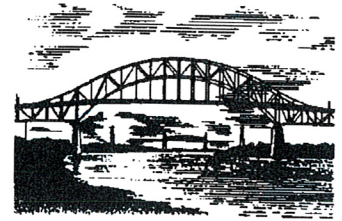


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TOWN OF BOURNE BOARD OF HEALTH

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MINUTES June 9, 2021

Members in attendance: Stanley Andrews, Chairman; Galon Barlow Jr., Vice Chairman; William Meier, Clerk; and Donald Utti

Support Staff in attendance: Terri Guarino, and Health Agent; and Kaitlyn Shea, Health Inspector

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Meeting was called to order at 05:00pm

1. **Attendance.** – All members of the board present in person at the Bourne Community Center.
2. **COVID-19 and Phased Re-opening Plans – Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.** – Miss Guarino explains new updates related to COVID-19, including that on June 15th the State of Emergency will be lifted and close contact designations no longer include outdoor exposures. Bourne's percent positivity this week is .69%.
3. **The Board of Health to review and outline next steps and the schedule for the Town of Bourne Landfill site assignment—CONTINUED discussion and update.** – Continued discussion related to site assignment procedures took place between the board members. Mr. Barlow and Mr. Meier requested copies of the full application. The office will provide these applications. Mr. Andrews explains that at the next meeting related to the site assignment, a description of a hearing officer can occur.
4. **96 Rocky Point Rd---Falmouth Engineering Inc. on behalf of Richard and Janie Boylan—Requesting variances from the Bourne Board of Health 150' setback from S.A.S. to wetland resource. The actual setback provided to top of westerly Coastal Bank is 24.5' and easterly Coastal Bank is 83.5'. 310 CMR 15.211 Minimum setback SAS to Coastal Bank 50'. The actual setback 24.5'. 310 CMR 15.211 Minimum setback SAS to crawl space wall 10'. The actual setback is 7'.** – Michael Borselli present to represent this agenda item. He explains that the project has been approved by the Conservation Committee and there are not proposed addition of bedrooms. Miss Guarino asks for clarification of the treatment facilities model, Mr. Borselli confirms that it is the TNT-750 model. Mr. Andrews explains that he would like to see an impervious liner be added to the plans. Mr. Borselli modifies the plans on site to include an impervious liner. Dusty moves to approve 96 Rocky Point's request for variances from the Bourne Board of Health 150' setback from S.A.S. to wetland resource, the actual setback provided to top of westerly Coastal Bank is 24.5' and easterly Coastal Bank is 83.5'; the variance from 310 CMR 15.211 Minimum setback SAS to Coastal Bank 50', where the actual setback would be 24.5'; and the variance from 310 CMR 15.211 Minimum setback SAS to crawl space wall 10', where the actual setback would be 7'; contingent upon the addition of an impervious liner, an Operation and Maintenance agreement, and the IA Disclosure Notice. Mr. Utti seconds the motion. All were in favor, the motion passes.
5. **118 Old Dam Road—J.E. Landers-Cauley, P.E. on behalf of Jordan Race—Requesting relief from Title 5 and/or Board of Health Regulations for the repair of the existing sewage disposal system and for the installation of the septic system at 118 Old Dam Road. Requesting the following variances: A 75.0 foot variance from the Bourne Board of Health 150' setback regulation for the placement of leaching facility**

within 75.0 feet of coastal bank; and A 54.7 foot variance from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 95.3 feet of a wetland (salt marsh). – Jack Landers-Cauley present to represent this agenda item. He explains this an upgrade for a failed system in groundwater that has Conservation Committee approval. Mr. Andrews would be favorable of this upgrade with a bedroom restriction. No further comment or discussion from the Board. Mr. Barlow moves to approve 118 Old Damn Rd's request for variances including; a 75.0 foot variance from the Bourne Board of Health 150' setback regulation for the placement of leaching facility within 75.0 feet of coastal bank; and A 54.7 foot variance from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 95.3 feet of a wetland (salt marsh), contingent upon a 2 bedroom deed restriction, IA disclosure notice, and an Operation and Maintenance agreement. Mr. Uitti seconds the motion. All were in favor, the motion passes.

6. **55 Old North Road---Bracken Engineering, Inc. on behalf of Michael McDonagh---Requesting the following variance to the Town of Bourne Health Regulations for a proposed septic system at 55 Old North Road. A 45' variance from the Bourne Board of Health 150' setback requirements for a 105' setback from a proposed SAS to a Bordering Vegetated Wetland.** – Zac Basinski present to represent this agenda item. He explains this a system for new construction of a 4 bedroom dwelling. The project is Conservation Committee approved, and there are no variances from Title 5 being requested, just local board of health regulations. There was no further discussion from the Board. Mr. Barlow moves to approve 55 Old North Rd's request for a 45' variance from the Bourne Board of Health 150' setback requirements for a 105' setback from a proposed SAS to a Bordering Vegetated Wetland contingent upon an IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Uitti seconds the motion. All were in favor, the motion passes.
7. **18 Spindrift Lane--- Bracken Engineering, Inc. on behalf of Vincent and Noreen Michienzi---Requesting relief from Title 5 and Bourne Board of Health regulations for a proposed septic upgrade at 18 Spindrift Lane. Requesting the following variances: 1. A reduction in the MA 310 Section 15.405 (1) (b) required setback to the existing cellar wall, an 8' divergence for the 12' setback for Presby EnviroSeptic leaching system (system component). 2. A 50'divergence from full compliance from MA 310 Section 15.405 (1) (f) for a SAS within an existing Coastal Bank "A". 3. A 27' divergence from full compliance from MA 310 Section 15.405 (1) (f) is requested for a 23' setback to a SAS within an existing Coastal Bank "B". 4. A 4' divergence from full compliance from MA 310 Section 15.405 (1) (f) requested for a 23' setback to a SAS within an existing Coastal Bank "B". 5. Variance to local setback requirements for a 150' reduction for a 0' setback to a Coastal Bank "A" from a SAS. And 6. A Variance to local setback requirements for a 127' reduction for a 23' setback to a coastal Bank "B" from a SAS.** – Mr. Andrews steps off on this agenda item. Mr. Basinski discusses the project with the Board, and explains that per a walkthrough with Inspectors Shea and Fitch, the dwelling was deemed a 4 bedroom home. Miss Guarino asks for the elevations for the impervious liner be added to the plan. Mr. Basinski notes the elevation on the plan on site. Mr. Meier moves to approve the project at 18 Spindrift Lane as amended tonight including the variance requests; reduction in the MA 310 Section 15.405 (1) (b) required setback to the existing cellar wall, an 8' divergence for the 12' setback for Presby EnviroSeptic leaching system (system component), a 50'divergence from full compliance from MA 310 Section 15.405 (1) (f) for a SAS within an existing Coastal Bank "A", a 27' divergence from full compliance from MA 310 Section 15.405 (1) (f) is requested for a 23' setback to a SAS within an existing Coastal Bank "B", a 4' divergence from full compliance from MA 310 Section 15.405 (1) (f) requested for a 23' setback to a SAS within an existing Coastal Bank "B", a variance to local setback requirements for a 150' reduction for a 0' setback to a Coastal Bank "A" from a SAS; and a variance to local setback requirements for a 127' reduction for a 23' setback to a coastal Bank "B" from a SAS, contingent upon the IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Uitti seconds the motion. All were in favor, motion passes.
8. **18 Warren Road--- Bracken Engineering, Inc. on behalf of Dennis and Tanya Ford---Requesting relief from Title 5 and Town of Bourne Health Regulations for a proposed septic upgrade at 18 Warren Road. 1. Per MA 310 section 15.405 (1) (a) – a 5' divergence from the full compliance for a 5' setback from SAS to property line. 2. Per MA 310 Section 15.405 (1) (b) -- a 2.5' divergence from full compliance for a 5.5' (but up to 6') depth of cover to a SAS. 3. A variance to local setback requirements for a 74' reduction in setback for a 76' setback to the top of a non-eroding Coastal Bank. 4. A variance to local setback requirements for a**

117' reduction in setback for a 33' setback to a fragmented Coastal Bank. – Mr. Andrews steps back on. Mr. Basinski explains the project to the Board. Miss Guarino explains that she would like to see the D-Box to finished grade so that it can be used as a testing point for the IA system. No further discussion from the Board. Mr. Uitti moves to approve 18 Warren Rd's request for relief from Title 5 and Town of Bourne Health Regulations for a proposed septic upgrade; including a 5' divergence from the full compliance for a 5' setback from SAS to property line, a 2.5' divergence from full compliance for a 5.5' (but up to 6') depth of cover to a SAS, a variance to local setback requirements for a 74' reduction in setback for a 76' setback to the top of a non-eroding Coastal Bank, a variance to local setback requirements for a 117' reduction in setback for a 33' setback to a fragmented Coastal Bank, contingent on D-Box access being at finished grade, an IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Barlow seconds the motion. All were in favor, the motion passes.

- 9. 121 Salt Marsh Lane--- Bracken Engineering, Inc. on behalf of Jeffery & Laura Witt---Request for a waiver to the Town of Bourne Health Regulations to grandfather the existing septic system (constructed circa 2014) at 121 Salt Marsh Lane.** – Mr. Basinski explains the project to the Board. Mr. Andrews would like to see a two bedroom deed restriction with this request. No further discussion. Mr. Uitti moves to approve the waiver request to grandfather the existing septic system at 121 Salt Marsh Lane with a 2 bedroom deed restriction be recorded with the Registry of Deeds. Mr. Barlow seconds the motion. All were in favor, motion passes.
- 10. 189A Captains Row--- Bracken Engineering, Inc. on behalf of Mr. Antonio Ruscito---Requests to amend the condition set forth within the Variance Approval (issued April 30th, 2021) requiring a three (3) bedroom deed restriction to be recorded at the Barnstable County Registry of Deeds.** – Mr. Basinski presents the request. Mr. Andrews and Mr. Barlow express the hesitancy of the Board to remove such deed restrictions in resource areas. The goal with these restrictions is ultimately to protect the environment. No further discussion of the Board. Request is not granted.
- 11. Approve the Minutes— approve the minutes from the previous meetings dated March 31st, April 28th, and May 11th, 2021.** – Mr. Barlow moves to approve the minutes from March 31st, Mr. Andrews seconds the motion. Mr. Uitti moves to approve the minutes from April 28th, Mr. Andrews seconds the motion. Mr. Barlow moves to approve the minutes of May 11th, Mr. Uitti seconds. All in favor.
- 12. Set tentative date for next meeting and adjourn.** – Next meeting tentatively scheduled for June 23rd in the Selectman's Meeting Room at 5pm.
- 13. Motion to adjourn** – Mr. Barlow moves to adjourn. Mr. Uitti seconds the motion. All were in favor, the meeting adjourns.

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, the meeting adjourned.

Taped by Terri Guarino, Health Agent & Typed by the Health Department Staff