



TOWN OF BOURNE BOARD OF HEALTH

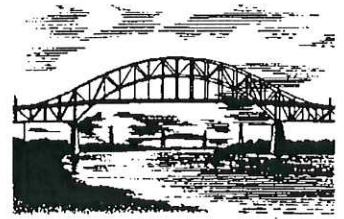
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Terri A. Guarino
Health Agent

MINUTES

February 22, 2017

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

Support Staff in attendance: Terri Guarino, Health Agent and Meghan McLean, Secretary

MEETING WAS CALLED TO ORDER AT 7:00pm

1. **90 Circuit Ave-- James Bustamante of Longfellow Design Build on behalf of Bob & Linda Morse - Request a waiver from Town of Bourne Board of Health Regulations for continued use of existing septic system, permit #91-97, to accommodate the proposed interior renovations and remodeling. Existing leaching facility does not have a 4' vertical separation to groundwater, and requires multiple setback variances, including approximately a 95' variance from the setback to the coastal bank. Discussion and possible vote.**

(Mr. Stanley Andrews recused himself)

Ms. Terri Guarino, Health Agent, stated the property was inspected on February 9, 2017 to look at how the existing system is functioning. During the inspection, it was determined that it does not meet the vertical separation to ground water. There was observed ground water, and the adjusted level 46.8 inches below the land surface, which is only a 7.8 inch separation from the bottom of the leaching facility. Ideally groundwater would be measured using a monitoring well over a lunar cycle, because it is within 300 feet of the high water mark. The Frimpter calculation used may also be required in today's standards for the proposed system, whichever is more conservative. The scope of work for the project is a complete interior remodel, however the existing septic system does not meet the ground water separation, the 150 foot setback, and appears to have several setback variances as well. At the time of installation, engineering was not required, so the specifics of the system are approximate. Mr. Guarino asked if the property is year-round or seasonal. Mr. Bustamante stated that the system will be used less than in the past if approved. The family suffered a loss, and meant to tear down and rebuild the home. Zoning did not approve the permit for a demolition and rebuild, so the owners now want to remodel the entire house but still using the same amount of fixtures. He stated that the current system has been functioning well for many years and there doesn't seem to be a need to update it. He stated that if the waiver was not approved, the deck attached to the home would have to be completely removed in order to upgrade the septic system creating double the labor time. Mr. Barlow explained that Bourne tries to remain consistent with areas such as this one, and there is normally only one opportunity to use an alternative system where applicable. He stated that this may be an opportunity to do that, depending on further investigation. He asked if Mr. Bustamante has brought this proposal to the Conservation

Department. Mr. Bustamante stated that he has not been to conservation department yet, but Mr. Guarino checked with the Conservation Agent, and confirmed that the changes on the property are proposed to be interior only. Ms. Peterson stated that the system is basically in failure, and approving his waiver would be a rare exception to typical requests like this. She asked if there are other plans that are being proposed other than redoing the inside of the house, to present to the Board. Mr. Bustamante stated that he does not know any other options. Ms. Peterson explained that the Board cannot guide him in this process, and asked what the owner wants to do with it. Mr. Bustamante stated that the property is year-round. The family has been living in Bourne since 1997, and there are no plans other than living in it. Mr. Barlow asked if there is an engineer involved in the project. Mr. Bustamante stated that there is no engineer on the project, and Mr. Barlow explains that a lot of people working that close to the coastal habitat work closely with an engineering firm. James O'Regan, abutter at 1 Cape Cod Lane, asked if there will be any additions to the home. Mr. Bustamante stated that there is only interior work being done. Mr. O'Regan asked the septic tank size on the property. Ms. Guarino stated that there is a 1,500 gallon tank which is a standard size for a single-family residential dwelling, but it isn't the tank's capacity that is an issue. The leaching facility has the environmental impacts, and in this case doesn't have a vertical separation from the ground water table. Mr. O'Regan was given a chance to review the proposed plans for the project. Ms. Peterson asked Ms. Guarino her thoughts, since she herself was not comfortable approving this waiver based on the state of the current system. Ms. Guarino stated that since the specifics of the system are approximate, we need to know exactly what the variances are including setbacks from the coastal bank, property lines, from the dwelling, etc. where our records are insufficient and outdated. The plans would need to be to scale, and not approximate to issue such variances. Ms. Peterson stated that the proper list of variances needed must be provided to the Health Department, and the applicant should discuss options with the property owners. She explained that the course of action is the owner's choice, and once that decision is made the Board can approve or deny it. Mr. Barlow stated that the existing system's plan was created in 1997, and does not have the requirements that are necessary now. Within those 20 years, most of the rules and regulations have changed and the issues that may not have been a concern back then might be unacceptable now. Ms. Peterson gave an example explaining that engineering wasn't a requirement then, but it is now. She stated that the Board will need more information before approving. Mr. Barlow states that there are many sensitive areas in Bourne, and 90 Circuit Ave is exceptionally sensitive. The Town is always trying to get it under control, and this might be an opportunity to do that. Ms. Guarino stated that we need a plan, whether it's this plot plan or another, that has the exact location of the septic system components on it to determine what the setbacks are to and to determine what's being varied. She stated that there should not have been a deck built on top of the septic tank. Madam Chair stated that there would need to be a request submitted for a variance to keep the deck on top of the septic tank as well. Ms. Guarino was surprised that with what is being proposed for the dwelling being in a velocity zone, the dwelling won't have to be raised above flood zone elevation prior to renovation, which is a zoning bylaw. Mr. Bustamante stated that raising the dwelling was not a requirement mentioned to him by the ZBA. The bylaw is about property value, so that is a topic of conversation for the Building Inspector. Ms. Peterson asked if these things can be gathered within 2 weeks for discussion at the next Board of Health meeting. **Mr. Barlow makes a motion to continue this topic to the next Board of Health meeting which will be March 8, 2017. Ms. Peterson seconded the motion, and the vote was unanimous.**

(Mr. Andrews joins the meeting)

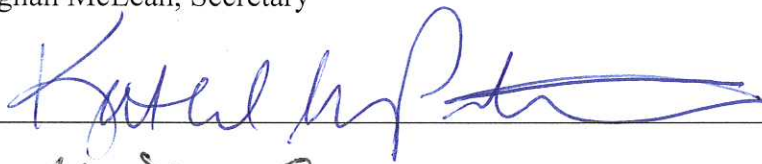
Massachusetts Conflict of Interest Law as revised on November 14, 2016— Distribute summary of Conflict of Interest Law, discuss materials, and sign acknowledgment of receipt. All signatures were obtained from Board members present. No action taken.

- 3. APPROVE THE MINUTES— from the meeting dated January 25, 2017.** Mr. Andrews moved to approve minutes from last meeting dated January 25, 2017. Mr. Barlow seconded the motion, the vote was unanimous.

Mr. Andrews made a motion to adjourn the meeting. Mr. Barlow seconded the motion. All were in favor, and the meeting adjourned at 7:24pm.

Taped & Typed by Meghan McLean, Secretary

Kathleen Peterson



Stanley Andrews



Galon Barlow Jr.



Don Uitti

absent

Kelly Mastria

absent

cc Board of Selectmen/Town Clerk

