



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES March 31, 2022

Meeting was called to order at 05:00pm

Mackenzie Ryan, Bourne Enterprise acknowledged they were recording.

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1. **Attendance.** – Members in attendance: Stanley Andrews, William Meier, and Donald Uitti. Support Staff in attendance: Terri Guarino, Health Agent.
2. **60 Arlington Dr - Zachary Basinski P.E. of Bracken Engineering on behalf of owners Edward & Peri Jacobs – CONTINUED from October 13, 2021 & January 12, 2022.** Requesting relief from Local Board of Health setback requirements including a 10± foot reduction from the required 150 foot setback from the proposed S.A.S. to Mean High Water (Buttermilk Bay), and a 72± foot reduction from the required 150 foot setback from a S.A.S. to the top of a Coastal Bank. – Mr. Zac Basinski, P.E. presented the comment letter submitted dated March 15, 2022. He explained that all easements are shown on the current plan that has been provided to the Board. The utilities are shown on the plans and not impeding on the neighbor's rights for access. The neighbors voluntarily closed off that access. The plans submitted have been stamped by a licensed professional engineer and a licensed land surveyor. There has been an update to the plans dated 3/23/2022 to show a secondary benchmark which is within 50 feet of the proposed septic system. The architectural plans were amended to show a pocket door removed from the hall to be a cased opening. The pocket door has been placed by the entrance to the master bedroom. Mr. Andrews confirmed there is a clear line of view into the study from that hallway as they both have pocket doors. Mr. Basinski further explained that the low point is not going to be a nuisance and will drain in less than 72 hours, and any other runoff will be contained and will not cause erosion. The year-round use of the property will not be changing. Mr. Basinski stated that the pool comments submitted do not have bearing to the septic upgrade design. Attorney Kevin Geaney stated that he does not agree that most of the issues that were raised and filed in the letter dated March 3, 2022 have been adequately addressed. Attorney Geaney brought up the issue of the easement. Mr. Andrews addressed that the Board has a set of plans stamped by a licensed engineer and land surveyor before them, he then read aloud that the abutter could present any documents related to a missing easement and the Board could entertain these submissions and weigh them as they see fit. Mr. Andrews continued, stating that the Board may want to keep in mind that it is not a public body that is constituted to decide private disputes over the existence of an easement. Attorney Geaney continued on to discuss the issue of the variance requested from mean high water mark, stating that the Board of Health Regulations do not reference mean high water but rather maximum high water mark. In regard to the bedroom count, Mr. Geaney found it interesting that the applicants are proposing a 1600 square foot addition but that there seemingly are no addition of bedrooms. His arguments referenced the Board of Health's definition of a bedroom. Mr. Andrews stated that within that 1600 square feet the proposed plans do have one bedroom. Mr. Geaney argued that that is what it says on the plan but not what it is in real life. He explained that anything that meets the Board of Health Bedroom definition has to be included in these calculations. Mr. Geaney moved on to the Board of Health's Adverse Impact Regulation, stating that this should be considered as this property is within a nitrogen sensitive area. Within this regulation it is stated that any addition of bedrooms or habitable space could have an adverse impact on the environment. He stated that even though the house had been constructed to be lived in year round but wasn't used that way for years and now is being used that way should also be considered an adverse effect to the environment. Mr. Geaney felt that the Board has three options. Option one would be to allow the installation of a new I/A septic system and grant the addition, but does not believe this option is warranted under the Board of Health's own definitions and based on the materials presented. Option two would be to allow the installation of the

new I/A septic system but not to grant the addition, he felt this would be warranted as it would be beneficial for the environment to replace the current system which is not working very well as it is, as he stated, a cesspool. And option three would be to deny both entirely. Mr. Geaney felt that an I/A system would be best for the environment but asked the Board to look at the information and deny the addition of 1600 square feet of living space. Mr. Basinski asked to respond to some of Mr. Geaney's claims and started by addressing the 1600 square foot addition, 900 square feet of that being a garage. He also stated that the current system is not a cesspool it is in fact a Title 5 system with a leach pit on the property. Mr. Basinski responded that this has been in the family and a full-time residence since at least 1990, so that is not changing and in fact the proposed septic upgrade with the addition would reduce the nitrogen loading of the property. Miss Guarino said that substantially the same variances were granted in 1992 and that this property has an existing Title 5 septic system. Miss Guarino stated that with the provided architectural plans meet the standards of the Board and past practices of the Board to be considered a three bedroom home with the cased openings. Ms. Fitch had done a walkthrough of the property to confirm that the existing cased openings provided visibility to not constitute privacy, Miss Guarino further described that other rooms noted on the architectural plans would have to be passed through to get to another so they would not meet Board of Health definition for bedrooms. She felt that the property owner agreeing to a three bedroom deed restriction could mitigate any fears of the property having any more than that. The proposed septic system includes a MicroFAST de-nitrification unit and the Presby enviro-septic which is an alternative soil absorption system that offers some additional treatment. Miss Guarino stated that this proposed system offers substantial treatment over the current system and overall will reduce nitrogen loading on the property. Miss Guarino also noted the new benchmark on the plans that Mr. Basinski mentioned. Miss Guarino also mentioned that in regards to the Adverse Impact Regulation involving increase in habitable space, it is reasonable to allow the increase with the addition of the MicroFAST unit and the advanced treatment soil absorption system, as it is offering a substantial degree of environmental protection. She included that in the past that Regulation has come into play when applicants are requesting waivers, to increase habitable space but be granted so without upgrading their septic systems to include nitrogen reduction. Mr. Meier asked if this system has been before Conservation Commission to which Miss Guarino said it has been approved by MassDEP and the local Conservation Commission. Mr. Andrews stressed that the pocket door in the hallway needs to be removed and that the door should be located at the entry to the master bedroom. There was discussion and agreement that that is what the markups to the architectural plans show and that you will be able to see into the study from the hallway. Mr. Andrews stated that the changes to the architectural plans will be reviewed again when the building permit is submitted and it goes through the Health Department for approval. Mr. Meier asked if the vent could have a charcoal filter. Mr. Basinski said that Presby Technologies are not supposed to have the charcoal filters. The low and high vents are depicted on the plans and the high vent can be raised to the roof line if needed. Mr. Andrews said that if the variances are to be granted by the board that they should ask for a three-bedroom deed restriction and operation and maintenance agreement. There was discussion amongst the board that they may want to inspect the pocket door. Mrs. Jacobs would be very comfortable with that. **Mr. Meier made a motion to approve 60 Arlington Drive, on behalf of the owners Edward & Peri Jacobs, CONTINUED from October 13, 2021, January 12, 2022, and March 23, 2022. Requesting relief from Local Board of Health setback requirements including a 10± foot reduction from the required 150 foot setback from the proposed S.A.S. to Mean High Water (Buttermilk Bay), and a 72± foot reduction from the required 150 foot setback from a S.A.S. to the top of a Coastal Bank. Including Revision #7 dated 3/23/2022, received 3/24/2022, architectural plans as modified that are to be inspected by one of the board of health members who sat this evening. Also to include a three-bedroom deed restriction recorded before issuance of this septic permit and that the Bourne Board of Health I/A Septic System Testing Policy be followed. Mr. Uitti seconded the motion. There was no further discussion. Roll Call Vote to approve: Mr. Uitti—yes, Mr. Meier—yes, Mr. Andrews—yes. It was a unanimous vote, motion passed.** Mr. Andrews confirmed that any changes to the architectural plans or site plans would require this submission to come back before the Board as the approval is very specific.

3. **Set tentative date for next meeting.** – The next regular meeting of the Board of Health will be tentatively scheduled for Wednesday, May 11th at 5:30 P.M.
4. **Adjourn.** – Mr. Meier made a motion to adjourn the meeting. Motion seconded by Mr. Uitti. All in favor and the meeting adjourned at 5:42 P.M.

Taped by: Terri Guarino, Health Agent
 Typed by: Kaitlyn Shea, Assistant Health Agent