



Miss Guarino A.
Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES February 22, 2023

Meeting was called to order at 05:30 P.M.

*This meeting was televised and recorded by Bourne Community TV for replay.
Items on the agenda were taken out of order.*

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TOWN CLERK BOURNE

1. Attendance.

Board Members: Barbara Princiotta, Dusty Meier, and Don Uitti

Professional Staff: Terri Guarino, Kaity Shea, Stacey Burgess, and Town Counsel Bryan Bertram.

- 4 Wenaumet Bluffs Dr. – Stephen B. Nelson, R.E.H.S/R.S. on behalf of property owner Kristin Seastrand – **CONTINUED** – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132' waiver from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank.

Mr. Meier requests to hold on this item until Miss Guarino arrives because there are various questions that require her input. Ms. Princiotta confirms, and states that they will review 176 Scraggy Neck Rd first.

- 176 Scraggy Neck Rd. – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – **CONTINUED** – Requesting relief from the local Bourne Board of Health 150' Setback regulations for a new septic system to accommodate the raze and rebuild of a residential dwelling. *Requesting continuance to March 22, 2023 hearing.*

Mr. Meier makes a motion to extend this item to March 22, 2023. Mr. Uitti Seconds the motion. All were in favor, and the motion passed unanimously.

Ms. Princiotta asks for confirmation that the paperwork was completed for the extension, and Assistant Health Agent, Kaitlyn Shea, confirms.

Ms. Princiotta questioned if Miss Shea and Miss Burgess were prepared to speak on behalf of Miss Guarino until she arrives. Miss Shea states that she can possibly answer some questions for 68 Elgin Rd and 3 Sunny Ln. Ms. Princiotta states that they will review 4 Wenaumet Bluffs Dr.

4. **4 Wenaumet Bluffs Dr. – Stephen B. Nelson, R.E.H.S/R.S. on behalf of property owner Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132' waiver from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank.**

Ms. Kristin Seastrand introduces herself as the homeowner for the project. She states that she was not present for the last meeting, so she can provide the Board with an update of her understanding of the status of the project so that she can respond to homeowner specific questions. She states that when she was last before the Board on December 14th, 2022, they were reviewing the upgraded proposal, and the Board wanted to see the nitrogen calculations, the Conservation Commission's approval, and the 3 bedroom deed restriction. She states that those have all been submitted, and she is aware that there were questions about the property and her intentions for renovations, or the real estate listing.

Ms. Princiotta thanks Ms. Seastrand for coming, and for the effort that she has put in. She questions the architectural, and if the only way into the loft above the garage is the stairwell. Ms. Seastrand confirms, and Ms. Princiotta explains that according to the Bourne Board of Health's new Bedroom Definition, that loft would count as a bedroom, so instead of a 3 bedroom home, it would be a 4 bedroom home.

Mr. Meier asks about the original tight tank approval from Ms. Seastrand's initial Board of Health appearance, and that they voted that in, and with the variances they're asking, it would fall within the criteria of a tight tank. Ms. Seastrand states that it was not a tight tank that was approved, the system was "AdvanTex", and that they informed the Board that they would be coming back with a different plan, which is what they submitted later on. She states that the initial approval was so that she could close on the house, and that the tight tank was included as "Part 1" as a plan, and they came back for "Part 2" with the new system, and that this was all discussed at previous meetings. Mr. Meier questions if the Board approved the tight tank, and Ms. Seastrand states that was approved by the Board was the "AdvanTex" system, which is why they came back with the state of the art system, and that this has been going on since November 1st. She states that they were asked to reduce the home from a 4 bedroom to a 3 bedroom, which she did, she also did a well test, and she got approval for Conservation, and she has people on standby to adhere to construction dates. She states that it would be redundant to go backwards to discuss the tight tank when they already went and reviewed it and understood there was a misunderstanding.

Ms. Princiotta states that there was not a misunderstanding on what was approved, but rather she believes the situation has changed. Ms. Seastrand responds, saying that she does not believe that there was a misunderstanding, but rather, she presented the entirety of the plan, and that includes the AdvanTex. Ms. Princiotta states that AdvanTex is a tight tank. Ms. Seastrand explains the plan shows that they will come back with another plan. Ms. Seastrand states that the meeting minutes, if posted, would explain that they planned to come back with another plan in the future, and that they were asked for the nitrogen levels and the deed restriction. She explains she understands the Board's hesitation and that they want the best system, but that this is her retirement home, and that a tight tank is not best for the property. She explains that she is bummed out because she has been transparent about how they did not believe the tight tank is best and that the Board believes she is trying to pull something over on them. Ms. Princiotta states that the Board does not believe that she is trying to pull something over on them and that that is not the intent. Ms. Seastrand says that Ms. Princiotta stated that she understands the plans have changed, and Ms. Seastrand emphasizes that they did not, and it is exactly what she discussed in September.

Ms. Princiotta questions how Ms. Seastrand proposes to remove the 4th bedroom or alter the plans to suit a 4 bedroom home to accommodate the nitrogen loading. Ms. Seastrand states that she put the deed restriction on for 3 bedrooms, and that there are only 2 bedrooms and the loft. She states that there is a very weird bathroom that appears as a bedroom because the previous owner renovated the home to make the bathroom very large and make the upstairs like a suite. Ms. Princiotta states that she agrees, and it was her mistake, and that it is just a very large bathroom, not a fourth bedroom.

Ms. Princiotta explains that the Board's concern is that the goal is to reduce nitrogen loading, and that although both plans are an improvement, the tight tank would have had 0 nitrogen loading, and that Ms. Seastrand is now asking for an increase for over 10ppm, which is a concern because the Board had the best possible outcome that could be, and now the new plan would be a reverse.

Ms. Seastrand questions where they could go from here because there appears to be disagreement in what has been approved.

Miss Guarino states that the plans that were approved were revised on August 18, 2022. Ms. Princiotta requests the letter of approval for the approved plans. Miss Guarino explains that the 3 bedroom deed restriction was a provision and it was recorded on December 13, 2022. Ms. Princiotta asks if the approval is for a tight tank. Miss Guarino confirms that the approval was for a 2,000-gallon tight tank.

Ms. Seastrand states that the deed restriction was discussed in regards to the AdvanTex system and not as part of the tight tank.

Ms. Princiotta asks if she would like to have Mr. Nelson speak on her behalf, and Ms. Seastrand confirms.

Mr. Nelson introduces himself as the designer for the project. He explains that he was hired in August, shortly after the system had failed its Title V inspection. He stated that the first step was to do a perc test and soil evaluation. He stated that the perc date was August 11, 2022. He states that the soils were coarse sand, and there was not a lot of room to work with considering the existing system and the road. He states that they got down to about 9' deep, that they could not determine the water table, but that they did not see any sign of water. He explains that the decision was made between them, the Health Agent, and the Board, to put in a monitoring well so that they can determine the groundwater for the future upgrade of the system.

Mr. Nelson states that the problem that they were having was that they were on a very tight timeline, because the mortgage rates were going up, and her commitment to the mortgage and original closing date were for September 15, 2022. He states that the tight tank plan was the only plan they could come up with in time so that they did not have to wait for a public hearing. He explains that they were unable to put the other details on the plan because it would have derailed from the timeline of the mortgage company, and that Ms. Seastrand would not have been able to obtain the house, and the Board would still have to deal with the noncompliance of the previous owner. He states that the goal was to have a plan approved, and everything that is circled in red is a narrative that discusses a continued plan for after Ms. Seastrand purchases the property, and that the understanding was that there were future plans to come. He states that the plan that was approved has an AdvanTex system and that they approved the plan, but somehow when they came back on November 16, Mr. Andrews questioned why there was a lack of communication, even though the well had just been implemented on November 11th. Mr. Nelson explains that it took two months to find someone to dig the well to do the ground water monitoring, so when they came back, and Mr. Andrews gave them a deadline and did not want to hear about their continued plan, he was confused because it was all there, and he is not sure if someone did not read the plans all the way through.

Ms. Princiotta highlights that she agrees that the continued plan is noted because it discusses how it is an interim tight tank septic repair plan, but that indicates to her that they will be installing a tight tank. Mr. Nelson emphasizes that they needed a Board of Health approval to get the mortgage. Ms. Princiotta confirms that they did get the mortgage. Mr. Nelson reiterates that Ms. Seastrand owns the house and now the Board does not have to deal with a 20 year history of the previous owner ignoring the Board of Health, and that Ms. Seastrand is cooperative.

Mr. Nelson states that the tight tank is not optimal for the year-round home, and that he knows it, the Board knows it, and everyone in the audience knows it. He states that it was never the final solution, and what they had to do was get Ms. Seastrand in the house so that they could continue with Phase 2 of the plan, since it is a continued plan, and that it was never "be all, end all, tight tank, that's it." He states that the comment regarding going from 0 ppm of nitrogen flow to 10.3 ppm nitrogen flow is incorrect because they are really going from 34 ppm to 10.3 ppm for the nitrogen flow. He reiterates and emphasizes how this was only interim so that they could get approval from the mortgage company and that they were able to get Ms. Seastrand in the house.

Mr. Meier goes to ask a question, but Mr. Nelson continues speaking and states that he understands that nobody wants to do the property transfer, and that that is the biggest problem.

Ms. Princiotta stops Mr. Nelson, and states that Mr. Meier had a question. Mr. Meier questions how the target for a coastal area for nitrogen loading is 5 ppm, and that their proposed system is at 10.3 ppm, which is double, and that they would not be there if they went with a tight tank. Mr. Nelson states that he has been to enough of the Board of Health meetings, and that he has seen approval for FAST systems where the target is 5 ppm, but the FAST system is only good for 25 ppm, and that their system is good for 19 ppm or less, because the AdvanTex system is superior. Mr. Meier explains that they are also asking for 132 foot variance. Mr. Nelson states that the Conservation Commission approved that. Ms. Princiotta states that that is the Conservation Commission, and that they are the Board of Health, and that she would request that he focuses on his lot, not comparing to others, because every lot is unique, and that they are attempting to come up with a solution that works for everyone. Mr. Nelson emphasizes that the rest of the solution is that they are proposing a geo-mat system, and that he is not aware if there are any of those in Bourne, but that he has seen various amounts on the South Shore, and that it is a system where the water does not just drip out of pipes, but it transmits throughout the fabric into the soil. He explains that the leeching soil will wick the soil and spread it out, not just point to sources inside the field.

Mr. Meier questions Miss Guarino's feelings on the project.

Miss Guarino explains that this is a septic system upgrade, so that should be one of the Board's primary considerations since they will be going from a failed system to an improved alternative. She agrees that tight tanks are more practical, but aren't usually a comfortable solution for homeowners with year-round residences, and that they are better suited in seasonal use properties where there are often outdoor showers, a decrease in laundry, weekend visits, and so it is uncommon for year round homes to have a tight tank. She explains that it is clear that the initial approval that the Board of Health had was just for the tight tank proposal, and that being said, same for the Conservation, hence why the new set of plans had to go back in front of both of the Boards, because the initial plans only mentioned a phase 2, which could mean anything. She said that this evening it is up to the Board if they want to sustain their motion of the tight tank and have that installed, and maybe see phase 2 from there for the future, because the understanding was that the tight tank would actually be installed when the Board of Health approved it.

Mr. Meier states that he is having a hard time digesting this project, and that he understands what Mr. Nelson is saying and that he understands they believe that with the area they have to work with they believe that they are doing very well with 10.3 ppm. He states that he understands that it is a reduction from 34 ppm, but the thing is that there are new regulations coming up, and that they could put this system in, but it could be later removed because they are unsure if it would be grandfathered in. Miss Guarino states that there aren't any specific answers, and she understands that they are going to be installing one of the best nitrogen reducing systems on the market, and that there is only going to be more clarification on what technologies are best in the future, and that right now the state says 19 milligrams per liter, but as more research is conducted, the state may find that it will be guaranteed for 16-17 ppm. She emphasizes how she understands that it is tricky, and that both sides are significant, because it was a 4-bedroom dwelling and a MicroFAST system approved that did not get installed, so even this is an improvement since there will be no more than 3 bedrooms. Mr. Meier says it is a catch-22 situation, and Miss Guarino agrees, and states that this is not a common situation for the Board of Health to be in, especially since it is interim. She states that an on-site system being interim is not anything that she has heard of.

Ms. Princiotta states that her concern is that this will set a precedent where other applicants can do this and come back and revise plans. Ms. Seastrand states that she thought that the precedent of an AdvanTex system would be helpful because it does more than the MicroFAST, which is why she proposed it, and that the lot is very small, which is why it is up to the Board's judgement. She states that she has seen over 20 other systems get approved in the last 2 years that are tricky. Ms. Princiotta states that that is not the issue, and that the issue is that the Board already approved a tight tank, which has 0 nitrogen loading, which would be the starting point, and now they are asking to change that to 10.3 ppm. Ms. Princiotta states that regardless of the current system, they had obtained an approval that was at 0 ppm, and a request for an increase to 10.3 ppm is a problem. Ms. Seastrand emphasizes that the current system is much worse, and that this is an upgrade. She states that if they want her to do the tank, she will do what the prior system is, because it is working fine, and she has no issues, and she will ignore their requests and let it go to court and she will outline that she did everything she could possibly do money-wise, time-wise, to do what she thinks is the right thing, and that the tight tank was a misunderstanding. Mr. Nelson states that it wasn't, and that he had a long conversation with Mr. Andrews about how he did not like things that are between owners.

Ms. Princiotta requests that Mr. Nelson refrain from discussing conversations had with a gentleman who is not present because it is just conversation.

Mr. Nelson reemphasizes that in order to get the house sold and get the previous owner out of the house, they had to do something that did not require a 10-day notice, because if they did, which the proposed plan does, they would not have gotten the mortgage, which causes it to be a unique circumstance. Mr. Nelson asks if Ms. Seastrand was able to buy the house with the proposed plan, and the tight tank was never mentioned, would they approve the plan.

Ms. Princiotta states that that comment is irrelevant because they have a tight tank approval, and that the answer is irrelevant, and that the decision now is to sustain the tight tank and deny the proposed plan, or to approve the proposed plan.

Mr. Meier also asks that by the change of the system over to what they want, and if they remove the tight tank... Ms. Princiotta objects and informs Mr. Meier that they never even installed the tight tank. Mr. Nelson states that when he drew the plan, the tank stayed in the same spot, and that they were using that tank, but that the tank has not been installed, and that it did not make sense to install the tank and then go back to dig it up again, and that they are trying to just do all the work at once. Ms. Seastrand states she didn't want to spend the money on the tight tank. Mr. Nelson, again, asks that if the tight tank was never brought up, would it be approved. Mr. Nelson reemphasizes that the situation was unique because they only brought up the tight tank so that Ms. Seastrand could get her mortgage and get into the house.

Mr. Meier asks IF they approve the plan, if they will have to finish it completely in a certain amount of time. Miss Guarino explains that the order to correct the failed system was issued to the previous owner on July 21st of 2022, and that 1 year was granted. She states that when the Board of Health approved the tight tank on September 14th, 2022, the deadline was for an installation by March 1st of 2023, so, there were two different dates provided.

Miss Guarino proposes an idea, and if it can be entertained to work this interim idea in the opposite fashion, and for them to install the proposed system, since they have worked so hard and are so passionate about it, and if they set conditions for more stringent nitrogen testing and effluent sampling, so that they can assure it is meeting the standard, so they can follow if it is not working.

Mr. Nelson states that that is in the deed approval, and that it needs to be quarterly serviced for the first year and a half, and then it would be twice a year. Ms. Princiotta states that they do not monitor that, and that is not under the purview of the town.

Ms. Princiotta asks how quickly they can install this system if approved. Ms. Seastrand states that she has talked to the contractor today, and that they informed her they could possibly still fit a March deadline, but that it would be dependent upon the materials, but that they ensured her that within 60 days would be reasonable, and that they could start tomorrow since he has kept a spot open. Mr. Meier stated that he does not want this to be a temporary fix where they do not continue the entire system, especially where they have the option to put in a tight tank at a later date, where it can be enacted.

Mr. Nelson states that that is in the approval for the AdvanTex. Ms. Princiotta responds stating that it would have to be in their motion and in the Board of Health's approval.

Mr. Nelson explains that he can work with Ms. Seastrand to not put products down the drain that would hinder the nitrogen removal, and he can do better than 19 ppm.

Miss Guarino states that within the technologies' ownership operations manuals, there will be a list of products that interfere with the performance of the particular type of system, so it is important to read through and recognize what could cause a problem, because there would be harmful effects.

Mr. Meier states that he is prepared to make a motion.

Mr. Meier makes a motion on 4 Wenaumet Bluffs Dr, Stephen B. Nelson, R.E.H.S/R.S, on behalf of Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132'

waiver from the Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank. Results for quarterly testing to be reported to the Board of Health, the deed restriction for the IA System, an Operation & Maintenance Agreement, and to return in June/July of 2025 with results to review of quarterly testing to discuss the potential need to install a tight tank or additional remediation. Mr. Uitti seconds the motion. Roll call vote as follows: Mr. Meier- yes, Mr. Uitti- yes, Ms. Princiotta- yes. All were in favor, and the motion passed unanimously.

Mr. Nelson stated that the Board will be hearing from them every 3 months, and that the idea is to be conscious of reporting.

Ms. Princiotta recognizes the effort that went into this project, and states that the Board's concern is regarding the environment, and that they see that this can be a good solution, and that they would request that they provide the testing results to Terri, and to have installation be done by June 30th, 2023. Mr. Meier states that all parties are in compliance and agreement, and Ms. Princiotta states that if there are any issues, they can contact Miss Guarino.

5. 68 Elgin Rd. – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Timothy & Michelle Bernard – *CONTINUED* – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of a new sewage disposal system. A 41'± variance to Title 5 setback requirements from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System; and a 141'± variance from local setback requirements for a 9'± setback from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System.

Mr. Basinski introduces himself as the representative for the project. He states that this is a new construction project that is located on Handy Point in Cataumet/Pocasset on an existing lot. He explained that as mentioned, the resources on the lot are a coastal bank, and that it protects flood waters, and that it is not a loading area or resource areas. He states that the project was approved by conservation, and that the resource areas were confirmed. He states that the application was submitted at the end of last year. The Conservation Commission approved this project as non-significant, which lowers the importance, but that they still wanted to obtain the variance to make sure the application was reviewed.

Mr. Basinski explains that the property owner is also the homeowner of the neighboring property at 72 Elgin Rd, and that he went in front of the Board for that project, which was approved for a 4-bedroom design. He states that the homeowner is voluntarily putting a MicroFAST system onto the property, and that they do meet the 150 foot setback to Red Brook Harbor, but the homeowner understands the potential Title V changes, and that he is investing a lot into the lot so he wanted to ensure it was done properly, and that the MicroFast brings the nitrogen down to 5.8 ppm per lot. He states that this is not in a nitrogen sensitive area, and it fits the setback requirements. He emphasizes that he believes that this project meets the requirements for the wetland protection act, and that it is a great system for the area.

Miss Guarino states she has no further comments, and that the application is complete, and the architectural confirm that it is a 3-bedroom dwelling, and the cased opening minimum sizing is that of the updated Board of Health regulations.

Mr. Meier questions the bedroom count, and Mr. Basinski states that it is 3 bedrooms. Mr. Meier inquires about the area above the garage, and Mr. Basinski states that it is a storage area that is only accessible through a hatch. Mr. Meier states that it appears to be 35 by 48, so it is not a main door but an access hatch. Ms. Princiotta asks about the semantics of the hatch, and Mr. Basinski jokes that it is just big enough to fit the Christmas decorations. Mr. Meier states that he can see that they provided by the office space, a 6 foot door opening, which complies, and he thinks the access point for the storage space is fine.

Mr. Meier makes a motion to approve 68 Elgin Rd, Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Timothy & Michelle Bernard – *CONTINUED* – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of a new sewage disposal system. A 41' variance to Title 5 setback requirements from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System; and a 141' variance from local setback requirements for a 9' setback from a fragmented,

non-water dependent Coastal Bank to a Soil Absorption System. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

Ms. Princiotta confirms with Mr. Basinski that he is aware that he has to do the deed restriction and the Operation and Maintenance Agreement, and he confirms.

- 6. 3 Sunny Ln – N. Douglas Schneider, P.E., P.L.S. on behalf of Liam Coyne – Requesting relief from 310 CMR 15.00 and Bourne Board of Health Regulations for the installation of an I/A sewage disposal system to accommodate the raze and rebuild of a 3-bedroom dwelling. Requesting a 90' waiver from the 150' setback requirement from the leaching facility to the wetland resource area; approval for a 3' vertical separation to groundwater, as permitted by DEP; and an 8' reduction in the 10' Title 5 setback distance from the tank to the proposed foundation.**

Doug Schneider introduces himself as the representative of the project. He states that this plan was in front of the Board in Mid-December, and that it involved a tear down and rebuild of an existing 3-bedroom cottage on the lot, and it would be elevated per flood zone requirements, and will adhere to the wetlands to the south-west, off-site of the property, and that they will be installing a MicroFAST system.

Mr. Schneider states that they are doing the best they can, and that their project was continued at their last appearance so that they could provide a nitrogen calculation spreadsheet for the Board of Health to review, and that he did it through the Town of Bourne sheet and his own spreadsheet. He states that he did the Town of Bourne Conservation Commission form, but that Miss Guarino sent him a different spreadsheet, but that there was a difference in water flows. He states that the two have slightly different numbers, but that the bottom line is that with the MicroFAST system, they are reducing the nitrogen loading from 18 ppm to around 4.5 ppm, which is roughly a 40% reduction.

Mr. Schneider explains that Miss Guarino questioned what the approval from the DEP was, and that they got remedial approval due to reductions in groundwater, and a 19mg approval. He states that he spoke to the buyer's rep from MicroFAST, and that they would have remedial approval since it is a MicroFAST.

Miss Guarino emphasizes that the existing system was deemed unfit for human habitation, so the property being raised to be flood zone compliant and having a passing Title V system is a significant improvement, and that the existing system is submerged within the water table. She explains that any system installed here will be better than what is there now.

Miss Guarino questions the dwelling, and if it is being designed for year round use or seasonal use. Mr. Schneider clarifies that it is being designed for year-round use per building code. She explains that there is a difference from going from a cottage to a year round home.

Miss Princiotta questions if the paperwork was designed to reflect new construction because she thinks that they had thought it to be new construction. Miss Guarino explains that the most recent letter that was dated January 31, 2023, reviews what was presented, and that the nitrate system and the MassDEP approval was for remedial use, and general use systems are for new construction where conventional Title V systems could also be installed. So, using the referenced remedial usage approval, it is not for new construction and the reasoning is that it is a raze and rebuild from a 3 bedroom dwelling to a 3 bedroom dwelling. Miss Guarino explains that there may be a difference in the current footprint but there is no increase to the flow of the system.

Ms. Princiotta questioned how the retaining walls impact the system. Mr. Schneider states that it is an AE Zone so there is no wave action in that area and that Conservation has approved it. He states that with a medium coastal storm, this property will probably see water, but that it is fairly low, and the water would go around the walls and out.

Ms. Princiotta states that her concern is the general use system vs. the remedial use system, so that it complies with the new construction.

Mr. Meier questions the two names in the deed information, and that there is a Liam and a William referenced, so he is confused who owns the property. Mr. Schneider states that he knows him as Liam. Mr. Meier questions what is on the deed.

Mr. Meier also inquires about how there is two engineers involved, and Mr. Schneider explains that Holmes and McGrath has been acquired by Cape and Islands, and that the two companies have merged. Mr. Meier questions if it is one company or two, and Mr. Meier states that it is one.

Ms. Princiotta states that she is not comfortable approving something for remedial use without doing more investigation or something being approved for general use. Mr. Schneider explains that the primary difference between remedial use and general use is the separation from the groundwater. He explains that under general use, the system has to fully comply with all Title V requirements, but to do that in this situation, it would require that the system be elevated another two feet, where this existing house has a system that qualifies as remedial since there is no increase in design flow.

Ms. Princiotta confirms that there are other things that would qualify the dwelling as new construction, and that they are tearing it down and rebuilding the footprint, so the Board has determined it as new construction.

Ms. Princiotta explains that it would be nice to see the general use regulations or variances, even if it requires the extra 2 feet, so they know the facts. Mr. Schneider states that the only difference is the separation of ground water, because the general use would require a 5 foot separation from the groundwater so the system would be raised two feet.

Ms. Princiotta asks Mr. Schneider if he would be comfortable with a continuance, so that they could review the specifics of the general vs. remedial usages. He asks if she is requesting that he redesign the entire system. Ms. Princiotta says no, but that she is asking for him to allow the Board some time to investigate.

Miss Guarino reviews the MassDEP site, and their overview of distinctions between general use and remedial use, and that the general use systems, they will provide a level of environmental protection that is at least equivalent to conventional on site systems that are in compliance with Title V. She explains that it is not needing any further reductions or setback systems, and that the remedial systems approve pre-existing conditions at a particular facility, or facilities served by a failing or non-conforming system. She states that it is why the remedial use felt more applicable to the designer since it is an improvement to existing conditions. Miss Guarino and Ms. Princiotta agree that the wall is very high, so they do not have to add to that.

Mr. Meier specifies that anything is an improvement, and that this is a drastic improvement since it is a raised system, and the house is on stilts. He states he sees no further measures that can be taken. Mr. Uitti agrees.

Mr. Uitti makes a motion to approve the system at 3 Sunny Ln, N. Douglas Schneider, P.E., P.L.S. on behalf of Liam Coyne – Requesting relief from 310 CMR 15.00 and Bourne Board of Health Regulations for the installation of an I/A sewage disposal system to accommodate the raze and rebuild of a 3-bedroom dwelling. Requesting a 90' waiver from the 150' setback requirement from the leaching facility to the wetland resource area; approval for a 3' vertical separation to groundwater, as permitted by DEP; and an 8' reduction in the 10' Title 5 setback distance from the tank to the proposed foundation. Including a deed restriction and an Operation and Maintenance Agreement. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

7. Approve the Minutes – Approve the minutes from the previous meetings dated Sept. 14, 2022, & February 8, 2023.

Ms. Princiotta states that Mr. Andrews is still reviewing the September 14th minutes, and the February 8th minutes are still in draft form, so they can tend to those next time.

Mr. Meier makes a motion to continue the approval of the September 14th, 2022 and February 8th, 2023 minutes to a future meeting. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

8. Set tentative date for next meeting.

Mr. Uitti confirms that the next meeting is March 8th, 2023. Miss Guarino confirmed, and that there are 5 Wednesdays in the month of March, and the 2nd and 4th Wednesdays are March 8th and March 22nd. Miss Guarino states that there were applications that were continued to March 8th.

Mr. Meier inquires about the tobacco violations that were continued. Miss Guarino states that that is scheduled for March 8th, 2023.

9. Adjournment.

Mr. Meier made a motion to adjourn. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 6:35 P.M.

Taped by Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Stacey Burgess