



# TOWN OF BOURNE BOARD OF HEALTH

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Terri A. Guarino  
Health Agent

## MINUTES May 17, 2017

**Members in attendance:** Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairman; Galon Barlow Jr.; Don Uitti; and Kelly Mastria

**Support Staff in attendance:** Terri Guarino, Health Agent

### MEETING WAS CALLED TO ORDER AT 7:00 pm

- 1. ISWM Update—Clarification on leachate collection system and ash.** Daniel Barrett, General Manager of ISWM, was present to clarify a statement made by a resident that raised concerns about the landfill's leachate collection system. He explained that ISWM understood going into the ash contract with Covanta that the ash material is very fine and may create unique challenges. The ash is saturated with lime, because it is used as a flocculent to knock down emissions. Once mixed with the ash it creates a cement-like substance causing blockages when the ash is pumped through force mains, which was predicted from the beginning but is a challenge. Mr. Barrett stated that every landfill is different and that acid has been added to the leachate to neutralize it. The lime content is high and by neutralizing the leachate, most potential blockages are prevented. ISWM is collaborating with Waste Management and Covanta, and are having marginal success with the current process. Ms. Peterson stated that this Agenda item came about due to a statement made about the Landfill re: Improper Disposal of Leachate. This is something that the Board wanted to clarify. Mr. Barrett stated that this is absolutely not improper disposal of leachate and that they have a number of groundwater monitoring wells and other safeguards in place. ISWM is currently working with MassDEP on their Final Comprehensive Site Assessment. MassDEP even said that they may not need to have so many wells, as an example of how comfortable MassDEP is about Bourne's Landfill facility. Mr. Barlow stated that ISWM does not monitor their own wells and that Barnstable County Department of Health and Environment conducts the testing every three months. The landfill even has a third party expert review the data as an additional safeguard Mr. Barrett stated that he has a background in geology and has been doing this for thirty years, but there are always new challenges.. **There were no further questions or public comment. The Board thanked Mr. Barrett for the information presented.**
- 2. 594 Circuit Ave—Zachary Basinski, P.E. of Bracken Engineering on behalf of Anne Camille Maher — Discuss and possible vote on extension of the approved variance to the 150 foot setback to the High Water Mark and a variance from the 150 foot setback to a Wetland Resource area approved on April 8, 2015.** Mr. Basinski stated that there was a delay getting a contractor over the past two years and that the project construction will start after Labor Day. Jim Halliday has been retained by the owner, Ms. Maher, and is looking to start the project at the end of summer due to high foot traffic near the property. Ms. Peterson asked if we have something in writing that Mr. Halliday has been retained. Mr. Basinski stated that he does not have that at this time but can provide it to the



Board. Mr. Andrews asked if six months is a long enough extension and realistically how much time is needed. Mr. Basinski said that realistically they can begin after Labor Day with the foundation, framing, and eventually construct the septic system. Mr. Andrews suggested a longer time frame to extend these approvals would be practical due to the nature of the job. **Mr. Andrews made a motion to grant an 18 month extension for the variances contingent that within 6 months actual construction of the project is started. Mr. Andrews added that this site, with its close proximity to water, that this timeline is appropriate because the project will take that long. Mr. Uitti seconded the motion. All in favor and the vote was unanimous.**

**3. 354 Circuit Ave—Zenith Consulting Engineers, LLC on behalf of The Estate of Carol S. White—Discuss and possible vote on variances and local upgrade approvals requested from the following provisions of 310 CMR 15.00 Title V and Local Regulations:**

- a. Setback of SAS from 10' to 5' to the property line, and 20' to 10' to foundation or crawl space.
- b. Setback reduction of septic tank from 10' to 5' from foundation or crawl space.
- c. Reduction of the septic tank, treatment unit, and pump chamber inlet and outlet invert elevations from 12" above the high ground water elevation to below water table.
- d. Variance to allow the construction of a soil absorption system in fill without a 5' lateral over dig with a <50% reduction in size in accordance with the standard conditions for secondary treatment units approved for remedial use dated November 30, 2016.
- e. A 1.87' variance from the 5 foot vertical separation to groundwater.
- f. A 100' variance from the Bourne Board of Health 150 foot Setback Regulation.
- g. Variance from the Bourne Board of Health Regulations that require a hydrogeology study for all leaching facilities within 100' of a salt marsh/wetland.

Mr. Bissonette described the proposed septic upgrade, which maximizes the setback to the resource areas in the rear of the property. There is also a high groundwater table that was observed during two test holes. Ms. Guarino stated that this system offers a substantial degree of environmental protection as designed. Also that there was previous discussion with Mr. Bissonette about the possibility of using bottomless sand filter. Mr. Bissonette said that that is not a good idea due to the velocity zone and potential wave action, and therefore designed the SAS as proposed. Ms. Guarino said that a two-bedroom deed restriction will be required since the design flow is less than 330gpd. Mr. Andrews asked if the separation to groundwater has been maintained. Mr. Bissonette stated that when using advanced treatment, a reduction to the required four feet may be granted. Ms. Guarino stated that 3.13 feet is the vertical separation to groundwater proposed, and that 3 feet is the minimum that is allowable pursuant to MassDEP's Remedial Approval Letter for MicroFAST 0.5 Units. Mr. Barlow asked the Health Agent if she is comfortable with the scope of the variances proposed and the vertical separation to groundwater. Ms. Guarino stated that she had a conversation with the Conservation Agent and asked if it would be possible to mound the system up and additional foot. He said that again, due to the velocity zone and the wave action, that that is not favorable. Ms. Guarino stated that this maximum feasible compliance for this site and that it is a major improvement to existing conditions. Nancy Carr, an abutter residing at 350 Circuit Avenue, stated that she has had a tight tank at her property for twenty-one years. Ms. Carr feels like this septic will be a huge detriment to her beautiful home. She was told that there is a retaining wall proposed and feels like when she gets out of her car she will be walking into a wall. Ms. Carr recently put in a new driveway and is not comfortable with the retaining wall separating her property from the ocean and that it will be twenty-seven feet long. Elizabeth Francis has been an abutter since 1936 and is speaking on behalf of her father and his brother, and many grandchildren. Ms. Francis stated that she would like to see a tight tank installed at this address and that her family is concerned about what will happen to the nitrogen sensitive area without it. She stated that there are swimming beaches and salt marshes which are sensitive to nitrogen and that tight tanks remove all bacteria, viruses, and pharmaceuticals. Mr. Bissonette responded saying that tight tanks are spelled out in the sand filter manual approved by MassDEP to be the least favorable system and last case scenario which restricts the usage to seasonal only. Title V gives a process for the approvals, and that they



have followed the pecking order. This is a system with enhanced nitrogen removal, which will be replacing a failed system that sits within the water table, and will be a major improvement. The trees will unfortunately need to be removed in the area of the septic system because that is the only location that is greater than fifty feet from the coastal bank. Mr. Bissonette stated that the Conservation Commission had concerns with the retaining wall itself and it has been designed by a structural engineer so that it was not a block wall. They are doing everything they can to minimize the disturbance to the site. Ms. Carr pointed out to the Board members on the plans where her driveway is located and that she is concerned about the aesthetics of the retaining wall and the proximity to her property line. She asked if it could be pushed closer to their porch instead of the property line. Mr. Barlow explained it is so that the SAS is as far away from the water as possible. Mr. Barlow said that he thinks the Board should do a site visit. Ms. Guarino stated that this lot is .25 acres, which doesn't sound large, but based on that neighborhood, is a much larger lot than others which have tight tanks. Abutting properties may not have enough square footage, even with variances, to fit a soil absorption system at all. Mr. Andrews agreed that they should go out and asked that the applicants mark the boundaries of their property prior to the site visit. **Mr. Barlow made a motion to conduct a site visit, Mr. Uitti seconded the motion. It was a unanimous vote.** Mr. Andrews asked Ms. Guarino how long the Board of Health has to review these variances. Ms. Guarino stated that the materials were dropped off on April 27, 2017 and that there is a 45 day time constraint. Ms. Peterson clarified to the public that during this site visit there cannot be discussion and that it is simply just a site visit. The Board discussed possibly having a meeting on the 31<sup>st</sup> of May. **Mr. Andrews made a motion to continue this item until the next Board of Health Meeting on May 31st. Mr. Barlow seconded the motion. It was a unanimous vote to continue this item pending a site visit.**

**Mr. Andrews wanted to make note that there were late submissions received regarding the next Agenda item and that the Board's policy is that this information needs to be submitted to the Board of Health a week in advance. The Board agreed that they will try and take this information into consideration, and that they need to enforce their policy. It becomes very confusing receiving information on these topics two hours before a meeting. Abutters are notified ten days in advance from the hearing date and should be able to get information to the Board a week in advance.**

4. **10 Harbor Way— Zachary Basinski, P.E. of Bracken Engineering on behalf of Elizabeth Warden—Discussion and possible vote to amend plans on record for the project previously approved on April 13, 2016. Review modified site layout, final floor plans, and a revised well location.** Ms. Peterson asked Mr. Basinski why they haven't started since they were given approval in 2016. Mr. Basinski stated that after receiving approval, Ms. Gillis went and spoke to a few different architects. She selected Mr. Jacques Lapointe whom is a builder that works with Bracken Engineering. Mr. Basinski stated that the architect and Ms. Gillis have been going back and forth going over different designs since April of 2016, and have decided that the best idea would be to bring a modular home onto the property due to the flood zone. Ms. Guarino stated that the well permit was issued on November 28, 2016, with the winter and the holidays, this project is really coming into fruition now. Mr. Basinski described the proposed changes to the plans on record which came about when the well driller hit boulders during the initial installation. Per the well driller's recommendation, it was decided to relocate the well to the front of the property and to come back before the Board of Health knowing that there was an abutting well that had already been installed and not knowing how big this boulder was. Mr. Basinski stated that he felt this location for the well was better because the septic tank was now as far away from the abutting well as possible. The water quality results meet all the parameters for drinking water. There is an exceedance in the water quality results of sodium. The report showed 28ppm, while the recommended level per the EPA is 20ppm. Mr. Basinski recommended that a reverse osmosis treatment system be installed which will bring the sodium level down to the recommended levels. With that being said, aside from the variances requested, this project meets all other setbacks and requirements of the Town of Bourne. Ms. Peterson asked who from the audience was going to speak today. Mr. Stan Budryk, an abutter at 15 Canal Drive, read a letter aloud which was provided to the Board of Health to review on May 16, 2017. Ms. Guarino commented about there being a lot of



discussion regarding Title V and septic compliance. All title V and septic variances have been previously approved and are not on the agenda for this evening. Tonight's discussion includes setback variances from our local Board of Health Well Regulation for setbacks to the well only. Mr. Budryk stated that originally he was told that the septic system would be placed in the front of the property and the well out back. Now the plans are reversed in placement and he asked if there was no Title V issue prior, why the placement was switched around so that the septic tank is now next to the well on his property. Mr. Basinski responded to the Board of Health to answer Mr. Budrick's questions and concerns. He stated that he checked with the Health Office and there is no 500 gallon tank recorded for this property, and all the well tests have come back showing that this well is potable. The existing well on the property is closer to Mr. Budryk's property than what is proposed, so he suggested that if Mr. Budryk is concerned about the septic tank being too close to get his well tested to confirm its potability. Mr. Basinski continued that the Certificate of Analysis stating "irrigation well" was just a typographical error from the lab, and the well was tested for potability. Ms. Peterson stated that the Board understands concerns from the abutters and described a similar situation occurred out on Bassets Island. She explained that people own property, and if their property is a buildable lot then it is their right to develop it. Just because there is nothing there already makes it very hard for the Board to tell owners they cannot develop on their own property. Mr. Budrick said that another issue is that he thinks the proposed dwelling is three stories. Ms. Peterson stated that the Appeals Board would handle Zoning concerns like that. Mr. Budryk explained again that he is concerned with how close the septic tank will be to his well. He also expressed more concern about the underground storage tank that is used to store propane owned by Mr. Newman Flanagan. Mr. Flanagan stated that he was told by his niece that it is going to be a two bedroom dwelling and that he does have a propane tank underground. Ms. Peterson stated again, that the Board of Health office has no records of it. He explained that there is one pool of water and everyone puts sticks into the water. He believes that there will be a number of people sleeping in the sitting room of this new house and that they will draw too much water down from that pool. He asked if this house would be used seasonally or year round, and how many people would be living in the house so he would know how many people would be drawing down water. Mr. Barlow stated that at the time of approval in 2016, three bedrooms were approved because it suited the area at the time. He explained that the Board cannot determine the size of a house or number of occupants, just the number of bedrooms within it. Ms. Mastria asked if house size can be determined by lot size. Mr. Basinski stated that the plans are in compliance with the non-conforming log sheets from the Zoning Board. Mr. Andrews asked about the plans provided to the Board, stating that there are two stories on paper but the audience believes the house will be three stories. Mr. Basinski confirmed that although it may look like a three story home, the dwelling will be two stories. He stated that it will need to be raised roughly five to six feet from its current elevation. Mr. Lapointe, owner of Pleasant Bay Homes in Harwich MA, explained that he owns over two hundred houses similar in structure to this proposed dwelling and the reason for the extended elevation is that the dwelling is in a flood zone. Mr. Lapointe stated that there will be no basement in the dwelling, and that the floor of the foundation is at grade with the lot. Mr. Basinski stated that when creating the design, he tried to keep the dwelling as low as possible due to public concerns, but were forced up because of the flood zone. Mr. Budryk stated his concern that there were plans in the Board of Health file that showed a garage door underneath the dwelling. The Board clarified with him that there is not going to be a garage built into this dwelling, and that there will be only foundation underneath the home. The plans Mr. Budryk were referring to have been amended and are not the plans of record for this evening. Ms. Peterson reminded the audience what the topic of discussion is as posted on the agenda. Mr. Andrews clarified audience questions about the tank on the property. It is an underground propane storage tank, not a water tank. Ms. Guarino stated that our local well regulation contains a setback regarding underground storage tanks being 200 feet from a well, which is somewhat of an unnecessary safe guard. Mr. Andrews asked Ms. Guarino what health effect a propane tank would have on a well. Ms. Guarino stated that propane usually dissipates poses minimal threat to the well, something such as diesel fuel would seep into the soil and need to be extracted. It is more of a concern for Mr. Flanagan's well water supply than the proposed property. The Board of Health has the power to require more strict regulations regarding



propane tanks to keep a closer eye on situations such as this, which is why a variance has been requested at this hearing. Mr. Budryk asked about the water quantity calculations that were hand written within the file. Ms. Guarino clarified that the MassDEP Well Completion Report is a state standard form that is completed by the licensed well driller, which the Health Office has. Within this report, it breaks down the size and diameter of the pipe, the yield, and the time of which the test was completed. The Board knows by just looking at the report that a 4 inch diameter pipe with a certain yield pulled for a period of time is an ample yield for a three bedroom dwelling. The water quantity calculations were completed by both the licensed well driller and the engineer to provide clarification. Mr. Budryk asked why his information stated that the well is an irrigation well. Ms. Guarino stated that the parameters tested on this report would not have been conducted on an irrigation well, and that Mr. Basinski clarified that this was an error earlier. Ms. Peterson asked if there were many more questions from the public. **Mr. Andrews made a motion to approve the variances and the revised Architecturals labeled Bracken Engineering floor plans labeled first floor and second floor and to maintain the existing I/A septic system with the previously approved restrictions. Mr. Uitti seconded this motion. It was a unanimous vote to approve.**

5. **0 Lewis Point Road— Zachary Basinski, P.E. of Bracken Engineering on behalf of Alex Caradimos—Requesting a reduction in setback distance for the proposed Soil Absorption System to the adjacent Coastal Bank from 150' to 103' (47' variance). The proposed system will be comprised of a Micro FAST de-nitrification unit and Geo-flow drip irrigation soil absorption field to accommodate a new four-bedroom single-family dwelling. Discussion and possible vote.** Zachary Basinski, P.E. of Bracken Engineering on behalf of Alex Caradimos, explained that one variance from a 150 foot setback regulation is being requested for new construction of a four bedroom dwelling which has a detached garage and an I/A technology septic system. The existing property has an old water tower, to remain, and a bunk house which appears to have been slept in, but it is dilapidated and will be razed. The Board reviewed the architectural plans and total number of bedrooms. There was no public comment. **Mr. Andrews made a motion to approve the 47 foot variance to the coastal bank with the architecturals, with a four bedroom deed restriction, with the understanding that the engineer will express the O&M requirements to the clients. Mr. Barlow seconded the motion and the vote was unanimous.**
6. **Approve the Minutes-- from the meeting dated April 12, 2017. Mr. Andrew's made a motion to approve the minutes from the previous meeting. Mr. Uitti seconded, and the vote was unanimous.**

**Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 8:58 pm.**

Typed by Meghan McLean, Secretary

Kathleen Peterson

Stanley Andrews

Galon Barlow Jr.

Don Uitti

Kelly Mastria

cc Board of Selectmen Town Clerk