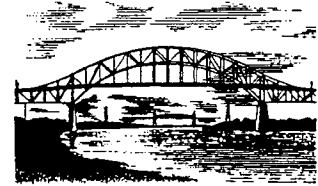


RECEIVED

**TOWN OF BOURNE  
BOARD OF HEALTH**

**24 Perry Avenue  
Buzzards Bay, MA 02532  
Phone (508) 759-0600 x 1513  
Fax (508) 759-0679**



Terri Guarino  
Health Agent

**MINUTES  
March 23, 2016**

**Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; and Galon Barlow**

**Support Staff in attendance: Terri Guarino, Health Agent and Jamie Butler, Health Inspector**

**MEETING WAS CALLED TO ORDER AT 7:01 PM**

**Kelly Mastria Remote Participation**

- 1. 260 CIRCUIT AVE – James F. Dineen, Homeowner – Request Reduction in Quarterly Maintenance Inspections for the Alternative Technology System** – Mr. Dineen was present for this hearing. Mr. Dineen has owned his house for 9 years. He stated that Rosano Davies are the inspectors for his innovative alternative septic system. He stated that the samples are as clear as Poland Springs water. Mr. Andrews stated that he is not in favor of the reduction because Mr. Dineen utilizes his dwelling year round. Ms. Peterson stated that the Board of Health needs more time to review the alternative septic system policy prior to granting a reduction in maintenance inspections for alternative technology systems to any year round residents. Mr. Andrews stated that he would like to hear from some wastewater operators in addition to reviewing the policy. Ms. Peterson stated that in June or July the Board of Health will review the policy, and advised Mr. Dineen to reapply for the variance during those months. Ms. Mastria is in support of revisiting this in June or July. Mr. Dineen asked if there was a specific benchmark level for determining purity of wastewater. Ms. Guarino stated that wastewater is considered pure if it is within the parameters set by DEP and the local Board of Health policy. Mr. Barlow added that he would like to hear input from Barnstable County prior to granting a reduction in maintenance to year round residents. **Mr. Andrews made a motion to deny the reduction in quarterly maintenance inspections for the Alternative Technology System located at 260 Circuit Ave. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.**

2. **13 EMMONS RD – CONTINUED from March 9, 2016-- Thomas Bunker for Smullin Family Realty Trust – Request variances from the 150 foot setback regulation for the proposed addition and upgraded septic system– Discussion and possible vote –** Thomas Bunker was present for this hearing. Mr. Bunker stated that he had corrected the wording on his variance request letter addressed to the Board of Health and that he has re-submitted it to the Board of Health office. Mr. Bunker stated that 13 Emmons Road is a small, seasonal, uninsulated home. He also stated that the bathroom is being made handicap accessible. The number of bedrooms in the house is being increased from 5 to 9. Mr. Bunker also stated that this home has sentimental value to the owners. Mr. Bunker stated that there is no conforming location to put the soil absorption system. The proposed septic system is designed to be adequate for 9 bedrooms. There is a denitrifying component. Mr. Bunker stated that they have maintained a 50' set back to the coastal bank, which is required by title five. The system would be 146' from one coastal bank which would require a 4' foot variance and also 51' from the secondary coastal bank which would require a 99' variance. These variances are from the Board of Health policy which requires a 150' foot setback to any coastal bank. Mr. Bunker stated that this system would provide better protection for the environment. Mr. Andrews stated that Mr. Bunker did not fill out the top portion of the nitrogen loading calculation worksheet and asked that he fill that out. Mr. Andrews also stated that Mr. Bunker has a compelling argument and that there is a definite benefit for the environment. Ms. Mastria asked if this property has gone through conservation yet. This property has gone through conservation and all delineations have been approved. Ms. Guarino read verbatim the conservation agents, Brendan Mullaney's comments on the tertiary bank: this bank has been delineated based on the location of the flood zone and slope of the landform, this project will have minimal impact on the ability of this bank to act as a buffer to prevent storm damage. **Mr. Andrews made a motion to approve the variances of 51' (99' variance) from the secondary coastal bank and 146' from the seawall by little bay (4' variance) from the 150 foot setback regulation for the proposed addition and upgraded septic system for 13 Emmons Road. Mr. Barlow seconded the motion. All in favor. The vote was unanimous.**
3. **10 HARBOR WAY/ZERO LIGHTHOUSE LANE – CONTINUED from March 9, 2016-- Zachary Basinski of Bracken Engineering for Elizabeth Warden – Discussion and possible vote to approve a Nitrogen Loading Facility Aggregation Plan in accordance with §310CMR15.216 of the State of Environmental Code, Title 5 and a variance request from the 150 setback of a water resource area for the proposed construction of a single family dwelling–** Zachary Basinski was present for this hearing. Elizabeth Warden is participating remotely.

Ms. Warden thanked the Board of Health for allowing her to participate remotely. Mr. Basinski stated that the proposed project is to construct a one bedroom house at 10 Harbor Way and to install an off-site septic system located at 0 Lighthouse Lane. This is being requested under §216 of the nitrogen loading aggregate plan. Mr. Basinski is looking for the approval of the nitrogen loading aggregate plan and also 2 local variances from the Board of Health regulation that requires a 150' setback to a water resource area. Ms. Warden stated that she was having some difficulties being able to hear the discussion. **Ms. Warden was no longer participating remotely.** Mr. Basinski stated that one attachment is for the facilities lot and the second is for the credit land. Ms. Peterson stated that in this state document there are no provisions that state that the credit land remain completely untouched. Ms. Peterson stated that the land needs to remain completely untouched, no gazebos, no portable structures, and no gardens. Mr. Basinski stated that the 12,000 square feet will remain untouched. Ms. Peterson stated that the document needs to be modified, and has to go to town council for review. Mr. Barlow stated that a septic system was approved for this property in the past. Ms. Mastria asked if a septic system was approved for this property that was also located on another property in the past. Mr. Barlow stated that in the past another builder had proposed building a home on that property and a septic system was approved by the Board of Health, but a home was never built there because it did not meet other criteria. Ms. Guarino stated that on the credit land easement attachment under obligations and easement, number 1 is the prohibition section which states that the grantor agrees to maintain the property as nitrogen credit land by prohibiting activities which have a detrimental effect on nitrogen loading on the property. Ms. Peterson stated that specifically the Board of Health wants written that there will be no structures on this land, and that the land has to remain in its natural state. Ms. Peterson stated again that town council needs to tighten this document up. Mr. Andrews stated that this document needs to be compiled prior to the Board of Health approval. The Board of Health needs draft copies of the future deed restrictions prior to approving this system. Ms. Guarino stated that on page 2 of the credit land attachment under obligations and easement, number 1 prohibitions, what is included in that but not limited to waste water discharges, the use of nitrogen fertilizer, introduction of artificial and impervious surfaces, the raise and grazing of animals, and so on. Ms. Guarino suggests that this would be an appropriate section to add additional prohibitions and more stringent requirements such as prohibiting a playground and any other prohibitions that the Board of Health deems necessary. Mr. Barlow suggested adding in the prohibition of recreational use. Mr. Andrews suggested adding in the prohibition of portable structures, and temporary tents. Ms. Guarino summarized that on attachment 2, under obligations and easements, on the second page under prohibitions, the Board of Health needs a clause added that prohibits temporary or portable structures and commercial or recreational use within the parcel that is 12,100 square feet of credit land that is illustrated on the

plan. Ms. Guarino stated that under the enforcement section, criminal and civil penalties and including but not limited to injunctive relief is already mentioned in the document. Mr. Budryk from 15 Canal Road was present for this hearing. Mr. Budryk stated that 0 Lighthouse Lane merged with 1 Lighthouse Lane, and that there is no 0 Lighthouse Lane. Mr. Budryk stated he received a letter from Denis LeBlanc a hydrologist with US Department of the Interior and Mr. Budryk read this letter verbatim. Mr. Budryk stated that the residents of Wings Neck are not against a house being built on that lot but rather they are concerned with water and the size of the house. Ms. Peterson stated that she explained to Mr. Flannigan on the phone today that everything that would not be a bedroom would have to have a 6' cased opening and could not have a door. The Board of Health has a different definition of a bedroom. Mr. Budryk asked if the owner has considered downsizing the dwelling so that a different septic system could be proposed. Ms. Peterson stated that it is not up to the Board of Health to tell people what size house to build. Mr. Budryk feels that there are a lot of wells on Wings Neck, and that if those systems were to fail there would be no room to rearrange things. Ms. Guarino stated that the entire locus, Wings Neck as a whole has been investigated. Ms. Guarino stated the private water supplies are a significant reason as to why this type of system is being installed. Mr. Basinski stated that this type of system meets all requirements and that this is the best system that can be installed. Mr. Barlow stated that every project is site specific. Mr. Budryk asked if a hydrologic study could be performed. Ms. Guarino stated the regulation requires that if the septic system is within 100 feet from a water resource then a hydrologic study could be performed. However, this project does not meet the requirements to perform a hydrologic study. Mr. Budryk feels as if there is erosion on Wings Neck. **Mr. Barlow made a motion to continue the variance request for 10 Harbor Way/ 0 Lighthouse Lane to the next Board of Health meeting on April 13, 2016. Mr. Andrews seconded this motion. All in favor. The vote was unanimous.**

4. **61 MARYLAND AVE – Mark Tuleja of MTI Home Designs for Mark Peretti – Request waiver to use the existing system for renovations, additions and/or alterations – Discuss and possible vote –** Mr. Tuleja of MTI Home Designs representing Mark Peretti was present for this hearing. Ms. Guarino stated that a building permit was pulled in which this scope of work did not require BOH review based on town policies. A second building permit was pulled at a later date, and it did require Board of Health review, however, the building permit was already issued. Mr. Andrews asked if there has been a 129% increase since this project started. Mr. Tuleja responded yes. Mr. Tuleja added the total square footage to the existing permit. The second building permit was for dormers. Mr. Tuleja stated that the first building permit was to add 12' to the back of the building, 2 stories, and a farmer's porch wrap around. It is a 3 bedroom house, and it still is a 3 bedroom house. Mr. Tuleja stated that he has added 2 bathrooms. Ms. Guarino stated that in 1997 the septic system was

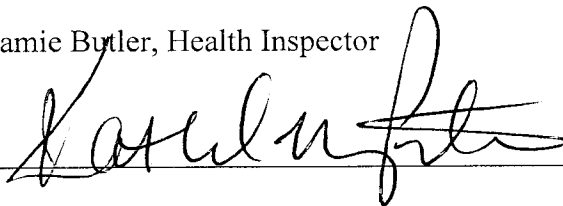
upgraded to repair a failed system and the new system did not meet the 150' setback requirement to a wetland. The 1997 system was red stamped stating that it is not adequate for any additions, renovations, replacement, or upgrade of sanitary sewage facilities or conversions. Mr. Andrews asked if any additions were to occur on this property, would this system need to come before the Board of Health. Ms. Guarino stated yes. Ms. Peterson asked what the status is on the septic system that is located at that property now. Ms. Guarino stated that septic system that is on the property now has not been inspected since 2011. Ms. Guarino stated that system has (3) 500 gallon chambers. Ms. Peterson stated that she would like for Ms. Guarino to go out and inspect the septic system. Ms. Guarino stated that Cindy Coffin measured 132' to high tide in 1997. Ms. Peterson stated that she does not want to make a decision without knowing the condition of the septic system. Ms. Guarino stated that she would be happy to inspect it as long as the distribution box and inspection ports on the leaching are made accessible to her. Mr. Tuleja said that he will open the system up and get it ready for Ms. Guarino's inspection this week. **Mr. Andrews made a motion to continue 61 Maryland Ave to April 13, 2016. Mr. Barlow seconded this motion. All in favor. The vote was unanimous.**

**5. APPROVE THE MINUTES FROM FEBRUARY 24, 2016 AND MARCH 9, 2016– No action was taken at this time.**

**Mr. Andrews made a motion to adjourn the meeting. Ms. Peterson seconded the motion. It was a unanimous vote and the meeting adjourned at 8:44 PM.**

Taped and typed by Jamie Butler, Health Inspector

Kathleen Peterson



Stanley Andrews

Galon Barlow



Don Uitti



Kelly Mastria –

cc Board of Selectmen/Town Clerk