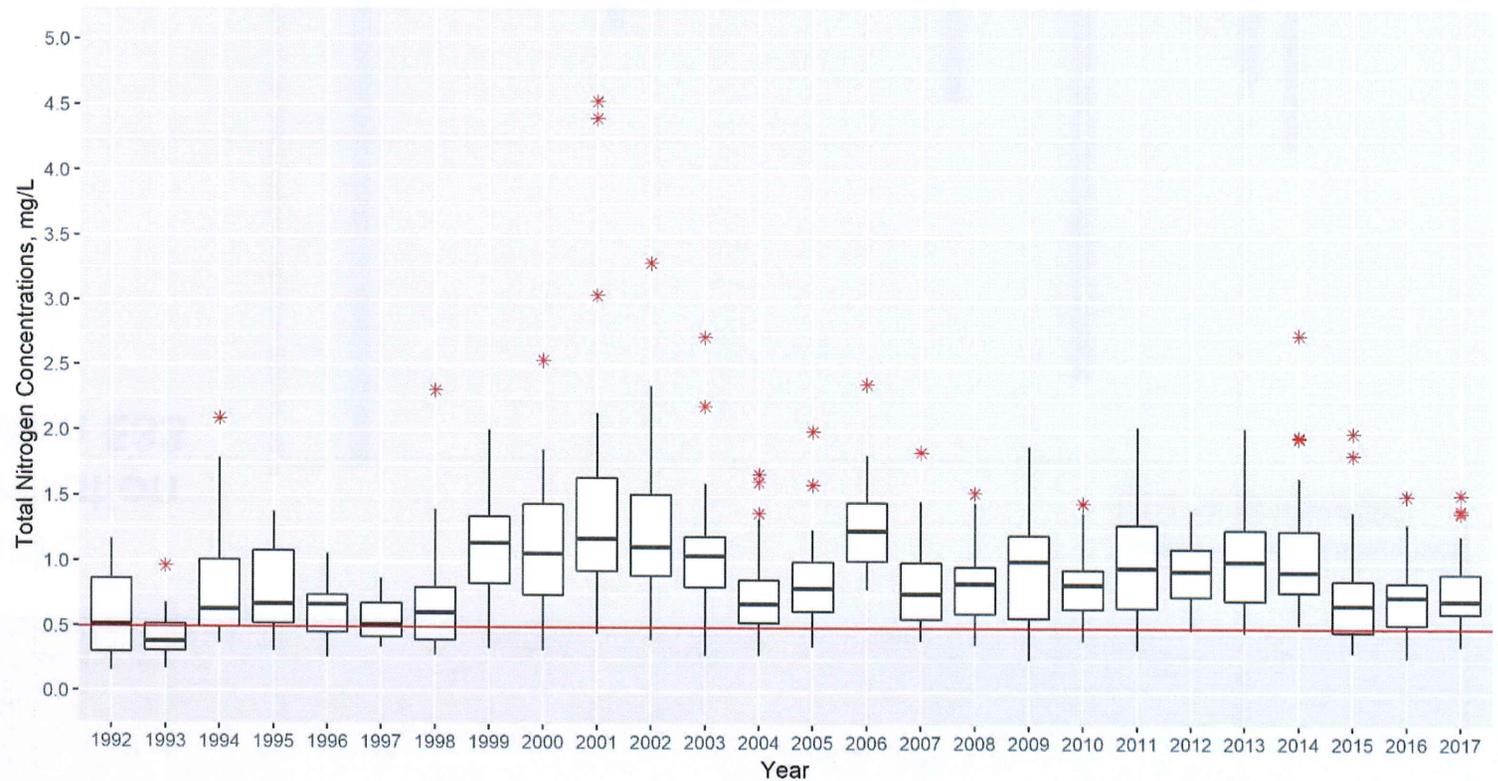
### Dissolved Inorganic Nitrogen Concentration for Sampling Station E33



# What We Learned

## Boxplot of Total Nitrogen Concentration Compared to TMDL Target (0.49 mg/L)

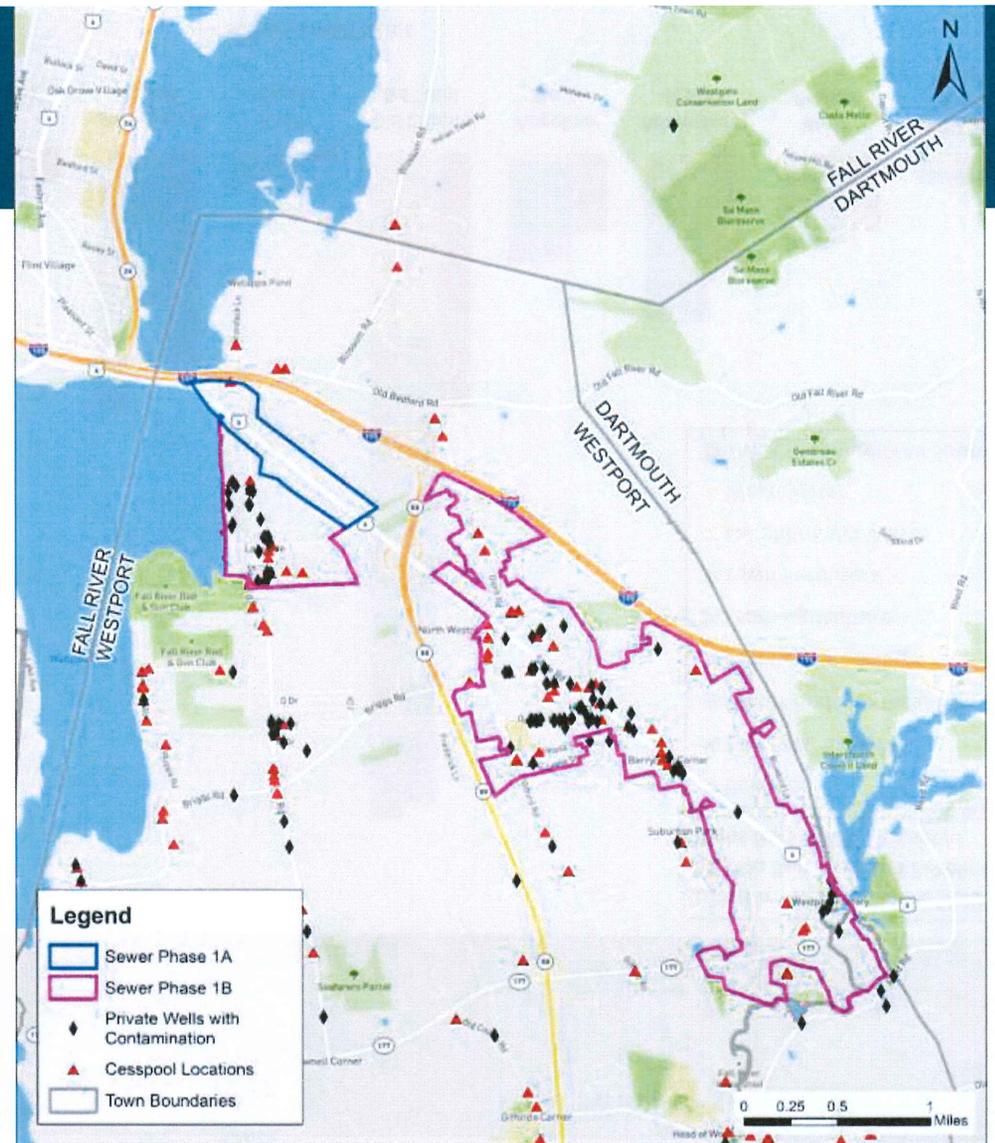
Boxplot of Total Nitrogen Concentrations by Year Compared to the Target Concentration (TMDL) in the East Branch of the Westport River



Source: Buzzards Bay Coalition Data (1992-2017)

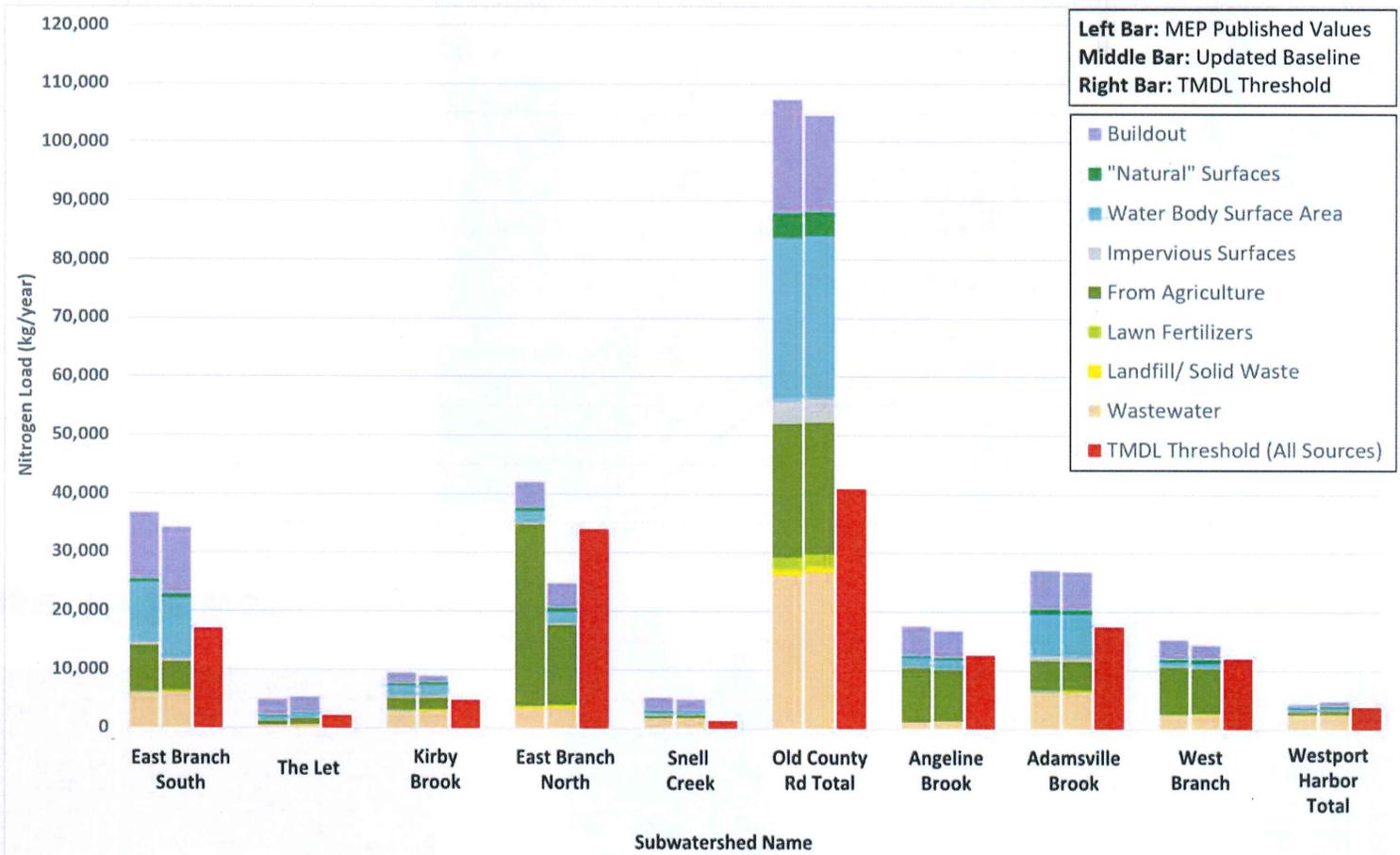
# What We Need To Do

## Phase 1A and Phase 1B Sewer Boundaries



# What We Learned

## Comparison of Nitrogen Loads by Source for Each Subwatershed from MEP to Updated Baseline

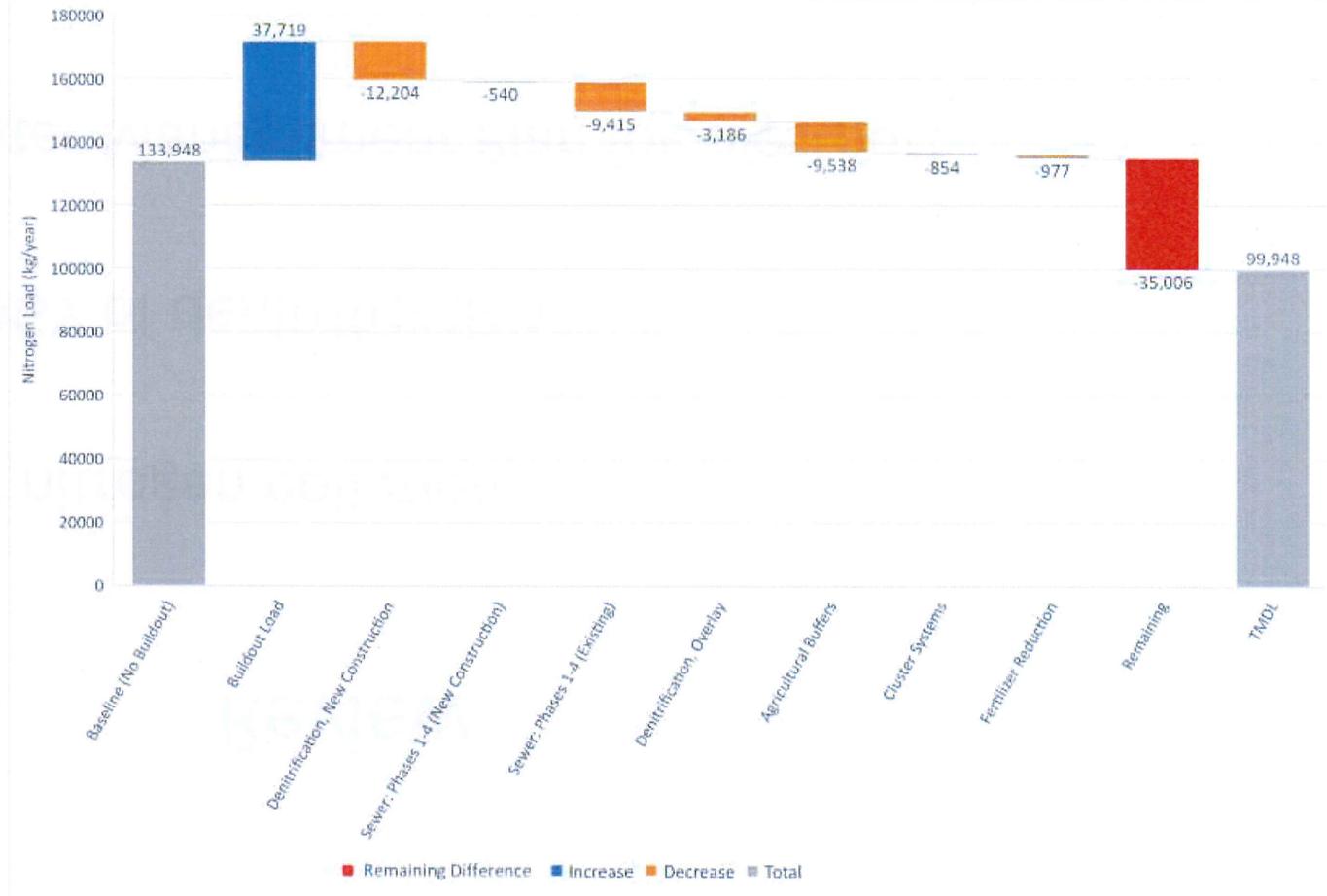


# Review

- The **SCIENCE** of nitrogen pollution
- The **TECHNOLOGY** of denitrification
- The **PLAN** – Water Management Plan for Westport
- The **NEXT STEP** – New Septic Regulation

# What We Need To Do

## Estimated Nitrogen Load Reduction for Alternatives Including Buildout (20-40 Years)



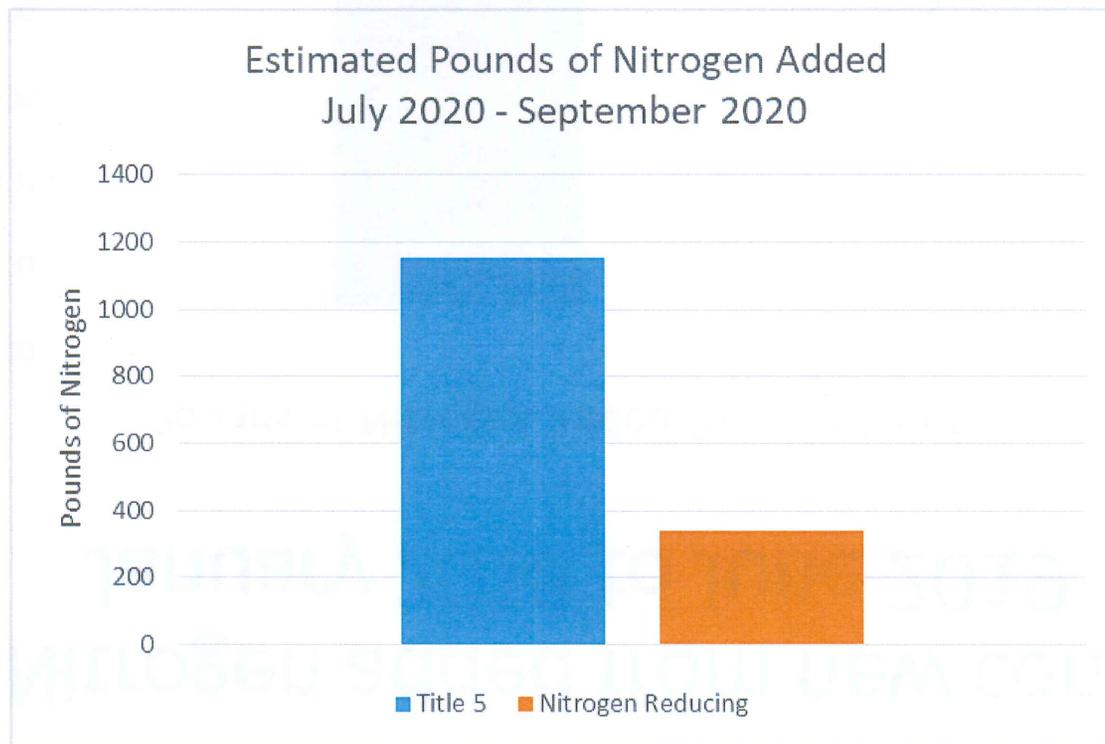
## Proposed Regulation – Key Elements

- Requires denitrifying septic systems for new construction
  - New construction is defined as new building or increase in flow (i.e., adding a bedroom) – NOT adding a deck or sunroom
- Phases out cesspools
- Sets performance standards for denitrification systems
  - Consistent with state standard of 19 mg/L
- Affirms requirements for Operation & Maintenance of denitrification systems
  - Consistent with state standards
- Allows Westport to participate in Barnstable County online I/A tracking system

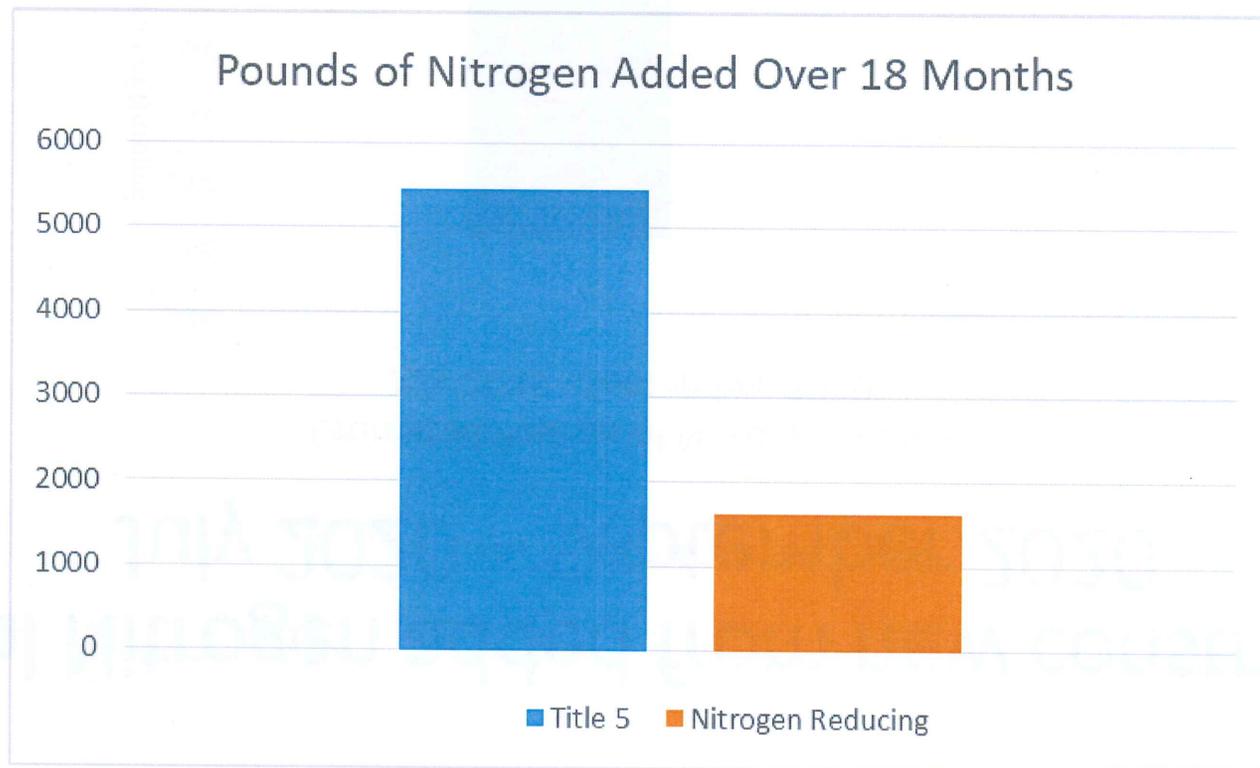
## How did we get here?

- **2002** Westport River added to federal 303d list of “dirty” waters
- **2017** Total Maximum Daily Load (TMDL) for Nitrogen in the Westport River finalized – requires 71% reduction in septic load
- **Fall 2017** Water Resources Management Committee drafts first attempt at regulating septic load; various meetings occur
- **2019** Board of Health revives the draft regulation
- **2020** Targeted Integrated Water Management Plan is released after community engagement meetings and extensive stakeholder input
- **Today** BOH sponsors information session & plans public hearing for regulation on October 29th

# Annual Nitrogen added from new construction July 2020 – September 2020



# Annual Nitrogen added from new construction January 2018 to June 2019



## Nitrogen Reducing Systems - Costs

- Average Cost to add a Nitrogen Reducing Septic System to a new conventional system is between \$4,700 and \$9,000 depending on the technology selected
- If it costs about \$200 per Square Foot to build a new 1800 to 2200 Square Foot Home in Westport
- The Nitrogen Reducing Septic System will add less than 2% to the cost to build a new home
- Small cost to reduce nitrogen by 50% or more

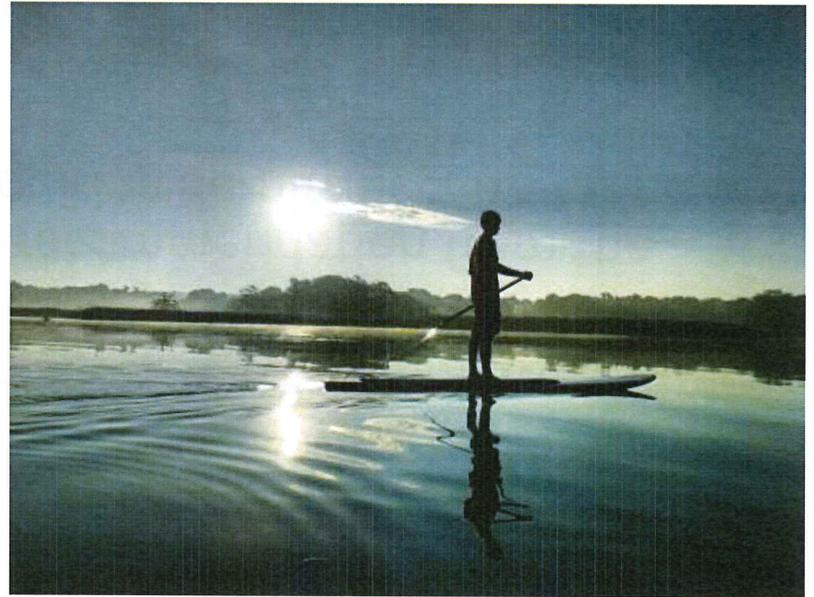
# Cesspools

- Cesspool is a pit lined with cement or stone that does not filter or treat the wastewater
- Cesspools have not been allowed to be installed since before 1978, so they existing ones are over 40 years old
- Westport still has hundreds of these out-of-date cesspools, often on small lots and often in the water table – which poses a risk to nearby drinking water wells
- Since cesspools don't treat the wastewater, they have a disproportionate impact on N load to groundwater & the watershed

## Summary of Points

- New septic regulation will help town achieve TMDL (mandatory target for nitrogen reduction)
- The regulation will implement a Tier 1 recommendation from the town's Water Management Plan by requiring de-nitrification for new construction
- The regulation will NOT affect existing standard Title 5 systems, only new construction and out-of-date cesspools
- New regulation will increase protection to Westport's drinking water wells and its beautiful waterways

# Goal – Clean water for drinking & in our river



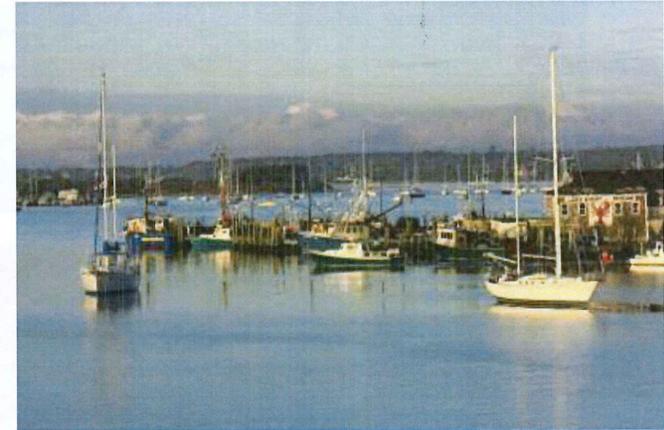
Send comments & questions:  
[health@westport-ma.gov](mailto:health@westport-ma.gov)



Photo courtesy of Greg Stone

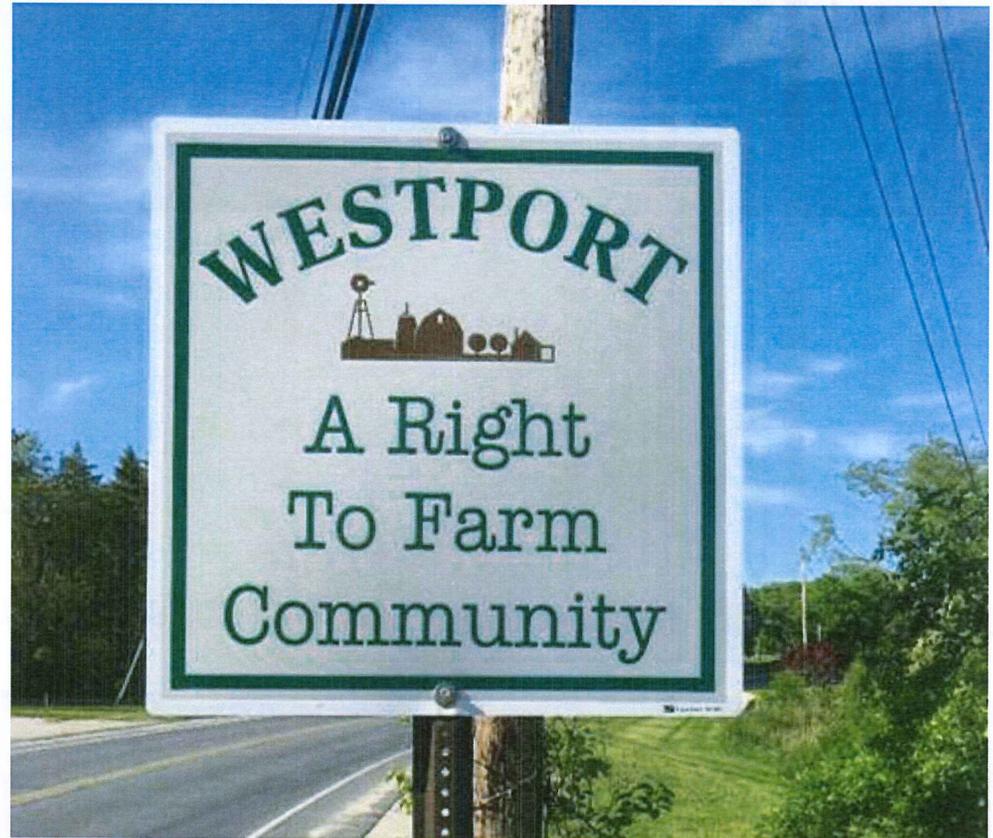
## What Did We Do?

- **Update** the watershed model for today's land uses and water quality data
- **Engage** public comment on our findings
- **Produce** a Plan for the way forward



## What Did We Learn?

- Excess Nitrogen is **impairing** water quality
- 50% of nitrogen load is from **agriculture** and 50% from **septic** systems
- With changes in farming and continuing residential development, the load is **shifting** toward on-site systems



The Regular Meeting of the Board of Health convened at 6:01 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chairman  
Philip Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19): There have been a total of 153 cases, up from last week's numbers with 133 recovered. There is no information why the spike in numbers. She urged all to be careful of what they do and to continue to wash hands.
2. Breast Cancer Awareness Month. Ms. Pierce explained the symptoms to look for in abnormal breasts and additional information to include a monthly breast self-examination. There is additional information available at the nurse's office at the Annex.

### **DIRECTOR**

1. Written Report. No comments.
2. Update
  - COVID-19. As reported earlier by Ms. Pierce in the nurse's report.
  - Board of Health. Staff is continuously busy with work; there have been many complaints of persons not in compliance with COVID19 requirements.
    - Harbor Inn: Mr. Armendo noted the perc is scheduled for later this month and that the owner is not living on site; a conventional system is planned.
    - 222 Brayton Pt. Rd: There are no rentals and owners are only using this as a 3-bedroom home. The plans were worked on by SITEC, but the company was recently sold and there was an interruption.
    - Halloween: DPH and the Governor issued guidance along the lines of CDC guidance - suggesting grab and go with candy on a platter not a bowl, hand sanitizer, and outside activities are preferred to name a few. A costume mask is not suitable as a face covering and a face covering should be added to the costume mask. Other guidance included is that it is up to the local Boards of Health to issue additional guidance.
    - BBNEP Grant – The application was submitted last week and shared with the members.
  - Transfer Station. Operations are running well, no issues.
  - Nurse. As reported earlier. The department is busy and Ms. Amaral is assisting when she can.
  - Animal Control. No issues to report. The staff is back to their normal 30 hour a week schedule.

**MINUTES**

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1. Sept. 14, 2020. No further action; minutes were previously approved; amendment is shown.
2. Sept. 28, 2020. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Board Member Updates:
  - Ms. Ryden also noted the BBNEP grant was submitted for \$13K total for the operations and monitoring user fees if the Board joins the Barnstable County on line tracking system for denitrifying and alternative septic systems. Representatives from Barnstable County will be on the October 26 agenda to discuss their program and how it works. If the BOH gets the grant or not, and assuming the regulation passes, that gives the Board of Health the ability to join.
  - Mr. Weinberg stated that there was a meeting including members of the Planning Board and himself with the Buzzard Bay Coalition regarding a grant to look at shared systems at the Let and Cadman's Neck as discussed in the Integrated Plan. The main points were to use efforts to get community representatives on a steering committee and concern that they did not want those communities to feel like a decision had been made in advance of their participation. These communities were selected as examples of a type of solutions where you have concentrated population, which have the problems such as well contamination as discussed. There will be some outreach and there was discussion on how the grant would be funded. He also noted that the RFP is under development.
  - Ms. Amaral stated she submitted the health notes to Shorelines. She stated that she provided survey information at the Special Town meeting and around Town as well. She said she made a connection with Thomas Aubin, Principal of the High School and Acting Assistant Superintendent who expressed public health issues regarding students and families. Mr. Aubin is very enthusiastic in working with her and the BOH on any events that impact students. Ms. Amaral said she also made a connection with Chief Pelletier who spoke about issues of addiction. She told him that she also wanted to work with the police department around those issues as well. Safety is a public health issue and he was quite supportive on collaborating on any future endeavor. Ms. Amaral wanted to pass on that she continues to work on making connections in the community to work on public health related to any mental health, substance abuse and any other issues related to public health where the BOH can coordinate with other services in Town.
3. Follow Up From 10/07/20 Information Webinar. Ms. Ryden stated the slides and video from the webinar are on the BOH webpage. No further written has been received as of this afternoon.
4. Proposed Septic System Water Resource Protection Regulation Discussion. The Public Hearing is Oct 29 at 7pm. The draft is available to the public and the Board is still seeking input from the public. Members provided their comments. **MOTION** by Ms. Ryden to adopt the draft as the public draft for the public meeting on October 29. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
5. Need Correction to Motion on Waiver Approval for 272 Brayton Point Road from the 9/28/20 meeting. The Board in incorrectly approved a 2-bedroom deed restriction and it should have been

a 1-bedroom deed restriction. **MOTION** by Ms. Amaral to correct the 2-bedroom deed restriction to a 1-bedroom deed restriction. Seconded by Ms. Ryden. The vote was unanimous in favor by roll call.

6. Meeting Schedule: Selectmen's Schedule Changed Starting Dec. 2020 through Calendar Year 2021. **MOTION** by Mr. Weinberg to approve the revised calendar through 2021. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

### **SEPTIC PLAN REVIEW**

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1. 969 Sodom Road (M-60/L-50; sf-60,345) Stephen Pettey, 3-Bedroom Repair, Stone Bed. **MOTION** by Ms. Amaral to approve the plan. Seconded by Ms. Ryden. The vote was unanimous in favor by roll call.
2. 499 Drift Road (M-53/L-6; 1.8ac) Cynthia Bauman, 3-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to approve the plan. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
3. 297 Howland Road (M-88/L-112; 6.5ac) C K Beach Club, 87 Bath house Repair, Quick-4 Standard Infiltrator Bed. **MOTION** by Mr. Weinberg to approve the plan subject to ConCom review and approval and compliance with DEP remedial use. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
4. 127 Brayton Point Road (M-88/L-40; sf-11,717) Moss Home Solutions, 1-Bedroom Repair, 2 Flow Diffusor Bed. **MOTION** by Ms. Ryden to continue to the next meeting on 10/26. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.
5. 110-B Pettey Lane (M-72/L-42; sf-9,014) Gerald Coutinho, 2-Bedroom Repair, Quick 4 Infiltrator Bed with Singulair TNT 500. **MOTION** by Ms. Amaral to approve conditional on a 2-bedroom deed restriction, an I/A deed notice, compliance with DEP approval of I/A technology and operations and maintenance Agreement. Seconded by Ms. Ryden. The vote was unanimous in favor by roll call.
6. 273 Brayton Point Road (M-88/L-54; 41ac) Bruce Clarke, 4-Bedroom Repair for Component Replacement and Connection. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.
7. 101 Pettey Lane (M-73/L-50; 2.54ac) Julia Van Noppen, 4 Bedroom to 5 Bedroom Upgrade, Infiltrator Quick 4 Chamber Bed. **MOTION** by Mr. Weinberg to approve subject to DEP approval of I/A technology. Seconded by Ms. Ryden. The vote was unanimous in favor by roll call.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**APPOINTMENTS**

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**6:30pm – Title V Waiver Hearing: Wendy Henderson for 8 Richard Road, Applicant James Zajac, 2 Bedrooms (10,000sf), Singlair Green Bio-Kinetic/Chamber Leaching Bed.**

Variances requested:

- Setback to roadway, 8' vs. 10'
- Setback to cellar wall, 16' vs. 20'

**MOTION** by Ms. Amaral to approve plan dated 9/11/20 conditional on a hold harmless agreement, operations and maintenance agreement, compliance with DEP approval letter, a 2-bedroom deed restriction and an IA deed notice. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

**6:40pm – Title V Waiver Hearing: Mark Rodrigues for 10 Keith Drive, Reena Pasricha, Trustee, 3 Bedrooms, Quick 4 Standard Chamber Bed.**

Variance requested:

- 12' reduction in separation in inlet and outlet

**MOTION** by Mr. Weinberg to approve plan dated 9/26/20 conditional on a hold harmless agreement, and ConCom approval. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

Upon further discussion, later in the meeting, Mr. Weinberg amended his motion to the following:

**MOTION** by Mr. Weinberg to approve plan dated 9/26/20 conditional on a hold harmless agreement, ConCom approval and compliance with DEP standard approval for alternative soil absorption systems. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

**6:50pm – Cont'd Discussion from 9/28/20: Len Potter for 28 Mt. Pleasant Street, Additional Square Footage on a Non-Accepted Road.**

Mr. Armendo stated that Town Counsel was not able to get back to him for an opinion.

Mr. Potter felt that the Derelict Fee statute applies as done before. Ms. Ryden asked for Town Counsel opinion and felt it was important to have it. The owner's closing is October 30. Ms. Ryden suggested waiting for Town Counsel's opinion and review at the next meeting, which is scheduled before October 30.

**MOTION** by Ms. Amaral to continue to October 26, 2020 at 7pm. Seconded by Ms. Ryden. The vote was unanimous in favor by roll call.

**7:00pm – Cont'd Title V Waiver Hearing from 9/28/20: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2 Bedrooms (7,492sf), Quick 4 Infiltrator-Engineer to Request Another Continuance.**

**MOTION** by Ms. Amaral continue to November 9, 2020 at 6:30pm. Seconded by Mr. Weinberg. The vote was unanimous in favor by roll call.

**MOTION** by Ms. Amaral to adjourn at 7:42 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). There are 181 positive cases and 20 cases are pending right now. This is an increase from 164 last week. She urged all to continue wearing masks and washing hands, it is the best we have right now. There are still flu shots available

### **DIRECTOR**

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1. Written Report. No comments.
2. Update
  - COVID-19. The numbers have spiked. Mr. Armendo stressed masks and washing hands.
  - Board of Health. Mr. Armendo proposed that he review plans that do not require board input. He would later list in his report what plans were approved. Mr. Weinberg asked that something be reflected in the minutes or on some documentation for a record of it.
    - \* Harbor Inn – Perc completed. The applicant is on track. November 2 is the due date for submission of a plan.
    - \* Halloween. Mr. Armendo stated Westport should use their own discretion – be outside not indoors. He gave suggestions on how to be safe. A costume mask is not a substitute for a mask.
    - \* Mr. Armendo reminded listeners where the Sharps Kiosk is inside the building and NOT in the outside drop box. He asked people to contact the Nurse to accommodate after hours.
  - Transfer Station.
  - Nurse. As listed above.
  - Animal Control. Mr. Armendo noted the feral cat population is exploding. He suggested having Ms. Lambert address the Board once a month to brief them on their activities.

### **MINUTES**

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Oct. 14, 2020. **MOTION** by Ms. Ryden to approve. Seconded by Ms. Amaral. The vote was unanimous in favor by roll call.

### **OTHER BUSINESS**

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1. Pump Reports. Noted.

2. Board Member Updates. None.
3. Proposed Septic System Water Resource Protection Regulation Discussion. Ms. Ryden briefly reviewed the arguments. Much consideration will be made for a hard date for cesspool conversion. Discussion ensued.
4. Community Betterment Loan Program. Ms. Ryden explained the loan program for failed septic systems and upgrades. The Board had proposed a two-tiered interest rates: 4% for conventional systems and 2% for de-nitrifying systems. She noted that the Treasurer has authority by statute to set the interest rate. The Board of Health stated that the Board adopted a two-tiered interest rate to be able to provide incentive for the denitrifying systems.

Town Treasurer, Susan Brayton checked with the State: there no provision for a tiered rate. She said the rate is 4% as the Town is looking at borrowing for 2% and it is typical to increase by 2%. Ms. Ryden stated that the Board has non-arbitrary rational to establish 2-different rates to give people an incentive. She said the attorney she spoke with discourages several rates unless there is a good reason to do so. Ms. Ryden said it is not a capricious request.

Ms. Williams who administers the betterment program: The average de-nitrification system is \$35-38K and there are 4 out of 8 completed and 3 more out of 6 that are de-nitrification systems, plus a few more that the application is pending return. The total \$345K covers 12 total systems, with \$155K remaining. Members proposed asking DLS for clarification on the rate and the statute not prohibiting different rates above the borrowing rate. Ms. Brayton is amenable to discussing this further with DLS.

## SEPTIC PLAN REVIEW

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1. 157 Blossom Road (M-2/Lot 9; 31,230sf) DBLA, LLC, 4-Bedroom Repair (Existing 5B) Presby System. **MOTION** by Mr. Weinberg to the next meeting for MFC review. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
2. 19 Gifford Road (M-23/L-28A; 28,376sf) Sanford Goldstein Rev. Trust, 3-Bedroom Repair, Flow Diffusor Bed. **MOTION** by Ms. Ryden to approve plan dated 9/20/20 subject to a 3-bedroom deed restriction. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
3. 852 Drift Road (M-54/L-46; 8.5Ac) Richard Moniz, 3-Bedroom Repair, Stone Bed. **MOTION** by Mr. Weinberg to plan dated 10/9/20. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
4. 50 Forge Road (M-28/L-20M, 20L; 4.1Ac) NDS Realty LLC, Commercial Repair-Components Replacements. **MOTION** by Ms. Ryden to approve plan dated 9/23/20. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
5. 570 River Road (M-87/L-87; 62,029sf) Ann Masse (applicant) 4-Bedrom Upgrade, Quick 4 Infiltrator. **MOTION** by Mr. Weinberg to approve plan dated 10/5/20 subject to ConCom approval. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
6. Rita Lane Ext. (M-42/L-1/SL-18; 60,100sf) Twin Pines Westport Realty, 4-Bedroom New Construction, Stone Bed. **MOTION** by Ms. Amaral to approve plan dated 9/16/20 subject to ConCom approval. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

7. Rita Lane Ext. (M-42/L-1/SL-19; 60,100sf) Twin Pines Westport Realty, 4-Bedroom New Construction, Stone Bed. **MOTION** by Ms. Amaral to approve plan dated 9/16/20 subject to ConCom approval. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
8. Rita Lane Ext (M-42/L-1/SL-20; 60,144sf) Twin Pines Westport Realty, 4-Bedroom New Construction, Stone Bed. **MOTION** by Ms. Amaral to approve plan dated 9/14/20 subject to ConCom approval. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

### **APPOINTMENTS**

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#### **6:20pm – Title V Waiver Hearing: David Davignon for 9 Velvet Avenue, (2-Bedroom; 4,800sf) Bottomless Sand filter.**

The water tests were just returned. This is a small lot with little room. After discussion, Mr. Armendo provided his comments for the system in this very tight site. There will be a poly membrane barrier between system and garage; as part of the Bottomless Sand Filter, it will be lined along the entire interior of the wall.

Variations requested:

- Setback from SAS to site well, 43 ft. vs. 50 ft. min.
- Setback from SAS to garage, 8 inches vs. 10 ft. min.
- Setback from leach area to cellar, 6 ft. vs. 20 ft. min.
- Setback from leach area to south property line, 5 ft. vs. 10 ft. min.
- Setback from septic tank to site well, 38.7 ft. vs. 50 ft. min.
- Setback from abutting well to pump chamber 32 ft.
- Sieve analysis acceptance in lieu of a percolation test,

**MOTION** by Ms. Ryden to approve the variances for the plan dated 8/27/20 for a local upgrade conditional on a 2-bedroom Deed Restriction, a Hold Harmless Agreement, 3-years of site well testing, I/A deed notification, BOH standard condition for alternative systems, compliance with DEP approval letters for BSF and Singular systems and submission of the O&M agreement and owner's acknowledgment. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

#### **6:30pm – Discussion: Emily Michele Olmsted & Tracy Long of Barnstable County Health Dept. for Online I/A Tracking System.**

Ms. Olmstead provided an overview of the 24/7 system for all to access and how the data is stored and used. This system would be very useful at tracking I/A systems and their operation and management.

**7:00pm – Discussion: Len Potter for 38-A Palmer Lane, Zoe Chace, Nitrate Issue.**

Mr. Potter stated there are no variances. The 3-bedroom house is on a small lot. The house is only used May through September. The cesspool is in failure. The lot is 1,900 feet shy of the minimum 30,000 sq. ft. He said based on the home being vacant he is asking for a variance. The Board considered the MFC and felt that a water test would be in order and continued the hearing two-weeks from now.

Ms. Ryden **MOTIONED** to continue to a 4-week continuance, November 23, conditional on well test results. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:10pm – Cont'd Discussion from 10/14/20: Len Potter for 28 Mt. Pleasant Street, Additional Square Footage on a Non-Accepted Road.**

Ms. Ryden suggested approving the project as proposed conditional on response from Town Counsel indicates that lot size calculation may be used under the Derelict Fee statute could be used as proposed by Mr. Potter.

**MOTION** by Ms. Ryden to approve the 3-bedroom upgrade revised plan dated 9/25/20 conditional on a 3-bedroom deed restriction and on the response from Town Counsel. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**EXECUTIVE SESSION**

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**MOTION** by Ms. Ryden enter into Executive Session at 8:52 pm and to adjourn the Regular Meeting at its conclusion pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to: Discuss strategy with respect to potential litigation (3). Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn the regular session at 9:12 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Public Hearing of the Board of Health convened at 7:00 pm.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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The Chair announced that under M.G.L., Chapter 30A, § 20(f) the meeting was being recorded.

Ms. Ryden announced that total COVID cases as of yesterday numbered 192 vs. 164 last week and as of today; the number of cases has risen to 209. This is of great concern in Town.

### **PROPOSED SEPTIC SYSTEM WATER RESOURCE PROTECTION REGULATION**

Ms. Ryden explained how the Town got to this point. The 2020 Management plan indicates where the town should take measures to address nitrogen loading. The largest area is wastewater. The Septic load has two components: upgrading cesspools and requiring denitrification systems for all new construction. It does not affect any existing Title-V system unless the flow is expanding.

Ms. Ryden explained that cesspools would have to be upgraded at title transfer or upgrade due to failure. Cesspools do not treat septic and because of no treatment, the nitrogen load affects wells and the environment. New construction and expansion would trigger the upgrades. This regulation will help the Town achieve TMDL and will help increase well protection and its waterways.

Len Potter, Drift Road, a resident and septic installer, finds it to be too general and not specific enough. The cesspools – has no problem replacing these. Stormwater is a big contributor, yet the town is doing little to attenuate it. He described the unnecessary need for this regulation.

Robert Daylor of 1800 Drift Road spoke in support of the regulation. Cesspools have not been allowed since 1978. However, there are small lot clusters where there is evidence of well contamination. With regard to new construction, the MEP update indicated that continuing with Title-V systems; the Town will not meet the goal of meeting the TMDL standards in the waterways. The Town is working on the MS4 permit and has allowed created wetlands to treat stormwater runoff. The load from septic systems is 7 times more than from runoff. The Agricultural loads are decreasing due to the downsizing of dairy farms. There are large lots where an upgrade would have little effect on the river but the drinking water standard will be impacted on the very same lot. The Town is working to both study and implement the recommendations in the report to eliminate cesspools and use denitrification in new construction.

Valerie Bassett of 592 Adamsville Road – spoke about new construction and growing development adding to the nitrogen loading for the private wells, river and creatures that live in the watershed. She would like to see this done.

Jim Potter from 46 Jillian Way spoke in opposition of the regulation. The regulation does not speak to the findings the report provided and for the tiered plan in the report for short-term impact. He felt

setting up this regulation would not be productive and should be discussed more openly before passing a regulation.

Jim Whitin from 462 River Road. He spoke of the ability of the watershed to deal with the nitrogen input is used up. This regulation will still require mitigating other parts in the north part of town. He thought that areas that could be sewerred could be given a waiver in anticipation of that. Other cesspools should be phased out and most of them are along the river and should not wait for a title change because it could be 80 years. If there is a hardship, the Town should try to help remediate.

Maury May from Main Road. He suggested a time limit for upgrading cesspools to 2 years. He also felt that exempting Cadman’s Neck, the Let and Route 6 would be in order, based on the possible sewerding and cluster systems. He also suggested that there be a waiver for accessory apartments for family members.

Tony Vieira from 8 Kelly Avenue recommended using distance from the river (500 meters) as a threshold for when requiring denitrification and felt the cesspools should be addressed and that the town should give assistance with financing. He also noted some areas needing mitigation in addition to septic systems such as at the Head of Westport and the amount of runoff entering the river.

David Potter from 98 White Oak Run said the river quality is improving, but that does not mean protections do not need to be in place. There was discussion about not impacting residents financially while proceeding with denitrification systems. He numerated the cost of new construction. He felt that the report suggested a tiered approach.

David Cole of 2037 Main Road spoke on cost. His cost to repair with a denitrification system was \$25K. He feels the BOH should have discretion based on the location – these systems are site specific – what is needed near the river may not be further inland. He supports the regulation providing the framework and gives the BOH the discretion to enact the needs of the Town.

Bill Harkins of Gifford Road stated in 2018, the Westport Water Resource Management Committee recommended to the Selectmen that this regulation be handled as a Bylaw and I firmly believe this should be handled as such.

David Potter stated the following in the chat box:

Costs for Denitrification per TIWRMP:

New Construction - conventional \$ 18,000

New Construction - denitrification \$ 34,000

Upgrade - conventional to denite.

Costs for Denitrification per TIWRMP:

New Construction - conventional \$ 18,000

New Construction - denitrification \$ 34,000

Upgrade - conventional to denite. \$ 21,000

Upgrade - cesspool to denite. \$ 34,000

Constance Gee from River Road stated in the chat box: The purpose of denite systems is not only to clean up the river, but also to protect drinking water. Also, for properties that are far beyond the 1,700 ft. from the river (as Mr. Vieira mentioned) may be at least that close to a stream - and what finds its way into a stream will end up in the river. This needs to be a town-wide regulation. Everyone uses the toilet; everyone should help with nitrogen overloading.

David Cole stated in the chat box in response to David Potter's numbers, "I believe these are very high".

Michael P. Sullivan of 1380 Drift Road stated that denitrification systems are worth pursuing but the economic impact on residents should be considered. Mandating denitrification system is counterproductive but urged incentives to businesses and agricultural activities and better management of roadways

Matt Medeiros stated that he does not feel he should pay for this financial burden since his land is not anywhere near the river or any stream. On the river, it affects those people more than him.

Laura Hadley from 1 Narrow Ave sees challenges with complying with TMDL requirements – this regulation shifts the responsibility on to homeowners disproportionately and does not seem like the best approach. Many people want to do what they can but she suggested restructuring the regulation to provide renewable energy credits. The way the regulation is written would cause a financial burden on many homeowners.

Joe G. asked in the chat area "Would this regulation apply to unimproved lots with previously approved systems that have not yet been installed?" Ms. Ryden stated, if the system has already been approved, it is all set.

Sean Leach from Division Road suggested, "That the regulation and system names be addressed as "nitrogen reduction"; denitrification is a misleading term".

NB: Approximately 70 persons joined the remote meeting.  
Speakers were given a 3-minute time limit to make their points.

**MOTION** by Ms. Amaral to close the public hearing and adjourn the meeting at 8:00 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 1:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**Present:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **EXECUTIVE SESSION**

Members entered into Executive Session at 1:00 pm and resumed the regular session at 1:25 p.m. Pursuant to the provisions of MGL c 30A section 21(a), Chair declares an open meeting will have a detrimental effect to:

-Discuss strategy in preparation for negotiations related to non-union contracts.

### **OTHER BUSINESS**

1. Budget Review. Nurses Office: the hours above 22 hours is paid through the Cares-Act. The goal is to journal entry all the hours into the Cares-Act funds and as of January 1, 2021, the fully funded 32 hours through the department budget. Mr. Armendo noted that 98% of the work is all COVID – related at this time.

Transfer Station: Mr. Armendo stated that the budget is on track. He briefly described the mattress recycling program is very active at 55% and should be at 33%. The remainder of the operations are below or on track. Discussion ensued over the monitoring of the landfill. Staff pay, sick buy-back and longevity increased. Mr. Armendo asked for an additional \$1,000 to be applied toward the mattress recycling. Overall, the increase is \$6,300.

BOH: Staff pay was increased by 2% and an additional \$1,000 was requested in overtime. There is an increase in sick buy-back. No additional funds were requested. The total increase was approximately \$43K, which includes \$20K for the Town Nurse.

Animal Control: Mr. Armendo increased the staff by 2% and an additional \$600 in overtime. Overall \$1,660.00 total increase.

Mr. Armendo wants to elevate her position to Office Manager and that would increase her hourly rate by \$1.80/hour. He will address the Board formally.

Mr. Armendo will circulate the budget electronically and place the item on the agenda for Monday for approval.

2. Meeting with the Superintendent-Thomas Aubin. Mr. Aubin discussed the K-6 being in full-time. Since September, five (5) students have tested positive of which four (4) were remote tested positive. He said three (3) staff tested positive since September. He said the plan is to have the 7<sup>th</sup> & 8<sup>th</sup> graders next Thursday and Friday for 2 days and the following week, all grades

**Remote Participation Special Meeting of the Board of Health**

would attend for 2 days a week. The members discussed the weekly schedule. Discussion ensued especially over Thanksgiving and Christmas. Mr. Aubin would be proposing the hybrid plan tonight at the School Committee meeting. They reviewed the 3-foot guidance from the State vs. the 6-foot social distance from the CDC. The air purifiers and UV lights are coming in.

Ms. Ryden asked if there was a plan if there was a spike in cases in school. If there was 3-4 weeks of RED in the community, that is when you go remote. DCSE has said that would be applied differently – if the numbers go to 5% or 25 students, then it would go remote.

Mr. Weinberg asked if the school would be remote after Thanksgiving vacation or operating hybrid.

Mr. Aubin is asking to get the students in before Christmas and doing what is best for the kids and staff. Remote is working well. He noted that there is a shortage of substitute teachers as this age group is at risk and not willing to come in. Opening up the school will be a challenging. There are measures in place for students to scan QR codes on table in the cafeteria to enable the administration to do contact tracing. Ms. Amaral suggested involving peers to get the COVID message across and perhaps through the Medical Club. Mr. Aubin was thankful for the discussion.

3. **Septic System Regulation. Cesspools:** Ms. Ryden tabulated the comments received. She moved forward to discuss the cesspool issue. She noted that the BOH could be firmer than Title-V. There was discussion of a 5 or 7-year deadline and despite if the cesspool passes inspection. Discussion ensued over the time given to upgrade a cesspool and conditions at transfer or inspection. Conversion date was agreed to for 5 years, December 31 2025.

**New Construction:** There was much support for this. Members reviewed the points of the new construction and making it possible for persons to meet the maximum feasible compliance. Discussion ensued.

Members discussed the available dates for another meeting after hearing feedback to be able to adopt the regulation after another info session.

**MOTION** by Ms. Amaral to adjourn the regular session at 3:51 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation with the Chair announcing the meeting was being recorded and noting the meeting is remote.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Directo  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **PUBLIC HEALTH NURSE PRESENTATION**

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**Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). There are 290 positive cases and 169 cases recovered. There is a lot of contact tracing still going on. She reiterated steps to stay safe. She also reminded the members of the success of the recent blood drive and thanked all the donors.

### **DIRECTOR**

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1. Written Report. No comments.
2. Update
  - COVID-19. As noted in the nurses' report above
  - Board of Health. Mr. Armendo stated the staff is keeping up with new changes in the Governor's orders. Ms. Ryden noted there are new flyers available on the website with the governor's orders and can make these available for other locations.
    - Thanksgiving: Mr. Armendo noted there is an abbreviated flyer on Thanksgiving do's and don'ts on the BOH webpage. He reminded the members of the office hours the week of Thanksgiving. Offices work half day on the Wednesday 11/25 and closed 11/26 and 11/27. He also noted the Transfer Station hours will be slightly different with a half a day open on Monday 11/23 and normally closed on Tuesdays and Wednesdays and closed Thursday and Friday with reopening on Saturday 11/28.
  - Animal Control. ACO, Donna Lambert stated that November is Adopt a Senior Pet month and urged people to consider adopting one because senior pets are often forgotten.
  - Transfer Station. Mr. Armendo stated that he would be looking into how other towns are maintaining landfills.
  - Septic Plan Approvals by Mr. Armendo.
    - 35 Tickle Rd: 3B Upgrade (no increase in flow), ADS Arc 36 Chamber Bed, lot size 60,385sf.
    - 473 Old Bedford Rd: 4B Upgrade (no increase in flow), Infiltrator Arc 36 Chamber Bed, lot size 99,255sf.
    - 205 Reed Rd: 3B Upgrade (no increase in flow), ADS Arc 36 Chamber Bed, lot size 60,206sf.
    - 158 Sycamore Ln: 4B New Const., Stone Bed, lot size 117,962sf.
    - Rodrigues Estate Dr.: 4B New Const., ADS Arc 36 Chamber Bed, lot size 62,779sf.

- Magnolia Lane: 4B New Const., Stone Bed, lot size 82,470sf.

**MOTION** by Ms. Ryden to approve plans reviewed by Mr. Armendo. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

## MINUTES

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1. Aug. 31, 2020 reg. **MOTION** by Ms. Amaral to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
2. Oct. 29, 2020 spl. **MOTION** by Ms. Amaral to approve. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

## OTHER BUSINESS

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1. **Pump Reports.** Noted.
2. **Proposed Septic System Water Resource Protection Regulation Discussion.** Ms. Ryden stated that there was a follow-up meeting of the Board to review the public input. Other items that were edited was the effective date, proposed FAQs, variance language. Once edits are incorporated, the adoption will be next followed by working with Barnstable County  
Mr. Weinberg said when the revised draft is put out he suggested to follow contemporaneously with the FAQs so those reading the revision can see the choices the BOH made.
3. **Community Betterment Funds.** Ms. Ryden has not had a chance to follow up with Ms. Brayton. Ms. Brayton was going to the State. She will reach out to her. Mr. Weinberg asked the grant manager for how the loans were awarded and the terms of the interest. He has not had a chance to look at the figures completely. Discussion ensued.
4. **FY'21 & FY'22 Budgets.** Mr. Armendo proposed changing the budget include a change in office personnel. **MOTION** by Ms. Ryden to approve the budget subject to converting one of the clerks to office manager. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call. Mr. Weinberg asked that Mr. Armendo circulate the update to the members.
5. **Board Member Updates.**
  - Mr. Weinberg noted the Targeted Integrated Water Plan presentation and raised the BOH concern about the East Beach Trailers and the storm surge and sea level rise poses as a threat to that area. He noted the presentation would be posted soon.
  - Ms. Amaral continues to reach out to the school department and discussed COVID teaching by students for students. She said this work is for building community and she wants to continue to build a healthy community through the schools. Ms. Amaral will also discuss pandemic fatigue. Ms. Amaral suggested preparing information for new residents on how to take care of their septic systems.
  - Ms. Ryden asked Mr. Armendo regarding emergency preparedness tabletop exercise scheduled for November 17, however, he has not heard back from stakeholders and it may not go through.

## SEPTIC PLAN REVIEW

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1. 127 Brayton Point Road (M-88/L-112; sf-11,717) Moss Home Solutions, 1-Bedroom Repair, 2 Flow Diffusor Bed. **MOTION** by Ms. Amaral to approve the plan dated 8-24-20 conditional on ConCom approval and a 1-bedroom deed restriction. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

2. 177-179 Forge Road (M-33/L-12; sf-13,416) Dana Lewis, 4-Bedroom Repair, Presby System. Mr. Armendo recommended a continuance in 2-weeks, as there are additional questions. No abutter notification is required and the date is to be determined. **MOTION** by Ms. Ryden for a 2-week continuance. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

### **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

### **APPOINTMENTS**

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**6:30pm – Cont'd Title V Waiver Hearing from 10/14/20: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2 Bedrooms (7,492sf), Engineer to request a Continuance.**

**MOTION** by Ms. Ryden to continue to December 14 at 6:30 pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:40pm – Title V Waiver Hearing: Pro-Line Eng. for 217-R Tickle Road, Brian Nadeau, 3B (11,280sf) Fuji Clean CE-5 with Bottomless Sand filter.**

Mr. Berube, engineer for the applicant, gave the Board an overview of the placement of the upgrade. **MOTION** by Ms. Ryden to continue to November 23 at 7pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:50pm – Title V Waiver Hearing: Sitec for 186 East Beach Road, Jeff Bolton, 2-Bedroom, Tight Tank (10,000sf).**

This is a seasonal, 2-bedroom trailer. The tank is 2K gallon tank instead of a septic system. The variance requested is for setback from the property line 5 feet vs 10 feet.

**MOTION** by Mr. Weinberg to approve the repair and installation of a tight tank for plan dated 10-13-20 subject to ConCom review, a Hold Harmless Agreement, Compliance with OM Plan, IA deed notice limiting to seasonal use and approved design flow. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:00pm – Title V Waiver Hearing: Len Potter for 915 Main Road, Westport Lobster Co., 2 Bedrooms with Retail/Warehouse, Quick 4 Infiltrator (11,973sf).**

**MOTION** by Ms. Ryden to continue to November 23 at 6:50pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:10pm - Title V Waiver Hearing: Kevin Silva for 18 Old County Road, Jacob & Heather Grundy, 3B Stone Bed (51,081sf).**

**MOTION** by Ms. Amaral to approve the plan dated 10-3-20 for a reduction from ground water from 4 to 3 feet, conditional on ConCom approval, a Hold Harmless Agreement and that "3-bedroom" is added to the plan. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**7:20pm – Title V Waver Hearing: Civil Eng. for 23 Acoaxet St., Harbor Inn, 10 Bedrooms, Cultec C4 Field Drain, (21,432sf).**

Mr. Armendo explained the plan as there was no applicant present.

Attorney Kurt Hagstrom was present representing the applicant and stated the plan was submitted prematurely and they have to correct it before seeking final approval. He explained that there is an historic wall that needs to be assessed and Mr. Fortier is working on a revised plan to work around the wall. He stated that there is no activity on the property and not producing any effluent at this time. He stated that a perc test was performed. The owner has vacated the facility and there are no commercial activities producing any effluent. He said they have been working very hard on a 10-room plan. The BOH agent has been discussing the plan with Mr. Fortier to work out any issues.

Mr. Armendo stated that he and Mr. Swartz have been in touch with the engineer regarding the plan. Mr. Armendo stated that this is the first time that he is hearing about the historic wall, but thanked him for notifying the Board at this time.

Mr. Armendo stated that the plan was ambiguous with regards to the total rooms. He asked that the total room count be clear and not be specified as 10 commercial rooms plus one for the owner. There should be no distinction of an 11<sup>th</sup> owner's suite. Ms. Ryden stated that with 10 total rooms, some of the bedrooms will need to be decommissioned. Mr. Hagstrom stated that because the structure is historic, they plan to join rooms to maintain the 10-bedroom count.

Ms. Ryden would like to see the backup generator to be considered rather than not as it is recommended in addition to associated requirements for I/A systems.

Mr. Armendo asked to see documentation of the wall being historic. Mr. Hagstrom stated that he was not aware if the Historical Commission deemed it historical but was describing it in terms of being an historic structure. Mr. Armendo asked for documentation from the Historical Commission regarding the wall.

Mr. Armendo requested to see the bedrooms decommissioning prior to the system installation. The attorney stated that it may take more time for renovations. Ms. Ryden asked he check with his client to perform an on-site in the next 2 weeks to review that.

Mr. Weinberg asked if the altering of the leach field will affect the installation rubber membrane and the separation in the rise in the land. The Attorney stated it may, and if that is the case, they would have to revise. Title-V lists the acceptable variances and this particular setback requirement is not listed in the upgrade section. Title-V stated that if it is not listed, it needs to be treated as a formal variance and he asked they discuss this with Mr. Armendo so that it is complete at the next presentation.

Mr. Armendo requested the engineer be present at the next meeting to answer the Board's questions.

**MOTION** by Ms. Ryden to continue to November 23 at 7:10pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn the regular session at 7:41p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Special Meeting of the Board of Health convened at 11:00 am.

**PRESENT:** Tanja Ryden, Chairman  
Philip m. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **OTHER BUSINESS**

#### **Covid 19 update.**

Mr. Armendo stated that the numbers are not slowing down. The cases are 369 with 26 new cases coming in since the Selectman's meeting on Monday. He said with Thanksgiving coming, he encouraged people not to gather and practice wash hands. Ms. Ryden stated that the BOH has to turn cases over to the state Contact tracing team and they have heard from people that were not being contacted. The BOH is able to reach but people are encouraged to respond to the CTC number that calls. COVID is starting to infiltrate the town offices and many people are in quarantine due to direct contact. He recommends that people get tested 5 days after coming off of quarantine. Ms. Ryden supports that recommendation and would make that recommendation to Mr. King especially since employees are exposed to other employees and the public. Members discussed free testing in the area. Ms. Amaral asked if Mr. Armendo if the BOH knows all the people who are in quarantine and monitoring them and then getting test results. He said that the Town nurse will call and check on them. The testing is not mandatory so this is just a recommendation. The nurse is informed of all that are quarantined. The members were all supportive of the recommendation for distribution to Mr. King.

#### **Proposed Septic Regulation Discussion**

The final draft was circulated and they have been able to tweak the language around cesspools and narrow the scope of the nitrogen reducing system requirement to the Westport River Watershed and other changes to the variance provision and definitions. The effective date is February 1, 2021. This starts the 5-year clock for the cesspool requirement. The final draft, which incorporated public comment, will be posted on the website. The FAQ document has been edited. The vote to adopt will be on 23<sup>rd</sup>. Mr. Weinberg asked to put this out as a complete package of the final draft as soon as possible to give people the opportunity to review it in case there is more input. Another info session will be scheduled in December for public comment. Ms. Ryden stated she is awaiting word on the Buzzards Bay Grant. Mr. Weinberg asked if the BOH is required to send a final adopted regulation to DEP as they received a draft already.

#### **Community Septic Betterment Program**

The Town has borrowed \$500K for the program from the revolving loan fund at DEP for loans to homeowners upgrading septic systems or cesspools. From a policy perspective, the BOH had created a 2-tier program to incentivize voluntary upgrades to de-nite systems. The Town Treasurer has required the loans be at 4% instead of the 1.5% previously discussed. The BOH suggested a joint call to DLS to clarify but the Treasurer has been unable to schedule that. The interest level remains at 4% and the Town is not losing any funds even based on a tiered program. The Treasurer establishes the rate whereas the BOH defines the parameters. Ms. Ryden suggested focusing on the older Septic

betterment with \$140K as the terms of that have been satisfied through DEP and the Town has been released from the prior terms of that grant. Ms. Ryden asked if Mr. Weinberg would help develop program criteria and an article may need to be submitted at Town meeting.

Mr. Weinberg was disinclined to concede to the Treasurer's position based on the information that they have now. Based on what DEP was telling the BOH, the Treasurer requested it in writing and likewise he felt she should get it from the state in writing that the interest rate be 2% higher. From Mr. Weinberg's research, he found that they charge can be "up to" 2% more. He feels it's a really big deal for the regulation just adopted. Double the interest rate is a big difference. If not required to by law, the Treasurer will need to adjust. This does not affect the fiscal integrity of that the BOH is doing, so why charge more. Concerning the old betterment fund, interest and betterment payments are made to the general fund unless at Town meeting vote authorizes a revolving fund to take those funds in. There are \$155K left to draw on this particular funding. The Treasurer has to sign off on each of the agreement and she has not been willing to sign off on any new agreements at the lower rate. Ms. Ryden recommends leaving that alone and going forward with the old betterment funds. Ms. Amaral agrees with Mr. Weinberg and fighting for the residents. She said it is not about the Treasurer, it is about the residents and perhaps the BOH may have to refer to the BOS. Mr. Weinberg is trying to ascertain if the Treasurer is action by state law or not and that will determine the outcome for the BOH. Ms. Ryden spoke with an attorney at the Division of Local Services who said it is a recommendation not a requirement, the Treasurer has latitude, and the BOH does not have authority of the Treasurer. Ms. Amaral would like to pursue as it helps the residents. Mr. Weinberg suggested meeting with Mr. King for guidance on how to resolve this. He said this may be setting a precedent, unless there is a way to ask.

The other issue is the \$140K available from a prior grant program; the BOH wanted to target that to low income residents, no borrowing occurs and the Treasurer is amenable to a 1% rate for this.

Members will pursue the next step with Mr. King.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Ms. Amaral to adjourn at 12:19 p.m. Seconded by Mr. Weinberg. The vote was unanimous by roll call vote.

Submitted by Lucy R. Tabit, Recording Clerk

The Regular Meeting of the Board of Health convened at 6:00 pm. by remote participation

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENT**

Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

The Chair recognized a letter of praise on behalf of Animal Control Officer Nick Vidmar for attending to an injured hawk.

### **PUBLIC HEALTH NURSE PRESENTATION**

#### **Linda Pierce, RN**

Update on Coronavirus (COVID-19). There are 381 positive cases and 268 cases recovered with 105 pending – deaths remain at 6. She reiterated steps to stay safe, wear a mask and wash hands.

### **DIRECTOR**

Mr. Armendo reiterated what Ms. Pierce stated and provided a few more guidance points for the holiday week.

1. Written Report. No comments.
2. Update
  - COVID-19. As noted in the nurses' report above
  - Board of Health.
    - FY'21 & FY'22 Budgets. Have been submitted to the Administrator
    - Thanksgiving. There will be no coverage
  - Animal Control. There will be no coverage over Thanksgiving.
  - Transfer Station.
    - Loader tires – Mr. Armendo explained about the tires on the loader needing to be replaced.
  - Septic Plan Approvals by Mr. Armendo:
    - 473 Drift Rd for Paulette Kaminskis: 2B Upgrade, Quick 4 Infiltrators, lot size 62,089sf.
    - Rita Lane Ext. for Security Atlantic: 4B NC, Stone Bed, lot size 66,552sf.
    - American Legion Highway for David Coelho: 3B NC, Quick 4, with Micro-Fast Denite, lot size 82,079sf.
    - Benoit Street for Eric Carusi: 4B New Const., Arc 36 LP Chamber Bed, lot size 155,735sf.

**MOTION** by Mr. Weinberg to approve plans reviewed by Mr. Armendo. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MINUTES**

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1. Oct. 26, 2020 Reg. **MOTION** by Mr. Weinberg to approve. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**OTHER BUSINESS**

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1. Pump Reports. Noted.
2. Board Member Updates. Mr. Weinberg stated that the cluster system work group meeting is scheduled for next week with regard to the consultant decision. There has been a lot of reaching out to the residents.

The East Beach feasibility Study will also be meeting and with input from the Woods Hole and regarding the vulnerability of the East beach trailer lots.

Ms. Amaral reported that she is working with students that are organizing a few public health events. As well with the School. She completed an interview on Creative Conversations about how to deal with the pandemic during the holidays.

3. Proposed Septic System Water Resource Protection Regulation. **MOTION** by Mr. Weinberg to approve Septic System Water Resource Protection Regulation effective February 1, 2021. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

Ms. Ryden explained the process that included a public information session and public hearing and the members considered comments and modified some of the provision. The document is posted on line and an FAQ is also posted on the BOH website.

Allison J. Cywin from 135-S Cadman's Neck – asked why the Harbor area is not included in the watershed. Ms. Ryden explained that the watershed is not in the Harbor.

John Bullard spoke about the correlation with the Integrated Water Resource Management Project. He noted the cost of new construction includes a de-nitrification system. He asked to consider the cost of not having to make repairs.

No further comments.

The vote was unanimous by roll call vote.

**SEPTIC PLAN REVIEW**

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1. **177-179 Forge Road (M-33/L-12; sf-13,416) Dana Lewis, 4-Bedroom Repair, Presby System**  
Members agreed that the applicant complete the MFC checklist as this is on a very small lot. Mr. Weinberg asked if the board would require a well test, which could open a discussion for something else. Ms. Ryden did not feel a well test is required. Ms. Amaral also agreed and added there ought to be ConCom approval and a 4-bedroom deed restriction.

Mr. Armendo stated due to Presby system the separation to ground water will be 1 foot.

**MOTION** by Ms. Ryden to approve plan dated 10/19/20 conditional on a 4 bedroom deed restriction, ConCom approval, submission of the maximum feasible compliance check list, compliance with standard I/A requirements. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**TOPICS FOR THE NEXT REGULAR MEETING**

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Ms. Ryden asked to designate Barnstable County agenda as the tracking agent for the IA system. She also asked to place the Septic Betterment issue on the next agenda.

Mr. Weinberg stated that with regards to the East Beach Vulnerability Study, he requests that Mr. Armendo to ask Town Counsel what the settlement was which is relevant.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**APPOINTMENTS**

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**6:30pm – MFC Waiver-Cont'd from 10/26/20 Discussion: Len Potter for 38-A Palmer Lane, Zoe Chace et al, 3 Bedrooms (27,136sf), Engineer to discuss Nitrate Waiver.**

Water test results received today. Mr. Potter stated the Board wanted to look at water quality results – the nitrates were at 3.8 well below the 5 MPL. Mr. Armendo noted no waivers are being requested. Only compliance with I/A standard agreement would be needed.

**MOTION** by Mr. Weinberg to approve plan dated 10/3/20 subject to a 3-bedroom deed restriction and ConCom approval. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**6:40pm – Cont'd Title V Waiver Hearing from 10/26/20: River Hawk Env. for 157 Blossom Road, DBLA, LLC, 5 to 4B (31,230sf) Presby Enviro Septic Bed.**

Data was not submitted. Members continued this hearing

**MOTION** by Ms. Amaral to continue to the next meeting on December 14, 2020 at 7pm. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**6:50pm – Cont'd Title V Waiver Hearing from 11/9/20: Len Potter for 915 Main Road, Westport Lobster Co., and 3 Adamsville Road. 2 Bedrooms with Retail/Warehouse, Quick 4 Infiltrator (11,973sf).**

The proposal by the new owners is to upgrade the system from a tight tank. The proposal is to leave the tank there to receive the wash waters from the Fish Market and to tie the existing home and barn into the Quick 4 system. The home will most likely be converted to office space. Mr. Potter gave comparison of business gallons over day and residential to demonstrate the reduction in flow.

Variations requested:

- Reduction to property line, 6 feet vs. 10.
- Setback from SAS to site well, 77 feet vs. 100 feet.
- Water testing revealed nitrate levels at less than .01% and salt was high, most likely due to proximity to the roadway.

**Remote Participation Regular Meeting of the Board of Health**

**MOTION** by Mr. Weinberg to approve plan dated 10/19/20 subject to a 346 max design flow deed restriction, a hold harmless agreement and that plans are signed by the engineer. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:00pm – Cont'd Title V Waiver Hearing from 11/9/20: Pro-Line Eng. for 217-R Tickle Road, Brian Nadeau, 3B (11,280sf) Fuji Clean CE-5 with Bottomless Sand filter.**

The engineer has requested a continuance.

**MOTION** by Ms. Ryden to continue to the next meeting on December 14, 2020 at 7:10pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:10pm – Cont'd Title V Waiver Hearing from 11/9/20: Civil Eng. for 23 Acoaxet St., Harbor Inn, 10 Bedrooms, Cultec C4 Field Drain, (21,432sf).**

Kurt Hagstrom, Attorney representing the applicant was present. Engineer Ken Fortier was not present. Ms. Ryden asked if the attorney was prepared to present the plan. He stated that they would like to move forward with the plan that was presented on last Friday afternoon and was submitted to the Board previously. They are seeking a formal determination at this point. He requested the Board move along to the MA DEP in order to seek approval of their pilot program for bottomless sand filters.

Ms. Ryden stated that there has been a change in Board members and a full presentation is in order. Mr. Hagstrom was not aware of any change in Board members and asked for a continuance and to present the plan formally in two weeks at the next available opportunity.

Ms. Ryden was not prepared to grant a continuance at this time. She outlined the circumstances of where this case is and invited his legal perspective. She noted there is no technical perspective present.

Ms. Ryden stated that most recently the engineer submitted a plan for a 10-bedroom upgrade in time for the November 9<sup>th</sup> Hearing. At that time, it was not presented because Mr. Hagstrom requested a two-week continuance based upon his client indicating there was an historic wall on the property that he wanted to protect. The Board granted that continuance anticipating a plan to come back with a modification of that plan to address any concerns to the historic wall.

Ms. Ryden said this never happened because the Attorney requested a withdrawal of that plan late Friday afternoon and returned to a plan submitted in March.

The March plan was reviewed by a prior constituted Board. The Board voted in September to reject the plan because it was not designed for a 10-bedroom use and any use above that is considered new construction. A bottomless sand filter maximum capacity for 8 bedrooms for remedial use. This plan does not qualify for new construction. She believes this plan does not meet the legal requirements as an approvable plan as stipulated in the consent agreement signed between both parties as noted in provisions 12 & 13: submitting a revised or new plan to upgrade or replace the septic system serving the property to make it compliant with Title-V to the satisfaction of the Board in accordance with its increase in flow determination.

Ms. Ryden stated this plan submitted does not meet the 10-bedroom remedial design. It would have to meet 14-bedroom new construction of that is what Mr. Steinke wishes to submit. The plan submitted does not meet that and it cannot be varied by the Board and possibly DEP for new construction.

**Remote Participation Regular Meeting of the Board of Health**

Attorney Hagstrom stated that this plan was reviewed by the Board but was not formally rejected by the Board and to preserve appellate rights asked for a formal vote. He thanked the Board for their time and consideration and opined that it is the stage one is at.

Mr. Armendo asked for an opinion from Town Counsel.

Attorney Nicole Costanzo stated that it is her understanding that the plan was previously rejected by the Board and going through the prior meeting minutes will confirm this. The plan was rejected and there was a determination about whether the Board would entertain a new plan with 14 bedrooms without prior DEP approval. She stated that the Board voted that it was not going to do that. Ms. Ryden explain that well.

Attorney Hagstrom stated that they disagree that the plan has been rejected. He noted that there was never any notice of a meeting on determination on bedroom count and they have the right to resubmit any new information on bedroom count related issues. As far as they are concerned, until they have a formal rejection of a plan they have nothing on which to appeal. If the Board is prepared to reject the plan tonight, he is willing to move forward accordingly. Otherwise, they are willing to have an engineer come and present the plan to be rejected of that what it will take to preserve their appellate rights at this stage

Ms. Ryden asked for an opinion of the appellate rights brought up. Attorney Costanzo suggested that that would certainly require a legal opinion and be discussed in executive session and offered to address it now as well.

Ms. Ryden felt that the Board is at an impasse for a resubmission of a plan that cannot be approve. She suggested looking for the formal denial with reasoning. Town Counsel suggested reaffirming their vote. Mr. Hagstrom objected, there has been no formal denial of this plan.

Ms. Ryden asked Mr. Armendo if the minutes could be pulled up indicating this.

While waiting, Ms. Ryden referenced for Mr. Hagstrom's benefit the DEP approval for a waiver with regard to a plan that is before the Board tonight for a 14-bedroom BSF that is only approved for remedial use and is not eligible for new construction. There is an option for site-specific piloting.

- However, in order to be eligible for DEP approval for that kind of pilot facility, the proposed used of the system will modify or replace an existing system provided there is no increase in design flow to the system. That does not meet those requirements.
- The proposed use of the new system is for new construction or increased flow to serve a facility, which an on-site sewage disposal system in compliance with 310CMR15 exists on site. That is not the case here.
- Or for which a site evaluation for an on-site system in compliance with 310CMR15, 1-255 has been approved by the approving authority. That is not the case here.
- The proposed use of the alternative system is for new construction or increase in flow to serve a facility which has access to a municipal sewer. That is not the case here.
- The site is owned or controlled by an agency of the Federal Government and has been approved by the department. That is not the case here.

It is Ms. Ryden's understanding that the plan submitted does not meet any of these criteria to be eligible for a DEP review for piloting purposes for new construction for a 14-bedroom plan. Ms. Ryden noted this for the record in terms of if the Board should be making vote for denial tonight or an

affirmation of a previous denial. Ms. Ryden stated that the walk though happened on September 3, 2020 with Mr. Hagstrom present. Then on 9/14 the Board voted on the number of bedrooms based on occupancy and other factors as 10 bedrooms and that is the way it is advertised. On September 17, there was a special meeting and on September 28, the Board signed a consent agreement.

Mr. Armendo suggested, in the interest of saving time this evening, to schedule an executive session the next week giving enough time to go through the minutes by then. The Board could bring this back up the week after thanksgiving. Town Counsel suggested continuing to a date certain. She felt that there is confusion over the approval or disapproval of the variance application and Mr. Armendo could review the minutes. She believes that the Board may have voted to deny the plan but variance request was new and not submitted previously. Ms. Ryden stated they Board would schedule an executive session next week and continue this hearing to December 14, 2020 or schedule a special meeting. Mr. Armendo suggested December 3, 2020 at as the continuance. Mr. Hagstrom said he would have the engineer there.

Members will schedule an executive session prior to December 3.

**MOTION** by Ms. Ryden to continue this hearing to December 3, 2020 at 11:00 am. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn the regular session at 7:34 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The Board of Health convened the Special Meeting at 11:00 a.m. by remote participation.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J Armendo, Director

### **CHAIR'S ANNOUNCEMENT**

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Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.

### **APPOINTMENTS**

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**11:00 am – Cont'd Title V Waiver Hearing from 11/23/20: Civil Eng. for 23 Acoaxet St., Harbor Inn, 10 Bedrooms, Cultec C4 Field Drain, (21,432sf).**

This hearing is continued from November 23, 2020. Civil Engineering Concepts representing 23 Acoaxet Street, the Harbor Inn. The proposed plan before the Board is a 14-bedroom plan with a bottomless sand filter and an Advantex 20 advanced treatment system on a 21,432 square foot lot. Owner Andrew Steinke and his Attorney Kurt Hagstrom were present.

Ms. Ryden recited a long and complicated history: This is a resubmission of a previous septic plan submitted last spring. The Board of Health has been working with the owner of the Harbor Inn for several years to bring the septic system into compliance since 2019 under a court agreement with a deadline that was extended from April 1 to September 1 2020.

Ms. Ryden stated the plan being discussed today dates back to spring 2020 and was subject to much back and forth at that time, where the Board was unable to resolve several underlying issues and the court agreement deadline passed. Attorneys for both parties entered into discussions about steps that both parties would take towards achieving compliance. Starting on September 3, 2020, representatives from the Board of Health and the property owner, as well as Ralph Sousa, the Building Inspector conducted an on-site visit and identified 14-bedrooms, being used as bedrooms. At the September 14, 2020 Board of Health regular meeting hearing, the Board of Health reviewed the documentation to determine whether this project meets the criteria for an upgrade or whether it is deemed an increase in flow and therefore must meet new construction criteria. Based on a prior approved septic plan from 2011 that was for 10 bedrooms, a 2019 certificate of occupancy from the Building department for 10 bedrooms, a Harbor Inn postcard describing it as an historic Inn with 10 guest rooms, the Board of Health determined at that meeting and voted unanimously that the actual flow is equivalent to 10 bedrooms and that any increase in flow above 1,100 gallons per day would be treated as new construction. On September 17, 2020, the Board of Health held a special meeting with Mr. Steinke, the Harbor Inn owner, his engineer Ken Fortier and attorneys for both parties. The discussion revolved around the 14-bedroom design flow septic plan, which again will be discussed today and the criteria for meeting Title-V particularly the issues around the site constraints and the bottomless sand filter, which is allowed for remedial use only and rated for 880 gallons per day. The Department of Environmental Protection would have to approve any flows above that limit and it is unclear how the applicant would get a variance from the State for this site. Parties discussed a November 2 timeline for a revised plan. On September 28, an agreement on contempt was signed by both parties with specific process deadlines, continued cesspool pumping, a requirement that the Inn be vacated until the septic system is brought into full compliance and other terms. In particular, number 12 states that defendants

shall no later than November 2, 2020, submit a revised and or new plan to upgrade and or replace the septic system servicing the property to make it compliant with Title-V to the satisfaction of the Board and in accordance with its increase in flow determination. There are various steps in the consent agreement that the Harbor Inn has been in compliance with: the perc test and pumping etc. and they submitted a plan on November 2, 2020 for a 10-bedroom design plan with a Cultec drain field, and an Advantex Advanced Treatment Unit, which would require a local Board of Health upgrade approval but no DEP variances. They were no longer asking for bottomless sand filter under that plan. At the hearing, at which this plan is to be discussed, Attorney Hagstrom asked for a two week continuance because of what was described as a historic wall that the applicant wishes to preserve and that therefore, the plan needs revision. No documentation of its historic nature was submitted. However, the continuance is granted to November 23, 2020 On November 23, at the regular Board of Health meeting on a Monday evening, late Friday prior to that Monday hearing, the Board received correspondence from Attorney Hagstrom that the new 10-bedroom plan is being withdrawn and that the original 14-bedroom plan with a bottomless sand filter and Advantex system is being resubmitted with no updates or revisions to show how it meets the standards for increase in flow or new construction requirement nor the required documentation to meet state and/or local variance request requirements. The engineer was not present and it was agreed to continue the hearing to today for a presentation. This was the conclusion of the timeline.

Ms. Ryden asked Ken Fortier and Bill Smith, engineers for this project; give us an overview of what they are proposing and how they believe this is a sufficient submission.

Ken Fortier stated the plan back before the Board for a bottomless sand filter, utilizes an 18 by 52 foot bottomless sand filter; pretreatment involves an Orenco AX-100 recirculating media treatment pot and about 8,500 gallons in assorted tankage. The plan that we had submitted actually requested three variances from the Board of Health, only two of those are still applicable. The second variance we had requested was for a waiver from the laboratory analysis particle size determination. In conjunction with John Swartz, we conducted soil testing and perc tests at the request of the Board and obtain the samples for laboratory analysis. That waiver is no longer being requested. The two waivers requested is a variance request for the on-site well and no other wells. The second variance requested is a waiver from the 880 gallons per day for the bottomless sand filter. Their plan would be to obtain approval from the Board of Health for a bottomless sand filter subject to approval from the State and then commence with a state filing under the TRPWP64 program to obtain approval for that system. That filing has been done in other cases in the state. Mr. Fortier stated he had copies of two of those approvals, which were granted by DEP: one was for a 16-bedroom unit, and the other was for a 24-bedroom unit. Those were approved by the state under the TRP program that is the direction we were originally heading in. But, as part of that approval to the state, we needed approval from the local Board of Health and that approval would be subject to eventual DEP approval.

Mr. Weinberg asked what the "TRP" acronym meant. Mr. Fortier stated what the state uses is called Technical Approval of Alternative Technology Installation for Piloting. That is the name of the state's PRP application process. All of their application processes, most of which go through Boston and not through the Lakeville office, have various TRP designations. This one is the TRPWP64 and the full name of the application we will be submitting is Technical Approval of Alternative Technology Installation for Piloting, simply because that is the methodology that has been used in five or six other cases in Massachusetts to obtain approval for a bottomless sand filter when there are serious constraints to obtain approval for a system that is typically limited to 880 gallons per day. Mr. Fortier stated that is the description of the type of system, they would like to install, as well as our methodology for obtaining eventual approval from DEP for that type of system. He concluded the presentation offering to answer questions or concerns.

Ms. Ryden stated that the language on the plan has not been revised since the spring and it is not a variance under 310 15.402, because of the determination of an increase in flow. So, this would be a variance under 15.410, a variance at the local level because of increase in flow to existing systems shall be governed by 310 CMR 15.414. Ms. Ryden asked Mr. Fortier to address that. Mr. Fortier asked Attorney Hagstrom for some assistance.

Attorney Hagstrom, on behalf of the Harbor Inn's owner, Andrew Steinke said he had a few matters to address first with regard to the rendition of the history of this matter.

He asked the Chair if he should address it now during the presentation or save his objections to later.

Ms. Ryden stated that Mr. Fortier was asking for some guidance on how to respond to the issue about the variance.

The attorney stated the issue is as was stated previously that there has never been a formal up or down vote on the plan since March. He said they are requesting a vote on that plan to proceed accordingly. They anticipate based upon the conduct or rejection of that plan to preserve their appellate rights and move that plan along accordingly. He acknowledged a disagreement as to whether or not there is an increase in flow. He maintains that there is no increase in flow; that the 14-bedroom count that was observed by Mr. Fortier and Mr. Smith is the 14-bedroom count that the Board observed and is the same 14-bedroom count as has always existed at the Harbor Inn. He stated that this would qualify as a repair of an existing condition and not new construction.

Ms. Ryden asked how the attorney believes that this is in compliance with the consent agreement. He stated that in his opinion the consent agreement makes no mention of any remodeling to the interior of the Harbor Inn whatsoever. It is their understanding that the Inn would continue as it always had done in its present physical condition. He said it was clear that at the November 14 meeting that the Board would require decommissioning of bedrooms at the Harbor Inn. That will create a lesser room count than has ever existed but now they must change the Harbor to conform with a fictive room count that has never been the room count at the Harbor Inn. He said that it became clear at this point, they had very different understandings of this agreement and they sought to pursue their rights. At this time, they are seeking a rejection, but really just seeking permission to bring this plan to Mass DEP. He said it seems the Board does not seem inclined to allow them to see if they can get into the Mass DEP piloting program, which is the Board's right. That is fine but he said they are entitled to bring this matter along and to see whether a plan is going to be approved or rejected and then to proceed accordingly.

Ms. Ryden thank him but he continued.

Mr. Hagstrom wanted to register a few more objections as long as all of this is noted in the record. The Board's negotiation with Andrew Steinke began in summer of 2019, at most 15 months or so. With regard to his previous submission of a plan, he said the plan was submitted prematurely because of the historic wall issue. He said it was not just the wall but also the interior and exterior of the structure he is trying to preserve in its state as close to the original Harbor Inn as it could be. He said that all previous submissions of the plan being considered today have been withdrawn in an effort to negotiate with the Board. It does not seem like we are able to reach consensus or compromise and they will be seeking court intervention at this point. In order to get that intervention he needs a rejection of the plan. He asked for a vote of the plan.

Ms. Ryden thanked Mr. Hagstrom and then took comment from first Mr. Armendo, Director of Public Health who noted that Town Counsel, Attorney Costanzo had her hand up to be called on.

Attorney Costanzo stated that the Chair had asked a question about compliance with Title-V regulation and the variance or perceived variance request that was made and it seems that that question has not been answered. She said she wanted to make sure that you did not want to re-ask that question and maybe repeat it to the engineer and Attorney Hagstrom or to move on.

Ms. Ryden stated that she would gladly give the engineer or Mr. Hagstrom another opportunity to directly answer that question. I believe it is implied.

Mr. Fortier pausing because he assumed Attorney Hagstrom would be addressing this session.

Mr. Hagstrom stated that they are unequivocal, their position is that we have never submitted for a waiver or variance or any determination of bedroom count. There is no written submission at any stage of these proceedings. They have submitted plans for a 14-bedroom count and they have not submitted a plan for a lesser bedroom count. They are right now submitting a plan for a 14-bedroom count. That is what is before the Board right now that is what they asked the Board to consider and act upon.

Ms. Ryden asked how you believe this submission comports or is sufficient under Title-V, because of the Board's determination that anything above 1,100 gallons would be an increase in flow. She said there is no need to get into the mechanics of bedrooms. That is just the mechanical way of measuring flow. Various documentation was used to make the determination of the existing flow and the Board looking for how this plan meets the requirements under Title-V, given that the request for waivers are for no increase in flow under maximum feasible compliance and that is not the case here.

Mr. Hagstrom stated they requested no waiver. We just have a disagreement with the Board as to the existing flow.

Ms. Ryden asked for questions or comments from Mr. Armendo. He said that the Chair covered everything thoroughly and had nothing to add at this time. He recommend opening up questions or comments to the Board.

Ms. Ryden called on members with any questions or comments.

Mr. Weinberg asked Mr. Fortier why the design plan includes 1,000-gallon grease trap. As he understands from the plan, there is no intention to change the conditions under which the Inn operates. He asked to explain the necessity to include that in this plan

Mr. Fortier stated it was a request made by our clients. He said considering the cost of the system the owner wanted by whatever means we could try to extend its life and minimize the use of the system, and of course, a grease trap would pull out a lot of the floats that would be generated by a residential kitchen, just like a kitchen in your home. It is simply just another component in the system to try to help the system minimize the contaminants going through it and extend the life expectancy of the system as was requested by our client.

Mr. Weinberg asked if it was in his professional experience that handling gray water from a residential kitchen requires 1,000-gallon per day grease trap in order to preserve the system.

Mr. Fortier stated it isn't necessary however, it would be no different than stating, well if this type of system is required, arbitrarily a 2,000 gallon settling tank, then putting in a 3,000 gallon settling tank would offer an even more enhanced treatment than one would get otherwise, it is simply another means to somewhat oversize or over design a system to try to improve its operating efficiency and extend its life expectancy.

Ms. Ryden stated he was characterizing this as oversized.

Ms. Amaral stated with regard to what Attorney Hagstrom just said about disagreeing with the Board's decision about an increase in flow. She asked if there was a disagreement about what the Board's decision was, how could his client go forward in good faith to follow our plan in place.

Mr. Hagstrom said that their position is unequivocally that they did try to move forward with the Board in good faith and to meet all of the criteria that were placed upon them. There came a breaking point as far as negotiations go from a client's point of view, was when they were asked to decommission rooms inside of the Harbor Inn itself. He said his client is very, very proud of the Harbor Inn and the historic quality of the Harbor Inn. He wants to preserve it in its original condition and then the point of characterizing this as new construction was made. He said new construction has to occur in order for them to get the current bedroom count back to what the Board would like it to be. It simply has not been that way, it is never been the case. When it became clear he was going to have to remodel the interior of the building in order to comply with what seemed like a bedroom count we could potentially work with, there was some kind of disconnect, but they do not believe that any fault with good faith is in our hands. Again, from the very beginning, we have tried to maintain and preserve the Harbor Inn. That is the entirety of our agenda. He said from their perspective, it is the Board that has requested them to alter the character of the structure. He said he was sure the Board disagrees and that is fine. He again requested a vote, not to withdraw this plan but actually an up or down vote on the plan itself so they can move forward.

Ms. Ryden called on Attorney Costanzo because she did not remember the Board specifically discussing decommissioning bedrooms in a meeting. Attorney Costanzo stated she would have to review the meeting minutes but there was discussion between Counsel about meeting the 10-bedroom requirements to show that there were not 14-bedrooms in use and Mr. Armendo can also speak to that. But, it is her understanding that decommissioning would have meant, removing the bedroom furniture from bedrooms and simply widening the doorframe so that a normal sized door couldn't be put back on so that room couldn't be used again as a bedroom, you know, that furniture be taken out and then put in and it is used as another bedroom unlawfully, So, decommissioning isn't major interior work. Mr. Armendo did speak to it but those were preliminary discussions about what decommissioning would entail.

Ms. Ryden asked Mr. Hagstrom if the Inn was in compliance with the 10-bedrooms occupancy permit. Mr. Hagstrom said he could not speak to that at this time. He does not believe that the bedroom count of 10-bedrooms on the occupancy permit has been consistent throughout this period and there have been fluctuations with some years high as 12 and in other years it might have been 10. He said that under the most recent building inspection, 12 bedrooms were recorded in the 2020 room inspection but there have been variances throughout the years on all of the various occupancy permits, building permits by the fire department, etc. He believes the actual number of bedrooms on the premises to be controlling. They do not believe there is a dispute about the number of rooms on the premises. They believe the Board itself has observed 14 bedrooms on the premises, as well as, the engineers observed 14 bedrooms and on premises inspections were conducted in 1990, 14-bedrooms was on the premises as is. That is their position with regard to permitting.

Ms. Ryden stated that they saw 14 rooms used as bedrooms. Members had no further questions. She said the Board received various correspondence from counsel for a number of abutters. She opened discussion to the public.

Attorney Burke stated that his office Beauregard Burke and Franco represents various abutters who own property along Perch Rock Road and Macomber Lane within the subdivision, in which the Harbor Inn is at the opening of. His clients are very concerned with any expansion of this pre-existing non-conforming use. The Harbor Inn is in a residential neighborhood. There is limited parking, as is. The building department records indicate its likely 10 rooms that have been used. We are concerned that any expansion as requested from 10 rooms to 14 rooms would pose a potential harm to abutting septic systems and wells. Not to mention, all of the residents of the subdivision use the road going by the Harbor Inn, Perch Rock Road and additional traffic and parking problems when there is already inadequate parking, is a problem. He also noted, in addition to this issue of the number of rooms, they apparently are online at least advertising this business as a private club that is open there in addition to being a bed and breakfast called the Knubb Club, at which members can take an outside shower and otherwise make use of their partner property, the Harbor Inn, So their concern is that it is also an expansion of what is a non-conforming use in this neighborhood and they ask that if the Board sees fit to grant anything here that the further expansion also be addressed and prohibited because it would increase the flow and it would also cause other problems within the neighborhood. He respectfully asked that the Board not allow any expansion and that, at most, it seems like historically it has been 10-rooms and that it should not be allowed to expand beyond that and perhaps a deed restriction to limit that if something is approved here would be the appropriate way to go. He has also consulted with engineer Alan Heureux and he is on the call as well. He said if Mr. Heureux had anything to add from a technical point of view, Attorney Burke asked the Board that he be given the chance to speak to that.

Mr. Hagstrom stated he would not ask Attorney Burke to name the entirety of his clients. He stated that the Harbor Inn and Mr. Steinke are involved in a long-standing dispute with many of their abutters and neighbors with regard to an area known as Macomber Road, Perch Rock Road that was recently changed by people within that subdivision. He said just be aware there is a long-standing legal dispute that pre-exists there. Ms. Ryden stated that is not relevant to the septic plan.

Ms. Ryden then opened discussion to anyone on the phone but there were none. She asked the Board if they had any more questions or comments or if the Board were prepared to move forward to a motion. She said it was clear that the applicant is seeking a decision on the plan as presented with no adjustments to meet the standard required.

Diana Levy from 518 Drift Road near the Head of Westport, a resident for over 45 years spoke up. She wanted to put in a good word for historic conservation and preservation. Regardless of the 14 rooms, 10 rooms or the 12 rooms, she asked the if the Board would seriously consider grandfathering a historic property that is very special in spite of it being in a residential area. It has been in existence for a very long time and that the owners will conform and will get a positive approval for at a minimum, the 10-bedroom use and they can go forward as an important part of Acoaxet history.

Alan Heureux, Professional Civil Engineer, consulting for several abutters to the Harbor Inn spoke up. He wanted the record to show that the existing cesspool is failed pursuant to 310 CMR 15 3031 A7. He stated that Mr. Fortier mentioned he did a soil evaluation and the models were found at 48 inches depth and the cesspool definitely extends below that depth. So, a cesspool extending below the high ground water elevation fails to protect public health and welfare. The Board may issue local upgrade approvals, but shall not grant upgrade approvals, which include the addition of new design flows at

310 CMR. 15 and 4032. The Board may reduce the area of the soil absorption system for up to 25%, but only the department can issue a waiver to more than that and apparently the applicant is asking for 14 bedrooms and the recirculating sand filter or bottomless sand filter is approved for 880 gallons that would be a 75% reduction. He said that he appreciated Mr. Fortier pointing out the process, which the applicant intends to take advantage of with the department, but they would still have to go to the Department of Environmental Protection because the local Board cannot grant that waiver even though they are asking for it on the plan. He asked Mr. Fortier and Mr. Smith if it were possible to achieve the 100-foot setback from the on-site well. When he went from 65 feet when he proposed and then withdrew the 10-bedroom design, which had contactor units, instead of the bottomless sand filter he went from 65 feet to 90 feet, now it is on the record plan. Mr. Heureux said 90 feet close to the 100 feet and I know the Board, historically, I received a waiver for a setback from an on-site well at 1634-V Drift Road and we had to submit a hold harmless agreement, a deed restriction and three years of water testing of the on-site well. He assumes the Board would be requiring those three things, but I asked Mr. Fortier is there a reason they could not achieve the 100-foot setback from the on-site well.

Ms. Ryden acknowledge that she did not recite the history back to 2019, referenced by Mr. Hagstrom, which is when the cesspool was identified as failed and a requirement to upgrade was in place and ended up under a court process to establish a timeline to achieve that, which expired in September. It is correct that the cesspool is in failure. Just to clarify as discussed at the November 23 meeting with the Attorney Hagstrom that the DEP site-specific piloting approval process for the bottomless sand filter only envisions it in a remedial use situation. The Board reviewed the criteria, which could be permitted for new construction and it did not appear that this proposal could because it has to demonstrate it is a compliant Title-V system can be installed and various other criteria, that it did not meet any of the other criteria for review for piloting as an increase in flow. So, just to clarify that permitting process, the Board discussed at the previous meeting with the representatives from the Harbor Inn.

Mr. Fortier answered a portion of the Board's concerns as well as Mr. Heureux's questions regarding the sizing of the BSF. The size of BSF shown is the minimum for 14 bedrooms that are proposed and that places it 91 feet away from the well; 100 feet distance cannot be achieved. To do so would mean widening the BSF, as well as shortening the length, and they would be getting too close to where the ledge is and would not be able to meet the four feet of pervious soil that they would need above the ledge. We have positioned that based on the old test pits, as well as the new test pits, at the line where there is still four feet of pervious material that forced the configuration of the BSF and brought it to the 91 feet from the well. This is the reason why they are seeking the nine-foot variance. To change the configuration of the BSF, Mr. Fortier feels would jeopardize getting too close to the ledge. The only other option would be the removal of the solar panel array to reconfigure. That is why we are at 91 feet. He feels the nine-foot waiver is not a substantial waiver to seek, considering the extensive waivers that are typically given in situations where you have a small area of property.

Ms. Ryden asked Mr. Fortier about the nitrogen loading limitation as he indicated this is an extremely small 22,000 square foot lot, which with a standard 19 milligrams per liter de-nitrifying system can be accomplished up to 550 gallons per acre. This is a half-acre lot. Is there a provision if the de-nitrifying system achieves 10 parts per million or is a groundwater discharge permit being requested. She asked for an explanation of how this fits in there.

Mr. Fortier said that he assumes she is referring to the typical 440 gallon per day, per acre threshold. Ms. Ryden said yes. Mr. Fortier said this clearly does not meet that. They are working with given area of the property and what they believe to be the given bedrooms and flow of the building. This combination of system will meet or undoubtedly exceed 90 milligrams per liter. They do not meet the

thresholds for typical nitrogen reduction in a well area but they are looking at this as existing conditions best fit to solve a given problem.

Ms. Ryden asked if the system, as designed, does not meet 10 parts per million. The nitrifying seven milligrams per liter. Mr. Fortier said no, it does not.

Ms. Ryden asked what is involved in a groundwater discharge permit. Mr. Fortier asked, in terms of the permitting process into it. Ms. Ryden said that is another option to meet my nitrogen loading limitations and to explain that.

Mr. Fortier said there is a process to go through that is not typically done at this early stage in the approval process and is made part of an eventual DEP approval as in being pre-approved, subject to.

Mr. Heureux stated that for the record, he spoke with Sharon Potter at the Assessor's office and the Assessors have this property as nine rooms since the 1980s throughout the 80s 90s and 2000s. It was not until 2006, that they change their records to 11 rooms but that is just for the record. Secondly, this property is a non-conforming commercial use in a residential area. If a well, serving a commercial property serves more than 25 people, it requires that the well be a public water supply well, which Mr. Heureux is not sure if this well is a grandfathered public water supply well. He asked the engineer whether this well is a grandfathered public water supply well and if he thinks 14 bedrooms, generally Title-V assumes two people per bedroom and if there are any other people working there, would that require a public water supply well. Lastly, the setback that from a well to a septic system is one of the most important setbacks in the code and it is why it is pretty far down on the list of waivers that one can request of the Board. The most, the easiest is a waiver from the setback to a property line or to a building or things of that sort. The well, is one of the more severe waivers to be granted by the Board. Here is a situation where they could easily meet the 100-foot setback. Granted, they may need to make the bottomless sand filter a little smaller and accommodate fewer bedrooms, but that as the attorney for the Town and Mr. Armendo pointed out, would-be minor interior renovations would not affect the look of the Inn to the community and I think it is something that the Board should consider as well.

Ms. Ryden stated the well is a legitimate concern but the Board is focused on the septic plan approval or action or denial. That is what is before us today and a well discussion can proceed on a separate course.

There were no further questions.

**MOTION** by Mr. Weinberg that the Board reject the plan for the Harbor Inn Acoaxet Bed and Breakfast for plan dated February 5, 2020 and without limiting the reasons for doing that but just for the record and based on the conversation or the discussion today, the reasons being that the system design flow exceeds 1,100, gallons per day and that violates the Board's decision on the limit of design flow at 10 bedrooms and also the contempt agreement, which required a plan that was consistent with the Board's inflow determination. Because increase in flow and not remedial use can be considered new construction and therefore, it is not in compliance with the minimum setback distance provided under Title-V and 15.211, which requires 100 foot distance from the setback of a private water supply well, no waiver request was made under 15.414-on the well setback. The plan's request that the Board waive the 880 gallon limit is without merit and there is no authority for the Board, in BSF general use approval or in Title-V, for the Board to waive the 880 gallon limit and that is one of the specific requests that are made in the plan that the Board should waive the 880 gallon limit the BSF. He said he does not think the Board has authority to do that or it has not been pointed out to the Board where in the general use approval or in Title-V that the Board has the authority to waive a DEP general use

approval. He also believe that the plan does not meet the pilot permit eligibility requirements in Title-V at 15.285,2 and in our conversations with DEP about this. As an aside, it does not appear that the applicants have really discussed very much of this with DEP.

Mr. Weinberg believes they need to show that a non BSF conventional system can be installed on site in the location in order to get piloting approval, based on the Board's conversations with the DEP Boston office and the program manager and at that 1,000 gallon per day grease trap is an overdesign of the of the system and not consistent with its current use. There may be other reasons the Board could be documented. The move forward to put our denial, in writing. Okay,

**Seconded** by Ms. Amaral.

Ms. Ryden asked for a correction in the motion noting plan was originally dated 2/5 and amended 3/4/20.

Ms. Ryden stated the motion has been made and seconded for the Board of Health to reject the plan as submitted for the Harbor Inn for various reasons and without limitation beyond those that were articulated by Mr. Weinberg. Hearing no further discussion. Ms. Ryden called for a roll call vote

**The Board voted 3-0 in favor by roll call.** Roll call vote: Donna Amaral, Aye; Phil Weinberg, Aye; Tanja Ryden, Aye.

The hearing for 23 Acoaxet Street the Harbor Inn was concluded.

**TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

**MOTION** by Ms. Amaral to adjourn at 11:59 a.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk

The remote Regular Meeting of the Board of Health convened at 6:00 pm.

**PRESENT:** Tanja Ryden, Chairman  
Philip M. Weinberg, Vice-Chair  
Donna M. Amaral, Secretary  
Matthew J. Armendo, Director  
Linda Pierce, Public Health Nurse

### **CHAIR'S ANNOUNCEMENTS**

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- a. Under M.G.L., Chapter 30A, § 20(f): Meeting Being Recorded followed by the Pledge of Allegiance.
- b. The Chair suggested changing the schedule for December due to the holiday. **MOTION** by Ms. Amaral to cancel December 28, 2020 and reschedule appointments to January 11, 2021. Seconded by Mr. Weinberg. The vote was unanimous by roll call.
- c. The BOH received a federal grant for \$10,214 to support joining the Barnstable County Health Department on-line tracking system for innovative/alternative systems. Once that goes into effect, it will allow property owners to monitor mostly nitrogen reducing systems. She said the fee to do that will be waived for 2.5 years. A press release will be issued shortly.

### **PUBLIC HEALTH NURSE PRESENTATION**

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#### **Linda Pierce, RN**

1. Update on Coronavirus (COVID-19). There have been 572 positive cases since 2/1/20; 474 have recovered and the deaths remain at 6. Ms. Pierce suggested keep your distance, wear a mask and continue to wash your hands. Ms. Amaral said that distribution of the vaccine will take time especially since there will be 2 required, which means everyone will need to remain vigilant.

### **DIRECTOR**

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1. Written Report. No comments from the members.
2. Update
  - COVID-19. Armendo reiterated what Ms. Pierce stated. The BOH is very proactive and in continuous contact with the State. The situation is dynamic and always changing. As vaccine information becomes available, it will be published. COVID19 updates are issued on Fridays.
  - Board of Health.
    - Holiday Season – Mr. Armendo outlined the hours of the office and Transfer Station for Christmas and New Year: closed half day on both Christmas & New Year's Eve and full day on the two holidays.
    - Pump Reports. No comments.
  - Animal Control.
  - Transfer Station.
    - Loader tires – Mr. Armendo updated the Board that the tires were repaired on the loader.
  - Septic Plan Approvals. Mr. Armendo summarized the following:

**Remote Participation Regular Meeting of the Board of Health**

- 93 Beeden Road (M33/L64G) Thomas Rioux, 2-Bedroom Repair, Flow Diffuser Bed, lot size 22,098sf.
- Main Road (M55/L29/SL 2) Michael Stranz, 3-Bedroom New Construction, Quick 4 Standard Infiltrator Bed, 61,202sf
- 25 Richmond Pond (M88/L125-127) 5 to 6-Bedroom Upgrade, ARC 36 LP Chamber Bed, 3.02ac
- 58 Milk Ave (M17/L159-168), 4-Bedroom Repair, Stone Bed, lot size 48,000sf.

**MOTION** by Mr. Weinberg to confirm approval of plans reviewed by Mr. Armendo. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**OTHER BUSINESS**

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- 1. Community Septic Loan/Betterment update & Planning for FY'22.** Ms. Ryden summarized the funding that has been drawn to date leaving enough for one-two more that can be funded. The Board discussed accessing the \$140K remaining from the 1994 Septic Betterment program. Ms. Ryden asked to consider borrowing \$500K for another round for a next project funding, based on the amount of projects left. There have been a lot of loans in a short period of time. He would prefer letting the Community Septic Program play out. He said he should prepare a warrant article for Town meeting for a 2<sup>nd</sup> or new \$500K loan through DEP Clean Water Trust and review the language with Town Counsel to be prepared and ready for Town Meeting and in consultation with the Treasurer and the Select Board in terms of interest rate or how the program should be operated. He said the older grant could be used to help underwrite families in need and dedicate to septic repairs. This requires a separate warrant article to authorize the Board to spend that money in the same betterment program and to set terms of the interest rate. Discussion ensued over the need to begin preparing a warrant article. Ms. Amaral noted that Mr. Weinberg has done a good job organizing this.
- 2. Septic System Water Resource Protection Regulation Information Session Discussion.** The regulation was voted in November to be effective February 1, 2021. The key provisions in the regulation are the requirement for denitrification systems or nitrogen reducing systems for all new construction and the phase out of cesspools over a period of time based on certain triggers. Two actions before the Board are to formally designate Barnstable County Health Department as the agent for tracking the innovative/alternative monitoring data requirements and to schedule a public Q&A session on the regulation with a FAQ document. Once the regulation comes into effect, Ms. Ryden expects there will be more questions.

**MOTION** by Ms. Ryden to designate the Barnstable County Health Department as the agent for monitoring innovative/alternative septic system reporting requirements. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Ms. Ryden stated that the BOH has begun to pull together data about which septic systems will need to be put into their program system and then tracked going forward. Barnstable has committed funding for the first 30 systems identified under a grant they have. The grant announced earlier will cover the fee for tracking 80 systems.

Ms. Ryden proposed January 21, 2021, as a possible date, for the info session at a time to be

determined. Members agreed that an info session would be helpful.

3. **Maximum Feasible Compliance Policy (MFC) Discussion.** Ms. Ryden discussed the 10% rule where the alternative system exceeds the value of the home by more than 10%. The issue of obtaining quotes seems to favor higher prices than the assessed value. Also, the question is if to require water analysis. Members reserved this discussion for a work session on January 5, 2021 at 1pm including the articles for Town meeting.
4. **Westport Health Notes Column Discussion.** Ms. Ryden suggested doing a COVID update in December and in January a column about the new regulation including the information for the January 21 info session to provide additional exposure beyond the press release. Other topics that come up could be covered in February. She hopes to cover this further in a working session.
5. **Selectmen Update Discussion.** Ms. Ryden suggested requesting to be placed on the BOS January 4<sup>th</sup> agenda to update them about grant award and the septic betterment program and the new regulation going into effect February 1. It would be an opportunity to introduce the topic of the septic betterment program and what the BOH wished to accomplish. More importantly, providing a private office for Mr. Armendo for privacy, HIPPA and COVID contact tracing. They have been seeking quotes for the work. Ms. Ryden proposed support submitting that request to the BOS and request authorization to proceed. She sees justification in utilizing COVID funding due to privacy being needed relative to the pandemic.
6. **Board Member Updates.**
  - Mr. Weinberg stated they performed a site visit for the cluster system feasibility studies at the Let with representatives from Horsley Witten, Planning Board, Buzzards Bay Coalition, Watershed Alliance and members of the public. Horsley Witten produced maps of the area showing the types of septic systems at each location based on BOH records. He also asked that standardizing I/A approval could be a topic for the working meeting.
  - Ms. Amaral had nothing to report at this time.
  - Ms. Ryden suggested talking priorities and perhaps fees for Tenant Farms at a working meeting.

## **SEPTIC PLAN REVIEW**

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1. 177-179 Forge Road (M-33/L-12; sf-13,416) Dana Lewis, 4-Bedroom Repair, Presby System with MFC Waiver Request-Continued from 11/23/20 meeting. **MOTION** by Mr. Weinberg to approve plan contingent on Mr. Armendo confirming owner and subject to a revised plan with errors and omission statement, ConCom review and a 4-bedroom deed restriction, IA deed notification, and BOH standard conditions for IA systems. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.
2. 935 American Legion Hwy. (M-33/L-1C) Edward Machado Sr., 3-Bedroom Repair, Quick 4 Plus Standard LP Chamber Bed with Singlair TNT-500 System. **MOTION** by Ms. Amaral to approve plan dated 11/20/20 conditional on a 3-bedroom deed restriction, I/A deed notice; compliance with standard IA conditions and ConCom review. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.
3. 31 Cape Bial Lane (M-83/L-111) Lenrow Family Nominee Trust, 4-Bedroom Repair, Quick 4

Plus Infiltrator Standard LP Chamber Bed with Singulair TNT-500 System. **MOTION** by Ms. Amaral to approve plan dated 11/10/20 conditional on a 4-bedroom deed restriction, ConCom approval, I/A deed notice and compliance with standard I/A conditions. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

4. 97 Sanford Road (M-3/L-44V) Cliff Brightman, 3-Bedroom Repair, Stone Bed, with a MFC Waiver Request. The MFC shows the cost of the system exceeds 10% of the home's value and thus is in compliance and that setbacks to all wells have been met. **MOTION** by Mr. Weinberg to approve plan dated 11/04/20 subject to a 3-bedroom deed restriction and ConCom approval. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

#### **TOPICS FOR THE NEXT REGULAR MEETING**

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None.

#### **TOPICS NOT REASONABLY ANTICIPATED FORTY-EIGHT (48) HOURS IN ADVANCE OF THIS MEETING**

None.

#### **APPOINTMENTS**

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**6:30pm – Cont'd Title V Waiver Hearing from 11/09/20: Len Potter for 27 Second Street, Ruth Clayton & Mary Bradley, 2 Bedrooms (7,492sf). Engineer requested another continuance to Dec. 28, 2020 at 7:00 pm.**

**MOTION** by Ms. Amaral to continue the hearing to 1/11/21 at 7pm. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

**6:40pm – Title V Waiver Hearing: Len Potter for 1636-D Drift Road, Thomas DeCosta, 3- Bedroom Repair, (17,834sf) Eljen GSD B43 Modules Bed.**

Mr. Potter was present. The existing 3-bedroom house was demolished and replaced with a new 3-bedroom home.

The variance request is 9-foot setback from the property line. All wells are 100 feet away. Discussion ensued.

**MOTION** by Mr. Weinberg to approve variance on plan dated 11/10/20 subject to ConCom approval, DEP approval letter compliance for the Eljen B43 system, 3-bedroom deed restriction, a Hold Harmless Agreement, compliance with BOH storm water regulations and I/A deed notice. Seconded by Ms. Amaral. The Board voted unanimously all in favor by roll call vote.

**6:50pm – Cont'd Title-V Waiver Hearing from 11/9/20: Principe for 28 First Street, Greg Howeyak, 3-Bedroom Repair (7,500sf lot) Bottomless Sand Filter & Advantex Treatment System.**

Mr. Tom Principe was present to address the Board.

Variations requested for a system repair:

- Setback to site wells, 88.27 feet; 65.94 feet and 90.66 feet vs. 100 feet
- Reduction to wetlands 28 ¼ feet vs. 50 feet
- Visual observation of soil characteristics in lieu of a percolation test or sieve analysis.

**MOTION** by Mr. Weinberg to approve variances on a plan dated 10/14/20 revised to 12/14/20 subject to 3 years well testing, a Hold Harmless Agreement, ConCom approval, compliance with DEP approval letter for the innovative alternative system and Title-V regulation and alternative systems, 3-bedroom deed restriction. Seconded by Ms. Ryden. The Board voted unanimously all in favor by roll call vote.

**7:00pm – Cont'd Title V Waiver Hearing from 11/23/20: River Hawk Env. for 157 Blossom Road, DBLA, LLC, 5 to 4B (31,230sf) Presby Enviro Septic Bed.**

Information is pending on maximum feasible compliance.

**MOTION** by Ms. Ryden to continue the hearing to 1/11/21 at 7:10pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:10pm – Cont'd Title V Waiver Hearing from 11/23/20: Pro-Line Eng. for 217-R Tickle Road, Brian Nadeau, 3-Bedroom Repair (11,280sf) Fuji Clean CE-5 with Bottomless Sand filter. The Engineer requested another continuance to Jan 11, 2021.**

**MOTION** by Ms. Ryden to continue the hearing to 1/11/21 at 6:30pm. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**7:20pm – Title V Waiver Hearing: Greg Nicholas for 79 Gidley Lane, Jason & Sherry Walters, 2-Bedroom Repair, (5,254sf) Tight Tank For Toilet, Septic Tank & D-Box & Infiltrator Greywater System.**

The lot is small. Variations requested:

- Setback to wetlands 33 feet vs. 50 feet
- Well setbacks:
  - Map 76, Lots 81 & 78 (Ferro) 60.5 feet
  - Map 76, Lot 77 (Davis) non-potable well 64.8 feet
  - Map 76, Lot 79 (site well) 57.6 feet

If the Davis well is high in lead and non-potable and there is a letter stating that this well is not in use, there would be no need to test it.

Abutter Mr. Ferro asked how the proposed new septic system will affect his well water. Mr. Nicholas stated that the upgrade to tight tank is better than the cesspool. Mr. Weinberg noted there would be 3-year well testing paid for the applicant. Mr. Ferro asked what protection is there if this system becomes year-round. Mr. Nicholas said the system is designed for year round use and there is an additional 500 gallons allowed after the alarm and well testing will be performed for 3-years. Mr. Ferro asked if the system would be above ground. Mr. Nicholas said that the tank would be installed to the existing grade.

Mr. Weinberg suggested that plan be revised to include there would be a hauler/contract and an operation and maintenance plan as per the Tight Tank Regulation.

**MOTION** by Mr. Weinberg to approve the variances requested on a plan dated 11/30/20 conditional on a notice of tight tank at the registry of deeds, a Hold Harmless Agreement, a 2-bedroom deed restriction, 3-years of well testing (check for letter on Davis property non-potable unused well, which would exclude it from testing), ConCom approval and that the plan be revised indicating the specific location and method of disposal of the tank influent and a pump out contract and an Operations and Management Plan be submitted prior to the issuance of the permit to construct. Seconded by Ms. Amaral. The vote was unanimous with all in favor by roll call.

**MOTION** by Ms. Amaral to adjourn the regular session at 8:27 p.m. Seconded by Mr. Weinberg. The vote was unanimous with all in favor by roll call.

Submitted by Lucy R. Tabit, Recording Clerk