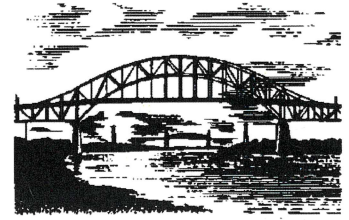


Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

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### Meeting MINUTES February 8, 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.*

#### 1. Attendance.

Board Members: Stanley Andrews, Dusty Meier, Don Uitti  
Professional Staff: Terri Guarino, Stacey Burgess, and Town Counsel Bryan Bertram

Mary Frances Galligan announced she was also recording the meeting.

#### 2. Health Agent, Terri Guarino to provide information and updates.

Miss Guarino announced that the Health Department will be pursuing some grant opportunities and taking advantage of the options before them. She explains that they had previously discussed the Public Health Excellence Grant, and informed the board that the department has signed onto that with Barnstable County's Department of Health and Environment, which the majority of other towns have signed onto. She states that this is the approach that the State's Department of Health will be using to prioritize funding for the majority of municipalities within the Commonwealth. Mr. Andrews questions if it is a "service sharing grant", to which Miss Guarino confirms. Mr. Andrews asks if they have done any further research in respect to grants with the Massachusetts Board of Health in respect to enlisting additional Title V inspectors in the area. Miss Guarino states they have not, and that she is not personally familiar with that, but there are a lot of other opportunities presenting themselves, and that the department will continue pursuing more options that can address the needs that they have.

Miss Guarino also updates the Board on the correspondences on housing complaints that have taken place. She explains that these complaints occur when an occupant calls the department and places a possible violation to the state sanitary code at a rental property. She explains this has become more prevalent in the past few months, and lately it has been relating to burst pipes due to the weather, and that there was a complaint today and there will be an order to follow. She states that if these orders do not get resolved, they may need to be heard before the Board of Health, so she would like the public and the Board to keep that in mind. She explains she will keep the Board up to date, and that so far they are challenging cases to work with, but the department is satisfied with the response of the homeowners and the work being completed to rectify the violations.

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Miss Guarino provides another update regarding Tobacco Regulations, and that the Board has previously discussed changes to them. She states that she would like to have a discussion regarding the revision of the violations at a future meeting date. She explains that the department has received violations again, which poses a challenge as the local regulations do not parallel the state regulations.

Mr. Andrews inquires to if they can have the Barnstable County Tobacco Control Inspector come in to discuss the violations and regulations with the Board, and Miss Guarino states that she is more than willing to ask. Mr. Andrews questions if he can come in for the first meeting in April, which would be April 12<sup>th</sup>, 2023.

### **3. Changes to Nitrogen Loading Worksheet**

Mr. Meier questions if they can move this item and continue it to the next meeting. Mr. Andrews states that they will be discussing this at the meeting tonight, and that it needs to be addressed.

Mr. Meier inquires if they can take this item and discuss it later in the evening, out of order.

**Mr. Uitti makes a motion to take this Item #3 out of order and move it to be the item after the minutes. Mr. Meier seconds. All were in favor and the motion passed unanimously.**

### **4. 7 Wales Dr. – Down Cape Engineering, Inc. – Daniel A. Ojala, P.E., P.L.S. on behalf of property owner Christine M. Moscatiello – *Clarify motion from Dec. 11<sup>th</sup>* – Requesting relief from 310 CMR 15.404 and Local Board of Health Regulations for the installation of an upgraded septic system.**

Danny Gonsalves, Professional Engineer from Down Cape Engineering, introduced himself as the representative for the project on behalf of homeowner Christine M. Moscatiello. He reiterates that they have presented in front of the Board on multiple occasions for this project, and that they are looking to install an upgraded septic system. He states that he has some questions about the nitrogen loading worksheet, and that he has provided the Bourne Board of Health with the nitrogen loading form that they prefer.

Mr. Andrews confirms that Mr. Gonsalves submitted the Town of Bourne Conservation Commission nitrogen loading worksheet, and that he believes that that form was the only component that they were requiring.

Miss Guarino confirms for Mr. Andrews that they were willing to approve this project pending the submission of the correct nitrogen loading worksheet.

Mr. Andrews and Mr. Meier review their packets for the information on 7 Wales Dr. and confirm that they are ready for approval.

**Mr. Uitti makes a motion to approve 7 Wales Dr. on behalf of the property owner Christine M. Moscatiello, requesting relief from 310 CMR 15.404 and local Board of Health Regulations for the installation of an upgraded septic system. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.**

### **5. 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.**



Miss Guarino states that the representative of this project, Stephen Nelson, has requested a continuation to the next meeting on February 22, 2023. Mr. Andrews confirms, and they agree to discuss 4 Wenaumet Bluffs Dr. on February 22, 2023.

- 6. Violation of 105 CMR 665.010(A): Minimum Standards for Retail Sale of Tobacco & Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – Sale of a tobacco product to a person under the Minimum Legal Sales Age at Cape Side Convenience, 105 Trowbridge Rd, on Jan. 9, 2023 – 2<sup>nd</sup> offense – Requesting continuance to March 8, 2023.**

Miss Guarino discusses that the business owner is requesting a continuance until March 8, 2023, because they will be unavailable due to being out of the country.

Mr. Andrews questions if this was through the county's tobacco control "sting" program, and Miss Guarino confirms. Mr. Andrews seeks confirmation on if this was their second offense, and Miss Guarino confirms. Mr. Andrews states that the Board will be limited in their response because of the state rulings.

Mr. Uitti questions if they are still selling tobacco at this time. Miss Guarino states that they are, and that they currently have a valid permit to do so. Mr. Andrews reviews that the meeting would be where the discussion regarding continuing to sell tobacco would occur.

**Mr. Meier makes a motion to extend the discussion on the Violation of 105 CMR 665.010(A): Minimum Standards for Retail Sale of Tobacco & Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – Sale of a tobacco product to a person under the Minimum Legal Sales Age at Cape Side Convenience to March 8<sup>th</sup>, 2023. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.**

- 7. 176 Scraggy Neck Rd. – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – 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 Feb. 22, 2023 hearing.**

Mr. Andrews confirms with Miss Guarino that the Board of Health office received a letter of continuance, to which Miss Guarino states yes, and that it was received on January 24<sup>th</sup>, 2023, to request a continuance until February 22<sup>nd</sup>, 2023, so that there would be adequate time to respond to the recent letter received from Hill Law, that came in prior to the January 25<sup>th</sup> meeting.

**Mr. Meier makes a motion to grant continuance of 176 Scraggy Neck Rd, Don Bracken of Bracken Engineering until February 22<sup>nd</sup>, 2023. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.**

- 8. 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. Andrews advises that he cannot sit in on this item, therefore, the Board will not have a quorum on this item and asks Mr. Basinski if he is comfortable requesting a continuance.

Mr. Basinski formally requests to continue to the next meeting.

**Mr. Meier makes a motion to extend 68 Elgin Rd to February 22<sup>nd</sup>, 2023. Mr. Uitti seconds the motion. Mr. Meier and Mr. Uitti vote in favor, and Mr. Andrews abstains. Motion passes.**

**9. 2 Jefferson Rd. – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Arthur R. Hallam III – Requesting relief from the Bourne Board of Health 150' Setback Regulations for the installation of a new sewage disposal system, previously approved by the Board of Health on September 13, 2018.**

Mr. Basinski, Professional Engineer of Bracken Engineering introduces himself as the representative of the project. Mr. Andrews comments on the familiarity of the address, and Mr. Basinski states that it is familiar. Mr. Basinski discusses that the property is 2 Jefferson Rd is a developed lot for a single-family house in Gray Gables. He states that this property was in front of the Board of Health in 2018, and that the applicant was granted approval for a house renovation and cottage move on the property, and that the Board granted relief on the installation of a septic system. He states that after the housework was done, the property owner Mr. Hallam suffered from an aneurysm and was "out of commission" for a while, and then with COVID-19, he had to pause on the project. Mr. Basinski explains that the owner is now looking to install the project and reinstate the permit, and that they have been granted an order of conditions by the Conservation Commission. He states that the resource areas are the same on the lot, and that it is the same proposal as from 2018 that was approved. To recap, he explains that there is a 2-bedroom main house and a 2-bedroom cottage on the property, and that they would like to have a proposed I/A septic system which includes a MicroFAST unit, a 1000-gallon pump chamber, and a plastic SAS with pressure distribution on the top. Mr. Basinski explains that the design has been developed to accommodate the sensitive resource areas.

Mr. Basinski explains that they are requesting relief for a 15-foot setback to the offsite, and a 30-foot setback reduction from the salt marsh that leads up to the Cape Cod Canal.

Mr. Andrews clarifies that Mr. Basinski submitted his green cards for the project, and he confirms that they have been submitted physically, and electronically. Mr. Andrews questioned the timing of the project, asking that if they had 2 years to install the system, and if the 2 years were put off track due to COVID, but that they had 18 months to install prior to COVID, and that the halt COVID caused ceased a year and a half ago, they should be submitting a new application. Mr. Basinski clarifies, and states that it is a new application, but that it is exactly the same as what was approved prior.

Mr. Basinski explains that the nitrogen flow on the lot was 9.9 ppm before, and after installation it will be 6.3ppm. He states that there is a vast reduction, and that they are proposing 5 bedrooms, and that there will be no increase in the bedroom count.

Mr. Andrews questions the submission of the architectural, and Mr. Basinski explains that they were included in the packet. Mr. Andrews explains that there is a new Town of Bourne Board of Health Bedroom definition, but that he did review the architectural, and they conform to the new definition.

Mr. Andrews requests that Mr. Basinski explains more regarding the Soil Absorption System. Mr. Basinski states that it is a plastic system with pressure distribution. He states that it meets the Title V requirements and the local Board of Health requirements for pressure distribution and provides for nitrogen reduction.

Miss Guarino states that she does not have any questions, and that this appears to be the same as what was previously presented to the Board of Health. She states that there was a condition of approval regarding a deed restriction, so a 5 bedroom deed restriction will need to be recorded in total and that it must distinguish between the multiple dwellings on the lot. She also highlights that they will need an alternative septic notice recorded prior to the issuance.

Mr. Andrews questioned the timeline that the owner has. Mr. Basinski states that he wants to go as soon as possible. Mr. Andrews confirms that Mr. Basinski is aware that if they are granted approval, they will have to still obtain the other



requested items prior to the permit issuance, and Mr. Basinski confirms, and informs Mr. Andrews that they still have to go through the Zoning Board prior to permit issuance.

Miss Guarino states that the current system is not deemed as failing, so, she believes that the timeframe for completion can be the standard two years.

Mr. Meier asked about the project status in accordance with the Zoning Board, and Mr. Basinski stated that they are "just about ready" to submit the application.

**Mr. Meier makes a motion to approve 2 Jefferson Rd, represented by Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Arthur R. Hallam III, requesting relief from the Bourne Board of Health 150' Setback Regulations for the installation of a new sewage disposal system, previously approved by the Board of Health on September 13, 2018. Mr. Uitti seconded the motion.**

Mr. Andrews asks for clarification on the motion.

**Mr. Meier makes a motion to amend the previous motion to include approving changes that were made at the previous meetings. Mr. Uitti, second. Unanimous for the amended motion. There was unanimous approval of the motion and the amendment.**

Mr. Andrews clarified that this was referencing to the original plan that was approved on September 13, 2018, and the amendment includes the stipulations that were granted with the approval.

**Mr. Meier makes a motion to approve the amended motion. Mr. Uitti seconds the motion. All were in favor.**

#### **10. Return to agenda item #3, regarding changes to the Nitrogen Loading Worksheet.**

Mr. Andrews states that he is aware that Miss Guarino sent a copy of the changes made via email regarding the changes to the excel worksheet that the Cape Cod Commission has created for the Town of Bourne. Miss Guarino states that this is the form that the Conservation Commission currently uses for their Notice of Intent applications, so it will aid in the creation of uniformity across the town. Miss Guarino explains that this form was developed by the Cape Cod Commission to be specifically catered to the Town of Bourne. She specifies that there were standardized fields on the worksheet filled in, one being the recharge rate, so that there aren't inconsistencies with applicants filling in data for a different community. She explains that Bourne actually has a higher recharge rate than other municipalities within Barnstable County, and that the information comes from the Cape Cod Commission's technical bulletin, so that the value is specifically filled in for the applicants.

Mr. Andrews questions if they remain locked, and Miss Guarino confirms.

Miss Guarino explains that there is also a standard value for the wastewater flows, and that generally speaking, any sort of nitrogen loading methodology is based on several assumptions, so there are a number of different ways to calculate the wastewater flows, whether you are using 44 gallons per day per person, or 55. She states that there are also discrepancies based on studies that use 2.5 people per household, or 2 people per household. She states that you can also obtain data from the water districts regarding usage, and there are various methods to obtain information, such as the water use records per property. She explains that with the form, they filled in a conservative wastewater flow value of 175 gallons per day per unit, and with that, that value is averaged with the project's Title V wastewater management flow. So, using that standard flow value, there will not be any inconsistencies between projects. Miss Guarino emphasizes how she prefers the usage of a standard value and that she supports it because it is based on actual residential parcel water usage data in the Town of Bourne, so it is more effective.

Mr. Andrews questions the 175 gallons per day per unit, and explains that based on his recollection, it was based on one water district in North Sagamore, because the values weren't available for the Cape Cod Commission for the other

watersheds in the town. He states that he remembers it was 71 gallons per day, but that they calculated it out to match a parcel. Miss Guarino responds, explaining that that is roughly correct, and that it would be around 70 gallons per day with roughly 2 people per unit.

Mr. Andrews reemphasizes how the data is only based on one water district, and Miss Guarino clarifies that the other water districts do not have data on an annual basis, but that they have other data which they used for the online mapping rules. She explains that it is not as current as an annual basis like the North Sagamore district, but that the information is still strong. Mr. Andrews states that he would hope in the future they could specialize the form for each region and watershed since the varying areas may differ due to the diverse population in town.

Miss Guarino highlights that some other features are that wastewater flow is converted based on the applicable MassDEP I/A technology limitation, so with the amount for ppm calculation, there is still an applicable conversion factor. She explains that on the second sheet, there are also other tools that can be used for future regulations to help guide decision making processes, such as asking if the watershed with which a property is located has a well, if there is a freshwater recharge area, or potential water supply areas. She states that these could be questions that are useful for future decision making.

Mr. Andrews brings up the different technologies used for the systems, and questions the adaptability, and the difficulty to implement a system that has special qualifications. He questions if they have the ability to use the document to support new technologies. Miss Guarino explains that it is quite simple, and that they had the commission do that by adding on more categories with more details that would include some of the recent provisional systems. Mr. Andrews explains that he is aware that Miss Guarino and the Town of Bourne Conservation Agent, Stevie Fitch, went through a lot of effort to make it a comprehensive form.

Mr. Meier questions the North Sagamore Water Districts data being used, and Mr. Andrews explained that they were the only region that had those numbers to report on, which explains the information that was used for building that tool. Mr. Meier states that his problem is the discrepancies in population per district, and Mr. Andrews states that they would be able to account for that data later, especially since Miss Guarino highlighted how the form can be altered and improved on. Mr. Meier says that that is very important to him.

Ms. Mary Frances Galligan came to the podium, and questioned where they would be able to find the worksheet. Mr. Andrews responded, and stated that it will be on the Bourne Board of Health website. Ms. Galligan also inquires if passed, if this will be the form that will be used going forward. Mr. Andrews explains yes, and that once the worksheet is approved, it will immediately be in effect.

Ms. Galligan also questions where the Cape Cod Commission report can be located, and Miss Guarino states that the report can be found on the Cape Cod Commission website, and if you search for the Cape Cod Commission Technical bulletin, there is a link.

Ms. Galligan asked for clarification on if approved, that worksheet will be used, and if the current Bourne worksheet will no longer be used. Mr. Andrews confirmed. Ms. Galligan also discusses that she is aware that there was another Bourne worksheet draft that was submitted prior for one of the NOIs, and questioned the implementation. Miss Guarino explained that this worksheet has been used by the Conservation Commission. Ms. Galligan questioned the changes, and the hard cells. Miss Guarino states that they have been making sure that the cells have been locked, as well as the individual sheets and formulas being locked, so that you can fill in the mandatory fields but that the calculated values can't be changed. Ms. Galligan questioned what values cannot be changed, and Miss Guarino explains it's gallons per day, and that the cells that have been locked have values that have been calculated based on pre-existing formulas so that when you enter a value, the value is applied to the formula. Ms. Galligan states that at the last meeting she was at, she believed there was an error in the sheet. Miss Guarino stated that they were referencing the older form, which did not have the up-to-date features. Miss Guarino states that all of the worksheets are from the Cape Cod Commission's Technical Bulletin, and that this evening they are discussing how they worked with the commission to tailor the worksheet for the needs of Bourne through the available data to make sure that there are correct water flow and recharge rates because the methodology is to make sure there are varying options for the



various types of systems. She explains that a lot of the methodologies are developed from assumptions from pre-existing data, which is why the applicants can have boxes to check off for their systems to make sure they are fitting the correct nitrogen loading limits as per the MassDEP. Miss Galligan questioned the error, and states that she is concerned with the past error. Miss Guarino explains there are issues on the old form, specifically regarding the ground water recharge, which the new form is able to better account for because there are estimates based on calculations that are formed by assumptions, which has made it a more sound and reliable form. She emphasizes that the new worksheet is up to date.

Mr. Bertram joins the conversation, and explains that the old form is out of date and not the best applicable worksheet. He states the new form was developed to reflect the advancement in technology, and that the usage of an excel worksheet allows the form to be more user-friendly to aid in avoiding errors. He states that prior, the forms called for handwritten calculations, which led to higher error rates, but now, the form will do the calculation, and that he does not believe that there will be any carry over errors since this is a new form. He explains that the Cape Cod Commission and the Conservation Commission have analyzed these forms to ensure that there are no errors.

Ms. Galligan questions if there will be a cutoff date for when the form will be effective. Mr. Andrews emphasizes it will immediately be in effect when the Board votes it in.

Mr. Basinski came to the podium to ask for clarification on if previously submitted projects will require the new form, and if it will be submitted as a courtesy or a requirement for the prior projects. Mr. Bertram states that he thinks it will be sufficient to submit for new projects. Mr. Andrews explains that he knows that Mr. Basinski usually utilizes the Bourne form and his own form, and he thinks that the form that Mr. Basinski utilizes parallels the new form. Mr. Basinski states that if he wants him to expand on the errors on the old form he can, and that he did not think that it was anything egregious, but small issues with ratios. He explains that he can see those issues have been corrected with the new form, and that he thinks the new form is a great thing for the town and will aid in standardizing the forms. Ms. Galligan approached the podium again, to ask for clarification on if going forward, even for previously filed applications, if the form should be used. Mr. Andrews states that it is not required for previously filed applications, but they will ask for it because it will aid in decision making.

Mr. Andrews states that this is a great tool for I/A technology, but questions what the form may contribute to conventional systems. Miss Guarino explains that the conventional system option is still within the form, which highlights a standard Title V system that has estimates of 35 ppm of nitrogen loading. Mr. Andrews asks for clarification on if this tool will be effective across the board for various systems as they progress through the years and see advancements in technology. Miss Guarino confirms that that is correct, and that it will even be able to account for cesspools and their nitrogen reduction.

Mr. Meier questions if this will ease the workload of the Health Department, because once there is a computer with automatic calculations it should be a lot easier. Miss Guarino confirms. Mr. Andrews explains that something that he likes is that nothing can be tweaked, and that the form is standardized so it will be easier for review and interpretation. He states that he often gets nervous with spreadsheets, but that he knows that this one has been extremely vetted. Mr. Andrews explained that this will be the form utilized for all applications and all systems with the exception of emergency repairs. Miss Guarino states that it is not a requirement for repairs or upgrades currently, and that she is confused if he is referring to septic system upgrades the Board of Health is considering. Mr. Andrews states that it could be used for new systems, upgrades, repairs, and having one standard form for that can accomplish a uniform number to see tracking. Miss Guarino again asks for clarification on if he is specifically referring to projects in front of the Board of Health. Mr. Andrews states that he is looking for a policy for all systems for the entire town so that there is consistency throughout the town. Miss Guarino explains that it is not currently a requirement for upgrades and repairs, but that it could be applicable to all projects, but is just not required. Mr. Andrews states that he thinks this is truly a great tool for the applicants, and that it will be useful for tracking the data for water districts and watersheds to see the efficiency of systems.



Mr. Basinski asks for clarification on if the Board will use this form for all projects, including those not near water, upgrades, and repairs. Mr. Andrews states that that's how he sees it, and that that it will be useful for tracking data. Mr. Basinski explains it will be good for the watersheds, and Mr. Andrews confirms and that it will aid in seeing the effects and health of watersheds and TMDLs. Mr. Basinski states that one thing he would be cautious about is how the old form was based on square feet, but that this form is based on acreage, so the magnitude of difference will change the numbers drastically, so he thinks there should be additional decimal places used to cover a possible differential. He explains for consistency, there should be decimals used. Mr. Andrews asked for Mr. Basinski's professional recommendation for a conservative and realistic example. Mr. Basinski states that he would utilize around three decimal places at a minimum. Mr. Basinski emphasizes the importance of creating this standard to aid in converting square footage to acreage.

Mr. Meier questions the difference between square footage and acreage, and how it will affect the conversions, specifically regarding nitrogen loading. Mr. Basinski explains that especially in situations where they are trying to reduce the nitrogen to 5ppm in coastal areas, the margin will be effective and they need to check the conversion to reduce errors. He states that having a three decimal place minimum will help reduce inconsistencies.

Mr. Andrews asks Miss Guarino what her opinion would be regarding the clarification on the nitrogen loading and utilizing 3 decimal places. She states that that is a tool that she can easily put into excel, and that Mr. Basinski raised an interesting point.

Mr. Bertram stated that if someone submitted a sheet that only utilized 1-2 decimal places, and 3 is part of the decision making, the Board could always ask for further clarification. Mr. Andrews stated that if that was submitted, it would not be a complete filing. Mr. Bertram states that they could always request the additional information during a hearing if the three decimals is not part of the requirement. Mr. Andrews explains that he has a hard time deciding on that because he would like to avoid any discrepancies so that there is more accuracy for the square footage.

Mr. Meier stated that he would like to see that standardized now and have it be required so that they are not making any arguments in the hearings on the amount of decimal places so that the process can be swifter.

Mr. Andrews states he would be comfortable with 4 decimal places.

Miss Guarino states that 3 decimal places will work well, and that there are a lot of assumptions and averages so that going to the thousandths would be very conservative.

Mr. Uitti states that he agrees with the rest of the board, and Mr. Meier thinks they got a lot accomplished in regards to this.

Mr. Andrews shows his gratitude for the Board having a deep discussion on this topic and that he is thankful that they are able to make revisions to this since it is out of date, especially since this will help in protecting our environment and assisting the Board and applicants in the process of projects. He states it will provide consistency throughout the Board.

**Mr. Andrews makes a motion to accept the new nitrogen loading calculation sheets that Miss Guarino has presented with the requirement that when converting square footage to acreage that is three decimal places out to the thousandth, and that this form be used on all systems in town with the exception of emergency repairs. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.**

Mr. Andrews states that he is aware of how much work Miss Guarino, and Miss Fitch, the Conservation Agent put into the worksheet, and thanks her.

Miss Guarino questions the exception of emergency repairs, and asks Mr. Andrews to explain what he is referring to, and he states that an emergency repair would mean that there is a catastrophic failure, and that it can be signed off immediately without the Board meeting, because there is a system that is bubbling over the ground, so that there is something that needs to be fixed immediately without a nitrogen loading sheet. Miss Guarino explains that under the Title V definition of emergency repairs, it is usually a pump out, and that there is a different definition for a repair, which would be a single component like a pump tank or chamber, and that an upgrade would include the soil absorption system. She states that she is just looking for clarification on if he is referring to the projects that go in front of the



Board of Health. He states no, and he would require this for all filings and all permits so that everything is covered. Miss Guarino states that she does take an issue with that. Mr. Andrews asks why the nitrogen loading sheet would affect other projects. Miss Guarino explains that it is hard enough to get completed applications into the office, and that this would be something out of the ordinary for a lot of system designers, and often times homeowners and installers will submit the applications, and that they are not familiar with the level of detail that these would require, because the contractors often do not work on complicated and technical projects that would often require that information and would come in front of the Board of Health, so she does not think that it would be best. She emphasizes that this would be an issue among designers and installers to provide this level of detail for the permits that they typically pull, and that she does not think that there is any level of regulation that would support this, so it is a concern for her. She explains that it would cause an undue burden on the office and that there would be handholding for all the contractors on how to do this.

Mr. Andrews states that he remembers a licensed installer could design and put in a system, but now that he believes you have to have someone who is certified to design a system, which means that they should know how to fill out the sheets. She explains that it will cause a big issue, and she has a strong objection to it, and that it would be burdensome to the staff to have to walk through each individual application for how to do this, and that there are a lot of links to various tools, which system designers are not always used to using. She explains that right now the regulations are not in place for some of the deeper and technical layers of the worksheet, so as far as the Cape Cod Commission viewers, it would be difficult. She states that many system designers are not familiar with the regional policy plan data viewer tools for the Cape Cod Commission, and they would need guidance on how to answer those questions. She states that she would ask the Board of Health to only be using this for applications in which they would be reviewing.

Mr. Andrews states that his questions at the beginning of if the tool would work across the board, and Miss Guarino's response that it would, was so that he could see what the tool was so that they can have consistency for a database that can be available to the community so that they can see what systems are being installed, what level of protection would be provided for the environment, and it would provide a way to track and categorize what is going on. He states that if there are designers coming on to the Cape area, they have chosen to come and work, and they should be able to fill out the required documentation if they are willing to work in this area.

Miss Guarino states that she has explained how she feels, and that she does not think that current regulations would support requiring this form for upgrades and repairs, and that this form is required by the Conservation Commission for their Notices of Intent forms, not their RDAs, which is repairs and upgrades, which is the same for the Board of Health process. She explains that it is too significant of a change, and that the timing is not appropriate because there is not clarity on what the future regulations will be. She states that when state and local regulations change, that would be the time to implement something across the board.

Mr. Basinski comes to the podium to expand on what Miss Guarino stated. He explains that it is cumbersome to fill out these forms, and that in certain situations the Board needs to look at when and why the data will be used. He says that many designers do not have the capability to do the nitrogen loading calculations, and that they do not have the ability to do that. He also explains there will be an impact on cost and they will raise rates if this is included, which will cause a burden. He explains it is a great tool for the town, but that there is no regulation to support this and that they do not know what the data is being brought into. He states that he believes it is premature.

Mr. Andrews responds saying if they expand, and see an expansion in the required technology in our watersheds, and if the local engineers and sanitarians that are used to working with this are overwhelmed so people who are not used to working in these parts have to take these projects, shouldn't they have to conform to the same standards? Mr. Basinski responds stating that it is not even regarding people who do not work in this area, but rather, there are some designers who do not have the capability to get the accurate areas for that form, so it will add a cost for those designers. Mr. Andrews responds that they require that already. Mr. Basinski states that there are some areas with conventional systems that the information would not be needed, so it will now cause a burdened cost to the homeowner. Mr. Andrews states that the same designer could be designing things regardless of area, so if they are designing things that require the form for one area, he doesn't understand why they cannot do it for another. Miss



Guarino explains that for repairs and upgrades, there is not a land surveyor requirement under Title V, so they are not getting the same level survey for those jobs, because for things like new construction, a surveyed plan is required, or, if there is a property setback issue. She states that currently MassDEP does not have the appropriate tools to readily find this information, so as far as watersheds, they have to use this RPP data viewer tool that the Cape Cod Commission has available, but that MassDEP cannot obtain that information easily. Mr. Andrews questions if the tool will not work for what they have in town. Miss Guarino explains that it is a decision making tool for the Bourne Board of Health to use when considering variances, waivers, and increases in design flow, and that this is how the worksheets have been used in the past. Mr. Andrews states that it could also be used as a database tool to see what has been done in an area, and to see how they are achieving nitrogen reduction in TMDLs, as well as other parts of the community. Miss Guarino explains that if and when there is a MassDEP approved Comprehensive Wastewater Management Plan, or whether or not the watershed permits come into effect, there will be compliance requirements for fitting the limits of those permits, but that they do not know what those are yet. She states that in the future, that is something that this can be adjusted to address so that there is a way to maintain the data, but for right now, it is just designed to complete what it has done in the past, and that it focuses on groundwater recharge, and that it is a decision making tool to guide decision making processes and strategies, especially when considering redevelopment, increases in flow, additions, renovations, and substantial improvements to existing parcels. She states that she thinks that is the intent for the worksheet, so that the tool can be more functional than what it was, but that they are not sure what will come in the future.

Mr. Andrews questions if they have anything in specific that they would like to see the tool applied to. Miss Guarino states that for right now, it is just required for new construction and increases in flow for the application packets, and that that was her anticipated usage. Mr. Andrews explains that the Board has been requiring it for sensitive areas and resource areas because they need a variance from local regulations, and that the Board would still like to see that because it is what provides them with a solid scientific decision.

Miss Guarino explains that recently the form has been utilized for some of the upgrade applications.

Mr. Bertram states that this is less of a legal issue and more of a policy issue, and that his role is constrained, but that it sounds like there are two areas of concern; The items that come before the Board in a hearing where the Board finds it useful, which they can amend the vote so that it can be required for applications that go in front of the Board, and then if they want to consider if there is a utility to collecting information on other things, they could keep it as an agenda item so they can do some more tweaking. He states that he believes they have achieved what they wanted to capture tonight, and that they can put it off for other usages until they have time to wrap their heads around future regulations more.

Mr. Andrews thanks him for his wisdom and asks if there are any other questions.

**Mr. Andrews amends his motion to make the worksheet a requirement for all systems that come in front of the Board. Mr. Meier seconds the amendment. All were in favor, and the amendment passed unanimously.**

**Mr. Andrews makes a motion to approve the main motion as amended.**

Mr. Meier states that he is still baffled, and he would like to further discuss it.

**Mr. Meier seconds it.**

Mr. Meier questions about how they were attempting to obtain standardization for the Board, because they have to extend things, which would not happen if they had a standard for information for the Board, not the office. He explains that when they are looking at multiple nitrogen calculations and they get worksheets that have differences depending upon the interpretation, that he would like there to be a lack of discrepancies. Mr. Andrews states that this is what this still does, and that with how the motion is amended, anything coming in front of the Board will have that form attached to it. Mr. Meier states that is what he is looking for.



**The Board voted, all were in favor, and the motion passed unanimously.**

**11. Approve the Minutes – Approve the minutes from previous meetings dated September 14, 2022, November 16, 2022, December 14, 2022, January 5, 2023, & January 11, 2023.**

Mr. Andrews states that he has not reviewed the tape for the September 14, 2022 meeting, and that he will be able to review it this upcoming weekend. He states that he is not comfortable approving those minutes without reviewing the tape since there was discussion regarding how the minutes were not complete or accurate. Mr. Meier states that it would be a good idea to hold off on voting so that Mr. Andrews can review, and so that the entire Board can vote.

**Mr. Meier makes a motion to extend the September 14, 2022, meeting minutes until the next meeting date on February 22<sup>nd</sup>, 2023. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.**

Mr. Andrews states that there were corrections made to the November 16, 2022 meeting minutes where the plus and minus symbols were not included in the motion but were reflected in the minutes. He states that he saw an amended set from Kaitlyn Shea, Assistant Health Agent, and that he wants to make sure they vote as amended. Miss Guarino states that she recalls it being a general comment, not being a set of minutes, and that she asked for clarification on what they were specifically discussing and did not get clarification. Mr. Andrews states that he reads the motion directly from the agenda, but the plus/minus symbol was removed in some places, but not others, and the motion was made by the same member in both instances, since plus/minus is very open ended. Miss Guarino emphasizes that that was a general comment. Mr. Andrews states that this is a change that he would like to see in the minutes. Miss Guarino states that she does not recall what he is specifically referencing and that she was not sent corrections because she was not given specifics.

Mr. Bertram states that to clarify, in the November 16<sup>th</sup> minutes, they would like the plus and minuses struck from any motions. Mr. Andrews states that he would like them to stay in the heading, but that they are struck from the motions. Mr. Bertram reviews the minutes. Mr. Andrews explains that he reviews them on his computer because he has printer issues and they were not included in his packet but that he did have an electronic copy to review.

Miss Guarino states that it depends on who is making the motion, and Mr. Andrews states that he knows Ms. Princiotta does not include it. Miss Guarino states that they did not obtain specifics.

Mr. Andrews states that for the November 16<sup>th</sup> minutes, on Item #5, they would like to have the plus and minuses removed.

Mr. Andrews shows Mr. Bertram on the paper copy what he is referencing, and Mr. Andrews states that he knows that Ms. Princiotta does not include the plus and minuses in motions.

Miss Guarino states that it depends on who makes the motion and that people often read directly from the agenda. Mr. Andrews explains he made sure that Ms. Princiotta would not when she reads motions. He states that that is the only set that they had those corrections on.

**Mr. Meier made a motion to approve the November 16, 2022 minutes as amended at the meeting. Mr. Uitti seconded it. All were in favor, and the motion passed unanimously.**

**Mr. Meier made a motion to approve the minutes from December 14, 2022, January 5, 2023, and January 11, 2023. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.**

**12. Set tentative date for next meeting and adjourn.**

Mr. Andrews stated that the next meeting would be the 22<sup>nd</sup> of February.

### **13. Adjournment**

**Mr. Uitti made a motion to adjourn the meeting. Mr. Meier seconded the motion. All were in favor, and the meeting adjourned at 6:53 pm.**

Taped by: Terri Guarino, Health Agent

Typed by: Viveca Stucke

Edited by: Stacey Burgess