

Terri A. Guarino
Health Agent

RECEIVED

TOWN OF BOURNE BOARD OF HEALTH

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TOWN CLERK BOURNE

MINUTES

December 12, 2018

Members in attendance: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow Jr.; and Donald Uitti

Support Staff in attendance: Terri Guarino, Health Agent; and Cassie Hammond, Administrative Assistant.

Meeting was called to order at 6:00 pm

Ms. Peterson asked if anyone was recording at this time, no one indicated they were.

1. **43 South Rd—Continued from November 14, 2018-- Brad Bertolo of JC Engineering, Inc.—**Representing the home owner Julia Morton. Requesting a waiver from the Board of Health regulations for the continued use of the existing conventional septic system for the dwelling within 150 feet of the resource area. **Cottage to be rebuilt with new septic system compliant with Title 5 and local regulations.** Mr. Andrews recused himself for this agenda item. Brad Bertolo of JC Engineering, Inc. was representing the home owner, Julia Morton, who was not present. Mr. Bertolo reviewed the project at 43 South Road, since the last meeting. The new dwelling will be serviced by a new septic system. The original dwelling will remain on the original septic system. The original septic system was designed for an extra bedroom to include the existing 1 bedroom cottage, so this will be disconnected resulting in a decrease in flow to that system. The smaller dwelling has already been torn down at this time after receiving a permit for demolition. The existing leaching pit servicing the larger dwelling is in good working order, has passed inspection, and is over 300ft from the water. The new septic system will be over 150ft from the resource area. Mr. Bertolo reviewed the water quality and original well permit information that was presented. Mr. Bertolo discussed the well information showing it is adequate to support the increase in bedrooms on the property. He then reviewed the water quality report, which shows adequate levels for consumption. Mr. Bertolo reported on the floor plans of the new dwelling. Mr. Bertolo discussed the request for a waiver to continue use of the existing septic system for the original larger dwelling. Ms. Guarino requested a new sample of the well water prior to occupancy due to salinity and pH, to which Mr. Bertolo agreed. Mr. Bertolo and Ms. Guarino discussed the possibility of a neutralizer being installed if there is not one. Mr. Barlow thanked Mr. Bertolo for providing the well quality report. **Mr. Barlow made a motion to give a waiver to allow the continued use of the existing system for the larger dwelling and to support the plans for the new 3 bedroom cottage, building plans received December 4, 2019, and site plan received December 7, 2018, there will be a deed restriction to 4 bedrooms to the larger dwelling and 3 bedrooms to the cottage with no addition to either dwelling unless presented before The Board of Health. The Health Agent Ms. Guarino would like the well tested prior to an occupancy permit is issued. Mr. Bertolo agreed to these conditions. Mr. Uitti second the motion. All in favor and the motion passed unanimously.**
2. **81 Phillips Rd—Brad Bertolo of JC Engineering, Inc.—**Representing the owners Darrell and Joanne McLaughlin. Requesting a variance for the installation of a septic system upgrade within the buffer zone of a Boarding Vegetated Wetlands and Coastal Dune. **A pump chamber and elevated leaching facility will be installed.** Mr. Andrews recused himself for this agenda item. Brad Bertolo of JC Engineering,

Inc. is representing the owners Darrell and Joanne McLaughlin who were not present at this time. Ms. Peterson asked if this project has been approved by the conservation commission. Mr. Bertolo said it had passed last week. Mr. Bertolo reviewed the variance request; proposal to install a new septic system, and no location on the property can meet the 150ft setback requirement. Ms. Peterson asked why he had not proposed an alternative system. Mr. Bertolo replied that the new system will be 5ft above seasonal high ground water which is far superior from what is there today. Mr. Barlow questioned if most systems recently installed on that road are alternative systems. Ms. Guarino explained that it may be very site specific, proximity to resource areas, type of resource areas, cost considerations, type of project, etc. Mr. Bertolo replied that he has installed many conventional systems in that neighborhood. Mr. Barlow indicated neighboring properties may have MicroFAST systems. Ms. Guarino added that it does abut a recreational water body used as a bathing beach and for shell fishing. Ms. Peterson pulled up google earth to view the site further. Mr. Bertolo stated it is a 3 bedroom house with no increase in flow. Mr. Barlow replied that the Board of Health has to be consistent, and this may be the Board of Health's only opportunity to get an alternative system which offers more environmental protection. Mr. Bertolo explained the current system is elevated and detailed the mechanics of the system. Ms. Peterson asked why they are upgrading the system. Mr. Bertolo replied they are selling the property and the inspection showed that it has been in hydraulic failure in the past. Ms. Guarino agreed that this is an upgrade and an improvement to the site. It is not permitted to increase the number of bedrooms due to the location of the property being within a Zone II/IWPA. Mr. Barlow asked if she would be comfortable with a deed restriction. Ms. Guarino stated they could still increase the size of the house having it fall under the 25/50% policy even with a bedroom count deed restriction in place. Ms. Peterson asked if Mr. Bertolo had discussed an alternative system with the owners. He replied he had not. Mr. Peterson asked if he would like the opportunity to discuss this with the owners, and either continue or withdraw this evening. Mr. Barlow said the Board of Health was probably leaning towards a nitrogen removal system due to the constantly changing environment. Mr. Bertolo said the cost would increase substantially to install an alternative system. Mr. Barlow agreed, and detailed how installing an alternative system would be a substantial improvement to the property. Ms. Peterson said she expects a new homeowner will want to upgrade the house in one way or another and installing an alternative system will allow for more flexibility. Mr. Barlow again reviewed how this is their only chance to improve the property. Ms. Peterson asked if Mr. Bertolo would like time to discuss this with the home owners. Mr. Bertolo expressed that he would take time to speak with the homeowners if that's what the Board of Health was suggesting he do. Mr. Barlow said it is in the best interest of the environment and habitat of that area. There have been changes to the delineation of the resource and these systems are all site specific. Mr. Barlow offered the opportunity to speak with the owner and install an alternative system. **Mr. Barlow made a motion to continue 81 Philips Rd to the next meeting, January 9, 2019. Mr. Uitti second the motion. All in favor and the motion to continue passed unanimously.**

3. **183 Tahanto Rd—Linda J. Cronin, P.E. of CSN Engineering—Representing the owner Nancy Bolles, Trustee. Requesting variances for relief from 310 CMR 15.221(7) and Board of Health Regulations for the installation of a sewage disposal system within 150 feet of a resource area.** Mr. Andrews stepped back on the Board. Ms. Cronin of CSN Engineering, was representing the owner Nancy Bolles. She explained the intent to upgrade the failed septic system. The existing system is cracked and corroded. There will be an installation of a new D-box and 20 leach chambers. Ms. Cronin reviewed the variances requested on this project. Ms. Peterson asked if there will be any renovations or increase in bedrooms. Ms. Cronin replied that there are no renovations or increase in bedroom count to the property. Ms. Guarino stated it is an existing 3 bedroom and is an improvement to the site. Many of the systems in the neighborhood still have cesspools. Mr. Andrews asked about the proximity of the neighboring home and leaching field. Ms. Guarino said the office would check the file, and if there is an issue with proximity a polyliner could be installed, but she feels there will be no issue. Ms. Cronin agreed with this statement. **Mr. Andrews made a motion to approve the variances for 183 Tahanto Rd; variance request for installation of the soil absorption system 36" below finish grade, variance request of 3' for the soil absorption system from the property line, 68' variance to top**

of bank from soil absorption system, and only one deep hole in proposed disposal area. Mr. Andrews stated this is a big improvement for the system in that area. Site plan received by the office November 14, 2018. Mr. Uitti second the motion. All in favor.

4. **18 Winsor Rd—Zachary L. Basinski, P.E. of Bracken Engineering, Inc.—Representing the owners John J. and Elizabeth R LoMedico. Requesting a variance from Title 5 and Board of Health regulations to upgrade and modify a sewage disposal system to accommodate the raze and rebuild of an existing single-family dwelling.** Zac Basinski of Bracken Engineering, representing the homeowners John and Elizabeth LoMedico, who are not present. Mr. Basinski apologized for not submitting the architectural plans. He presented The Board with revised plans as there was a typo in the originals. The new plans were stamped and distributed. Mr. Basinski reviewed the variances requested. Ms. Guarino said that it is a major project, and it is a reduction in bedrooms. Ms. Peterson requested architectural plans on this property. Ms. Guarino reviewed the 150ft setback and the reasoning for a conventional system. Ms. Peterson asked why they are not installing an alternative system. Mr. Basinski replied that due to the 150ft setback and the nitrogen removal due to the reduction in bedrooms. Ms. Peterson asked if it had gone through conservation. Ms. Basinski said it had. Ms. Peterson referenced being consistent with previous decisions The Board of Health has made and requested reviewing the architectural plans prior to making a decision. Mr. Barlow asked if Mr. Basinski if he would also discuss an alternative system with the homeowners as it will be an improvement to the site. Ms. Peterson agreed and reiterated this request. Mr. Barlow reviewed the importance of the opportunity to improve the site. **Ms. Peterson made a motion to continue to January 9th, 2019. Mr. Andrews second the motion. All in favor.**
5. **276 Scraggy Neck Rd—Zachary L. Basinski, P.E. of Bracken Engineering, Inc.—Representing the owners John C and Sarah P Dawley. Requesting a variance of 150' setback from Wetland resource to repair an existing sewage disposal system to service a newly proposed 5 bedroom dwelling.** Zac Basinski of Bracken Engineering, representing the homeowners John and Sarah Dawley, who are not present. Mr. Basinski apologized for not submitted the floor plans. Mr. Basinski reviewed the variances requested. The plan is to tear down and rebuild the dwelling. He reviewed the coastal areas nearby and their proximity to the site and septic. Mr. Andrews requested the architectural plans be submitted. Ms. Peterson questioned the location of the tennis courts. Mr. Basinski said they are being moved to the back of the house. Ms. Peterson reviewed the property on google earth. Ms. Guarino said the existing septic failed inspection at the time of sale in October 21, 2015 and was administratively approved to upgrade and that approval has now expired. Ms. Peterson stated the owners knew the septic system was in failure when they purchased the home. Ms. Guarino detailed the walkthrough that was preformed back in 2015. Ms. Peterson asked if Mr. Basinski would talk to the owners about installing a microfast system. **Mr. Uitti made a motion to continue to January 9, 2019. Mr. Andrews second the motion. All in favor.**
6. **60 Kenwood Rd—Zachary L. Basinski, P.E. of Bracken Engineering, Inc.—Representing Thomas and Susan Curry. Requesting a waiver from Board of Health regulations to continue to use the existing conventional septic system along with proposed renovations to dwelling.** Zac Basinski of Bracken Engineering is representing the homeowners Thomas and Susan Curry whom are not present at this time. Ms. Guarino said there were systems that were administratively approved and given red stamps to no allow any renovations or improvements. This project did come before the board of health in 2000 and was not approved, the request was to add a dormer. Ms. Guarino reviewed the plans in 1997 and the 4.5ft separation ground water that was observed. She questioned if this reflected the maximum high ground water elevation. Mr. Andrews asked the intention of the renovations. Mr. Basinski explained the process of how and why the homeowners contact him and their reason to go before the board of health. The have a request to install new roof, walls, flooring, bathroom, electrical due to leak in the roof. At the time of renovation they would like to modify the existing heating system. The homeowners asked Mr. Basinski to come in front of the Board to ask if

these improvements trigger the need to upgrade the septic system. Ms. Guarino explained her previous conversations with the homeowners and the previous request to add a dormer. Ms. Guarino reviewed that it appears they are requesting to due to the minimal repairs needed at this time without upgrading the septic system. Ms. Guarino spoke about conversations with Mr. Basinski to inspect the septic system to learn if it is adequate and meets the 4ft separation required. Mr. Andrews asked if the property should require a monitoring well. Mr. Basinski agreed to this. Mr. Barlow spoke about consistency within the area. Ms. Guarino reviewed that the current system is mounded. Mr. Barlow said they are on the right track to have Terri look at the system. Ms. Peterson asked what he would like to do going forward. There needs to be time for monitoring well results and the inspection of the systems. Mr. Basinski said he will withdraw so he can have the proper time to review the monitoring wells and discuss with the homeowners. Mr. Basinski said he has already had these conversations with the homeowners incase this decision was presented and they are well aware. Mr. Basinski completed and signed the necessary paperwork to withdraw. This will be first on the agenda in February 2019. Ms. Peterson requested the board hold onto the plans for this project. **Mr. Barlow made a motion to accept Mr. Basinski's withdrawal. Mr. Andrews second the motion. All in favor.**

7. **Discussion and possible vote for support of House Bill 4042, An Act Relative to Failed Septic Systems.** Ms. Peterson made a motion to move this item to number 7 on the agenda as no one is present for 8 Fox Run Rd. Mr. Andrews seconded the motion. Ms. Guarino said this bill was brought to her attention by the Buzzards Bay Coalition who prepared a letter of support, attached here as Exhibit 1. **Ms. Peterson made a motion to send letter of support for House Bill 4042. Mr. Andrews seconded the motion. All in favor and it was a unanimous vote.**
8. **Approve the Minutes— Approve the minutes from the previous meeting dated November 28, 2018.** Mr. Andrews made a motion to move this item to number 8th. Mr. Barlow seconded the motion. All in favor.

Brief recess of Board. Ms. Peterson recused herself and exited the meeting. Three members now present: Stanley Andrews, Acting Chairman; Galon Barlow Jr.; and Donald Uitti.

9. **8 Fox Run Rd—Mr. Joseph Sorenti, Jr., Owner—Hearing in regard to noncompliance with order dated November 30, 2018 and outstanding violations at property.** The property owner, Mr. Joe Sorenti Jr. was not present at the meeting. Ms. Guarino explained that a joint inspection of this property was conducted at the request of the Bourne Fire Department. They received notification from the utility company that water was pouring out of the basement when they were disconnecting service to the dwelling. The Bourne Fire Department arranged for the Board of Health Agents, Building Inspector, MassDEP Emergency Response, the Owner, and his representative to meet at the dwelling for an inspection on November 29th. It is considered to be an abandoned property, and was historically used as a rental unit. Ms. Guarino added that the property owner was not clear on the amount of time it has been abandoned for, but the Health Department has records of more than one complaint for this address. Allegedly there had been a leak from the second floor which caused substantial flooding of the basement. At the time of inspection, Ms. Guarino had requested that a professional flooding clean up/ restoration contractor be contacted and a contract established detailing the scope of repair work due to the extent of the damage. Ms. Guarino referred to the Massachusetts Department of Public Health guidance document for remediation of larger flooding events. It is also uncertain how long this flood water had been sitting. Since the date of November 29th nothing has been done to improve the site. Mr. Andrews discussed his findings upon doing a site visit which included concerns about excessive accumulation of debris in the yard, deterioration of the integrity of the building, and an oil tank being in the flooded basement, among others noted in the order. Ms. Guarino stated that the owner's representative submitted a plan of what the homeowner will do with the water, which MassDEP is comfortable with pending inspection from the local Board of Health. The health department office has not been contacted since to conduct this inspection, despite the order to correct within 24 hours. Proper disposal of this water is concerning especially where there is a

marsh down gradient and storm drains. A building permit has been pulled as required by the Building Inspector to do an interior demo. There were comments on building permit application about reconstruction, but the contractor listed is in Florida and there is more information needed. Ms. Guarino only approved the building permit for demolition only. She added that during the inspection she had given options to the homeowner to make the repairs to the dwelling within the time frame specified in the code, or the Health Agent offered to contact the Attorney General's office to see if this property is eligible for receivership to get the repairs corrected. The homeowner wanted to do this himself, but does need licensed and qualified contractors. Mr. Andrews stressed the need to have a contract with a professional flooding clean up/ Restoration Contractor within 24hrs and a written plan detailing the scope of the work. Mr. Andrews said given the list of violations and after reviewing the site, he agrees the Board of Health should mandate a professional contractor submit plans and remediate all the issues. Ms. Guarino was not sure the extent of the water damage to the structure, but the Building Inspector did not order the demolition of the property. Ms. Guarino suggested the Board of Health sustain the order and further clarify that, within a certain amount of time, a professional flood clean up/ restoration contractor be engaged in writing with a plan on how to make repairs and when they will be completed. Mr. Andrews asked if this order was sent via certified mail. Ms. Guarino said it was sent certified mail, regular mail, and electronically. Ms. Guarino said there has been no communication from the homeowner, but she has spoken to his representative, Al Chang. The other 24hr timeline items need to be addressed immediately. A large dumpster should have been obtained within 24hrs, which has not happened to date. Mr. Barlow asked if the house is secure and if it can be boarded up. The Fire Department and Building Inspector said if the homeowner will pull a building permit they would hold off on 'red xing' the property. Mr. Uitti suggested a fine to the owner for failure to comply. Mr. Barlow suggested the Board of Health specify the structure be boarded up and trash removed from the yard. Mr. Andrews stated that by 4:30pm of Friday there be with a plan for remediation with contract, property boarded up, and yard debris and trash cleaned. If there is no action by that date, the Board of Health will contact the Fire Chief and Attorney General's office for further guidance. **Mr. Barlow made a motion to address the issue head on, immediately notify the owner to secure the house, clean the property, notify the Fire Department to consider a red X to the house, and a qualified Restoration Contractor be contracted and with a plan submitted to the Health Department Office by 4:30pm December 14, 2018. If none of these items have been adhered to by Monday, the Health Agent will contact the Attorney General's office. Mr. Uitti seconded the motion. All in favor, and the motion passed unanimously with three members present. Mr. Andrews asked for further comment from the Board or public. Being none, Mr. Barlow moved for the Board of Health to implement maximum fines per the Board of Health Fine Regulation dating back to original date of noncompliance (24hrs after the original inspection December 3, 2018), if the items requested are not addressed by 4:30pm December 14, 2018. Mr. Uitti seconded the motion. All in favor and the motion passed unanimously.**

10. Set tentative date for next meeting and adjourn. January 9, 2019 at 6:00pm

Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded his motion. All were in favor and the meeting adjourned at 7:32.

Taped & Typed by Cassie Hammond, Administrative Assistant

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria



Town of Bourne
Board of Health
508-759-0600 ext. 1513



December 12, 2018

Exhibit 1

Mr. Robert A. DeLeo
Speaker of the House
24 Beacon Street, Room 356
Boston, MA 02133

Re: Community Support for House Bill 4042

Dear Speaker DeLeo –

We the undersigned south coast Boards of Health respectfully request that you make the passage of House Bill 4042, An Act Relative to Failed Septic Systems a priority prior to the end of this legislative session. This bill was reported out favorably from the Joint Committee on the Environment, Natural Resources, and Agriculture on November 20, 2017. The House Committee on Steering, Policy and Scheduling reported that the matter be placed in the Orders of the Day and was ordered to a third reading on November 22, 2017. **Passage of this legislation is important to our communities' environmental and economic welfare.**

The Problem

Nitrogen pollution is the greatest long term threat to the health of the south coast's coastal waters and a primary source of nitrogen in our area comes from individual home on-site septic systems.

Nitrogen pollution acts as a fertilizer and makes vegetation in our ocean waters grow. However, this algae isn't what we want growing in the Commonwealth's coastal waters. The growth of algae fueled by nitrogen pollution makes our waters look cloudy and murky with lettuce-like clumps forming in the shallows and smothering beaches and saltmarshes.

The effects of nitrogen pollution are not just visibly offensive. Nitrogen pollution harms fish and shellfish species critical to our environment and economies. When algae bloom, they block out sunlight reaching eelgrass at the bottom of the water thereby reducing the habitat for fish and shellfish.

How HB 4042 is Part of the Solution

Technologies exist to reduce the amount of nitrogen discharged from septic systems. This bill allows for the approval of loans through the existing Massachusetts Community Septic Management program to upgrade typical septic systems to nitrogen reducing systems. The Community Septic Management program is funded through the Clean Water State Revolving Fund – a fund administered by the federal Environmental Protection Agency. This program would use existing federal dollars already flowing to the state. No new state expenditure is required.

The single greatest barrier in addressing the nitrogen pollution crisis in our communities is the cost of wastewater infrastructure. While the most effective way to reduce nitrogen in wastewater is the treatment of wastewater at a large-scale wastewater treatment plant, the expansion of municipal sewer in rural areas, like some of our communities, can be cost prohibitive. This makes affordable onsite solutions a critical part of the fix.

In order to save our coastal waters, many of our communities are considering requiring homeowners to upgrade to nitrogen reducing septic systems. However, this comes at a cost. Nitrogen reducing septic systems cost more than a typical septic system because they provide better treatment for a home's wastewater. It is critical that while we are

asking homeowners to do more to reduce nitrogen pollution we are at the same time providing them with the financial support they need to afford these upgrades. The passage of this legislation helps with that effort.

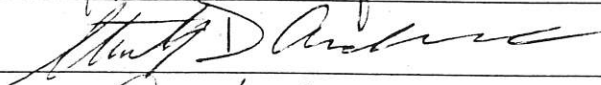
Please make the passage of HB 4042 a priority.

Sincerely,

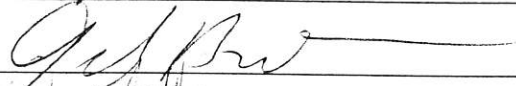
Kathleen Peterson



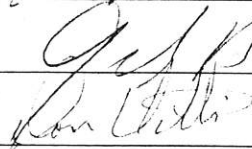
Stanley Andrews



Galon Barlow Jr.



Don Uitti



Kelly Mastria

- The Bourne Board of Health