

Bourne Board of Health  
Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, M.A.  
02532

October 8, 2021

Re: 118 Old Dam Road Septic System

Dear Members of the Board,

This letter is from Jordan and Kelly Race, owners of 118 Old Dam Road in Buzzards Bay. We purchased the property in December 2020 for \$480,000. At the time of purchase, we were aware the septic system had failed due to proximity to ground water levels and required replacement with a three-bedroom Microfast system. During the purchase process we learned our direct abutters at 120 Old Dam Rd had installed a 3-bedroom Microfast system, and were subsequently permitted to build a third bedroom onto their home. We assumed by installing a septic system identical to theirs, we'd be granted the opportunity to expand our 2-bedroom home into a 3-bedroom home as well. As part of the purchase price, the former owners of our home are required to update the current septic system. Unfortunately, due to the sales agreement, we did not engage the civil engineer ourselves, and were therefore unaware of the suggested 2-bedroom deed restriction. Consequently, when we received a letter from the town requiring a 2-bedroom deed restriction we were completely surprised.

It has always been our intention to add a third bedroom to the house, as we intend to keep the home for many years and grow our family here. Hopefully we'll never have to sell the home, but should we have to, a 2-bedroom deed restriction would obviously be a significant issue. We do not intend to build an enormous home on the property. When we bought the house, we did so with the intention to expand it into a three bedroom. We humbly request that the 2-bedroom deed restriction be changed to a three-bedroom deed restriction.

Respectfully Submitted,

Jordan and Kelly Race

Jordan Race  
Kelly Race

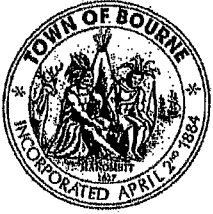
10/8/2021

RECEIVED

OCT 13 2021

Bourne Health Department  
24 Perry Avenue  
Buzzards Bay, MA 02532





Terri A. Guarino  
Health Agent

## TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
www.townofbourne.com/health  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



June 11, 2021

J.E. Landers-Cauley, P.E.  
P.O. Box 364  
West Falmouth, MA, 02574

Dear Mr. Landers-Cauley:

On June 9, 2021, the Bourne Board of Health held a public meeting and discussed your request for relief from the Bourne Board of Health 150 Setback Regulations, for the upgrade of a sewage disposal system at 118 Old Dam Road, Bourne, MA 02532. On behalf of your client, Jordan Race, the Board of Health approved the following variances and waivers, based on the plans of record dated revised on May 18, 2021, by J.E. Landers-Cauley, P.E.:

- *A 75 foot variance from the local Bourne Board of Health 150 Foot Setback Regulations for the placement of a leaching facility within 75 feet from the Coastal Bank;*
- *A 54.7 foot variance from the local Bourne Board of Health 150 Foot Setback Regulations for the placement a leaching facility within 95.3 feet of a wetland (Salt Marsh).*

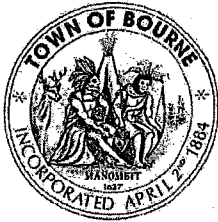
The Board felt that the proposed upgraded septic system will offer a substantial degree of environmental protection as it includes the installation of a MicroFAST de-nitrification system.

These variances are valid for two years from the date of approval and contingent upon an alternative septic disclosure notice and a two bedroom deed restriction being recorded with the Registry of Deeds. The Board of Health shall receive a copy of these recorded documents and an operation and maintenance agreement prior to issuance of a disposal works construction permit. Should you have any questions, please do not hesitate to contact me at 508-759-0600 ext. 1513. Thank you.

Sincerely,

Terri Guarino, RS, CHO  
Health Agent





Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue  
Buzzards Bay, MA 02532  
[www.townofbourne.com/health](http://www.townofbourne.com/health)  
Phone (508) 759-0600 ext. 1513  
Fax (508) 759-0679



## MINUTES June 9, 2021

Members in attendance: Stanley Andrews, Chairman; Galon Barlow Jr., Vice Chairman; William Meier, Clerk; and Donald Uitti

Support Staff in attendance: Terri Guarino, and Health Agent; and Kaitlyn Shea, Health Inspector

TOWN CLERK BOURNE

2021 SEP 19 PM 4: 23

RECEIVED

### Meeting was called to order at 05:00pm

1. **Attendance.** – All members of the board present in person at the Bourne Community Center.
2. **COVID-19 and Phased Re-opening Plans – Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.** – Miss Guarino explains new updates related to COVID-19, including that on June 15<sup>th</sup> the State of Emergency will be lifted and close contact designations no longer include outdoor exposures. Bourne's percent positivity this week is .69%.
3. **The Board of Health to review and outline next steps and the schedule for the Town of Bourne Landfill site assignment—CONTINUED discussion and update.** – Continued discussion related to site assignment procedures took place between the board members. Mr. Barlow and Mr. Meier requested copies of the full application. The office will provide these applications. Mr. Andrews explains that at the next meeting related to the site assignment, a description of a hearing officer can occur.
4. **96 Rocky Point Rd---Falmouth Engineering Inc. on behalf of Richard and Janie Boylan—Requesting variances from the Bourne Board of Health 150' setback from S.A.S. to wetland resource. The actual setback provided to top of westerly Coastal Bank is 24.5' and easterly Coastal Bank is 83.5'. 310 CMR 15.211 Minimum setback SAS to Coastal Bank 50'. The actual setback 24.5'. 310 CMR 15.211 Minimum setback SAS to crawl space wall 10'. The actual setback is 7'. – Michael Borselli present to represent this agenda item. He explains that the project has been approved by the Conservation Committee and there are not proposed addition of bedrooms. Miss Guarino asks for clarification of the treatment facilities model, Mr. Borselli confirms that it is the TNT-750 model. Mr. Andrews explains that he would like to see an impervious liner be added to the plans. Mr. Borselli modifies the plans on site to include an impervious liner. Dusty moves to approve 96 Rocky Point's request for variances from the Bourne Board of Health 150' setback from S.A.S. to wetland resource, the actual setback provided to top of westerly Coastal Bank is 24.5' and easterly Coastal Bank is 83.5'; the variance from 310 CMR 15.211 Minimum setback SAS to Coastal Bank 50', where the actual setback would be 24.5'; and the variance from 310 CMR 15.211 Minimum setback SAS to crawl space wall 10', where the actual setback would be 7'; contingent upon the addition of an impervious liner, an Operation and Maintenance agreement, and the IA Disclosure Notice. Mr. Uitti seconds the motion. All were in favor, the motion passes.**
5. **118 Old Dam Road—J.E. Landers-Cauley, P.E. on behalf of Jordan Race—Requesting relief from Title 5 and/or Board of Health Regulations for the repair of the existing sewage disposal system and for the installation of the septic system at 118 Old Dam Road. Requesting the following variances: A 75.0 foot variance from the Bourne Board of Health 150' setback regulation for the placement of leaching facility**

within 75.0 feet of coastal bank; and A 54.7 foot variance from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 95.3 feet of a wetland (salt marsh). – Jack Landers-Cauley present to represent this agenda item. He explains this an upgrade for a failed system in groundwater that has Conservation Committee approval. Mr. Andrews would be favorable of this upgrade with a bedroom restriction. No further comment or discussion from the Board. Mr. Barlow moves to approve 118 Old Damn Rd's request for variances including; a 75.0 foot variance from the Bourne Board of Health 150' setback regulation for the placement of leaching facility within 75.0 feet of coastal bank; and A 54.7 foot variance from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 95.3 feet of a wetland (salt marsh), contingent upon a 2 bedroom deed restriction, IA disclosure notice, and an Operation and Maintenance agreement. Mr. Uitti seconds the motion. All were in favor, the motion passes.

6. **55 Old North Road---Bracken Engineering, Inc. on behalf of Michael McDonagh---Requesting the following variance to the Town of Bourne Health Regulations for a proposed septic system at 55 Old North Road. A 45' variance from the Bourne Board of Health 150' setback requirements for a 105' setback from a proposed SAS to a Bordering Vegetated Wetland.** – Zac Basinski present to represent this agenda item. He explains this a system for new construction of a 4 bedroom dwelling. The project is Conservation Committee approved, and there are no variances from Title 5 being requested, just local board of health regulations. There was no further discussion from the Board. Mr. Barlow moves to approve 55 Old North Rd's request for a 45' variance from the Bourne Board of Health 150' setback requirements for a 105' setback from a proposed SAS to a Bordering Vegetated Wetland contingent upon an IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Uitti seconds the motion. All were in favor, the motion passes.
7. **18 Spindrift Lane--- Bracken Engineering, Inc. on behalf of Vincent and Noreen Michienzi---Requesting relief from Title 5 and Bourne Board of Health regulations for a proposed septic upgrade at 18 Spindrift Lane. Requesting the following variances: 1. A reduction in the MA 310 Section 15.405 (1) (b) required setback to the existing cellar wall, an 8' divergence for the 12' setback for Presby EnviroSeptic leaching system (system component). 2. A 50'divergence from full compliance from MA 310 Section 15.405 (1) (f) for a SAS within an existing Coastal Bank "A". 3. A 27' divergence from full compliance from MA 310 Section 15.405 (1) (f) is requested for a 23' setback to a SAS within an existing Coastal Bank "B". 4. A 4' divergence from full compliance from MA 310 Section 15.405 (1) (f) requested for a 23' setback to a SAS within an existing Coastal Bank "B". 5. Variance to local setback requirements for a 150' reduction for a 0' setback to a Coastal Bank "A" from a SAS. And 6. A Variance to local setback requirements for a 127' reduction for a 23' setback to a coastal Bank "B" from a SAS.** – Mr. Andrews steps off on this agenda item. Mr. Basinski discusses the project with the Board, and explains that per a walkthrough with Inspectors Shea and Fitch, the dwelling was deemed a 4 bedroom home. Miss Guarino asks for the elevations for the impervious liner be added to the plan. Mr. Basinski notes the elevation on the plan on site. Mr. Meier moves to approve the project at 18 Spindrift Lane as amended tonight including the variance requests; reduction in the MA 310 Section 15.405 (1) (b) required setback to the existing cellar wall, an 8' divergence for the 12' setback for Presby EnviroSeptic leaching system (system component), a 50'divergence from full compliance from MA 310 Section 15.405 (1) (f) for a SAS within an existing Coastal Bank "A", a 27' divergence from full compliance from MA 310 Section 15.405 (1) (f) is requested for a 23' setback to a SAS within an existing Coastal Bank "B", a 4' divergence from full compliance from MA 310 Section 15.405 (1) (f) requested for a 23' setback to a SAS within an existing Coastal Bank "B", a variance to local setback requirements for a 150' reduction for a 0' setback to a Coastal Bank "A" from a SAS; and a variance to local setback requirements for a 127' reduction for a 23' setback to a coastal Bank "B" from a SAS, contingent upon the IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Uitti seconds the motion. All were in favor, motion passes.
8. **18 Warren Road--- Bracken Engineering, Inc. on behalf of Dennis and Tanya Ford---Requesting relief from Title 5 and Town of Bourne Health Regulations for a proposed septic upgrade at 18 Warren Road. 1. Per MA 310 section 15.405 (1) (a) – a 5' divergence from the full compliance for a 5' setback from SAS to property line. 2. Per MA 310 Section 15.405 (1) (b) -- a 2.5' divergence from full compliance for a 5.5' (but up to 6') depth of cover to a SAS. 3. A variance to local setback requirements for a 74' reduction in setback for a 76' setback to the top of a non-eroding Coastal Bank. 4. A variance to local setback requirements for a**

**117' reduction in setback for a 33' setback to a fragmented Coastal Bank.** – Mr. Andrews steps back on. Mr. Basinski explains the project to the Board. Miss Guarino explains that she would like to see the D-Box to finished grade so that it can be used as a testing point for the IA system. No further discussion from the Board. Mr. Uitti moves to approve 18 Warren Rd's request for relief from Title 5 and Town of Bourne Health Regulations for a proposed septic upgrade; including a 5' divergence from the full compliance for a 5' setback from SAS to property line, a 2.5' divergence from full compliance for a 5.5' (but up to 6') depth of cover to a SAS, a variance to local setback requirements for a 74' reduction in setback for a 76' setback to the top of a non-eroding Coastal Bank, a variance to local setback requirements for a 117' reduction in setback for a 33' setback to a fragmented Coastal Bank, contingent on D-Box access being at finished grade, an IA Disclosure Notice and an Operation and Maintenance Agreement. Mr. Barlow seconds the motion. All were in favor, the motion passes.

**9. 121 Salt Marsh Lane--- Bracken Engineering, Inc. on behalf of Jeffery & Laura Witt---Request for a waiver to the Town of Bourne Health Regulations to grandfather the existing septic system (constructed circa 2014) at 121 Salt Marsh Lane.** – Mr. Basinski explains the project to the Board. Mr. Andrews would like to see a two bedroom deed restriction with this request. No further discussion. Mr. Uitti moves to approve the waiver request to grandfather the existing septic system at 121 Salt Marsh Lane with a 2 bedroom deed restriction be recorded with the Registry of Deeds. Mr. Barlow seconds the motion. All were in favor, motion passes.

**10. 189A Captains Row--- Bracken Engineering, Inc. on behalf of Mr. Antonio Ruscito---Requests to amend the condition set forth within the Variance Approval (issued April 30<sup>th</sup>, 2021) requiring a three (3) bedroom deed restriction to be recorded at the Barnstable County Registry of Deeds.** – Mr. Basinski presents the request. Mr. Andrews and Mr. Barlow express the hesitancy of the Board to remove such deed restrictions in resource areas. The goal with these restrictions is ultimately to protect the environment. No further discussion of the Board. Request is not granted.

**11. Approve the Minutes— approve the minutes from the previous meetings dated March 31<sup>st</sup>, April 28<sup>th</sup>, and May 11<sup>th</sup>, 2021.** – Mr. Barlow moves to approve the minutes from March 31<sup>st</sup>, Mr. Andrews seconds the motion. Mr. Uitti moves to approve the minutes from April 28<sup>th</sup>, Mr. Andrews seconds the motion. Mr. Barlow moves to approve the minutes of May 11<sup>th</sup>, Mr. Uitti seconds. All in favor.

**12. Set tentative date for next meeting and adjourn.** – Next meeting tentatively scheduled for June 23<sup>rd</sup> in the Selectman's Meeting Room at 5pm.

**13. Motion to adjourn** – Mr. Barlow moves to adjourn. Mr. Uitti seconds the motion. All were in favor, the meeting adjourns.

**Mr. Barlow made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, the meeting adjourned.**

Taped by Terri Guarino, Health Agent & Typed by the Health Department Staff





J. E. LANDERS-CAULEY, P.E.  
Civil-Environmental Engineering  
P.O. Box 364  
West Falmouth, MA 02574  
(508)-540-7733; 508-540-3344 (fax)  
jlandersca@aol.com

Bourne Board of Health  
24 Perry Avenue  
Buzzards Bay, MA 02532

June 1, 2021

Re: Variance/Waiver Request For Repair of Existing Title V System at  
118 Old Dam Road, Bourne, MA  
Jordan Race-Owner

Dear Members:

In accordance with the State Environmental Code, Title 5: 310 CMR 15.410, please accept this letter of request to be heard before the Board of Health at their next regular meeting to discuss relief from Title 5 and/or Board of Health Regulations for the repair of the existing sewage disposal system and for the installation of the septic system at 118 Old Dam Road, Bourne, MA. We respectfully request your consideration of the following variances to accommodate this project:

A 75.0 foot variance from the Bourne Board of Health 150 Foot Setback regulation for the placement of a leaching facility within 75.0 feet of the coastal bank; and

A 54.7 foot variance from the Bourne Board of Health 150 Foot Setback regulation for the placement of a leaching facility within 95.3 feet of a wetland (Salt Marsh).

There is no proposed renovation, alteration or addition to the existing dwelling thus no Percentage of Increase Worksheet has been filed.

No change in the number of bedrooms for the dwelling. The septic system is designed for 3 bedrooms as required by Title V.

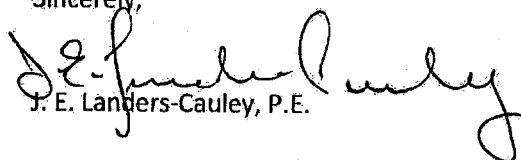
The shape and size of the lot prevents full compliance with all Title V regulations.

In mitigation of the variances proposed the owner is proposing to install a Micro-FAST denitrification system.

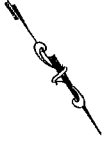
Enclosed is the completed original variance application and design plans, together with six (6) copies of all documents and plans. We have notified all abutters as required and attached proof of mailing.

Thank you in advance for your consideration of this request.

Sincerely,



J. E. Landers-Cauley, P.E.



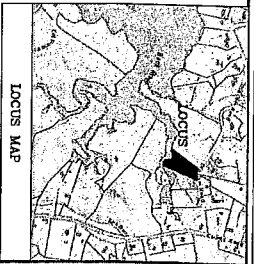
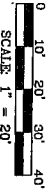
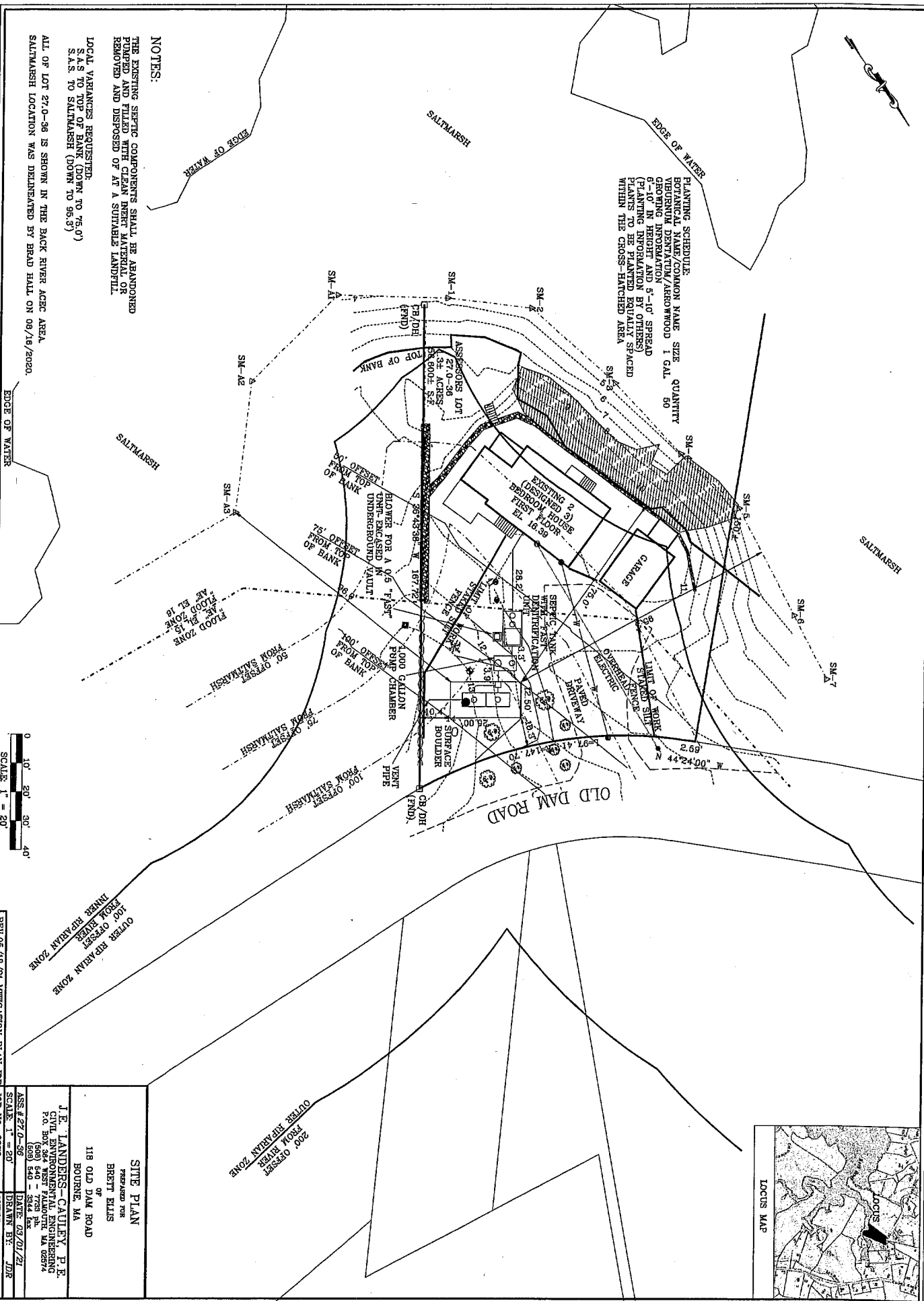
PLANTING SCHEDULE:  
 BOTANICAL NAME/COMMON NAME SIZE QUANTITY  
 100' FROM BANK  
 50' FROM BANK  
 25' FROM BANK  
 GEORGINA ARBORESCENS 1 GAL 50  
 6'-10" IN HEIGHT AND 5'-10" SPREAD  
 (PLANTING INFORMATION BY OTHERS)  
 PLANTS TO BE PLANTED EQUALLY SPACED  
 WITHIN THE CROSS-HATCHED AREA

**NOTES:**

THE EXISTING SEPTIC COMPONENTS SHALL BE ABANDONED  
 PUMPED AND FILLED WITH CLEAN INERT MATERIAL OR  
 REMOVED AND DISPOSED OF AT A SUITABLE LANDFILL.

LOCAL VARIANCES REQUESTED:  
 S.A.S TO TOP OF BANK (DOWN TO 75.0')  
 S.A.S TO SALTMARSH (DOWN TO 95.3')

ALL OF LOT 27-0-36 IS SHOWN IN THE BACK RIVER ACEC AREA.  
 SALTMARSH LOCATION WAS DELINEATED BY BRAD HALL ON 08/16/2020.

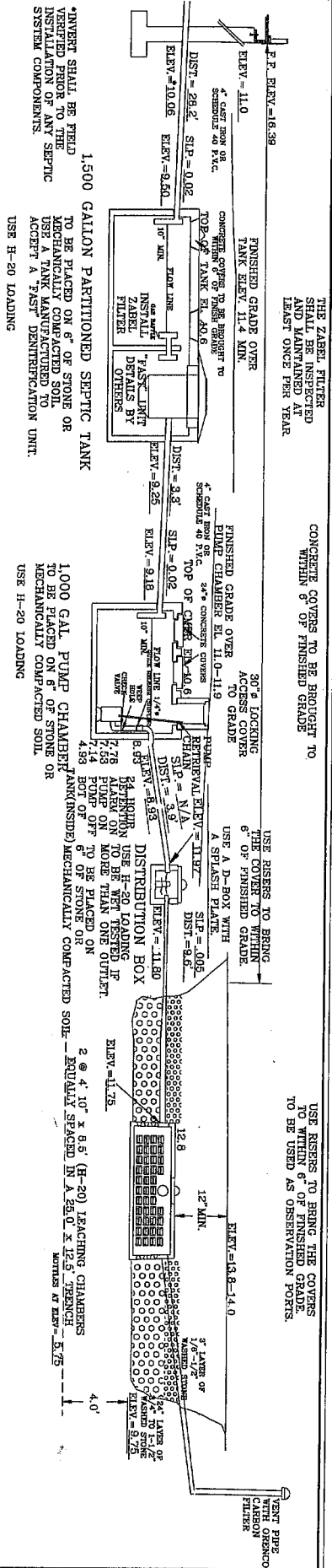


REV: 05/18/21 MITIGATION PLAN DFR JOB NO. 2279  
 SHEET: 1 OF 2

**SITE PLAN**  
 PREPARED FOR  
 BRETT ELLIS  
 OF  
 118 OLD DAM ROAD  
 BOURNE, MA

**J.E. LANDERS-CADLEY, P.E.**  
 REGISTERED PROFESSIONAL ENGINEERING  
 P.O. BOX 389 WEST BOURNE  
 (508) 640-1725 Bx. MA 02514  
 ASS. # 271-38 DATE 03/01/21  
 DRAWN BY: DFR





PROFILE OF SEWAGE DISPOSAL SYSTEM  
NOT TO SCALE

GENERAL NOTES:

1. THIS PLAN IS FOR THE REPAIR OF AN EXISTING SEWAGE DISPOSAL SYSTEM.
2. PLAN REFERENCE DEED LOT 4 A BARNSTABLE REG. OF DEEDS.
3. THIS PLAN IS FOR THE INSTALLATION/REPAIR OF SEPTIC SYSTEM AND NOT TO BE USED FOR SURVEYING AND ZONING PURPOSES.
4. ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO D.E.P. TITLE 5 AND THE TOWN OF BOURNE RULES AND REGULATIONS FOR THE SUBSURFACE DISPOSAL OF SEWAGE.
5. ALL COVERS TO SANITARY UNITS SHALL BE BROUGHT TO WITHIN 6" OF THE FINISHED GRADE.
6. EXISTING AND FINAL GRADES SHALL REMAIN ESSENTIALLY THE SAME, UNLESS NOTED BY FINAL CONTOURS.
7. ALL COMPONENTS OF THE SANITARY SYSTEM SHALL BE CAPABLE OF WITHSTANDING H-10 LOADING UNLESS THEY ARE UNDER OR WITHIN 10' OF DRIVES OR PARKING AREAS. H-20 LOADING SHALL BE USED UNDER OR WITHIN 10' OF DRIVES OR PARKING AREAS UNLESS NOTED.
8. ANY MASONRY UNITS USED TO BRING COVERS TO GRADE SHALL BE MORTARED IN PLACE.
9. NO DETERMINATION HAS BEEN MADE AS TO COMPLIANCE WITH DEDED OR ZONING REGULATIONS. OWNER/APPLICANT IS TO OBTAIN SUCH DETERMINATION FROM APPROPRIATE AGENCY.
10. THE EXCAVATOR/CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.
11. UNTIL APPROVAL FROM THE BOARD OF HEALTH IS GRANTED, THIS PLAN IS SUBJECT TO CHANGE.
12. ALL ELECTRICAL WORK SHALL BE DONE BY A LICENSED ELECTRICIAN.
13. THE ALARM FOR THE PUMP UNIT SHALL BE ON A DEDICATED CIRCUIT. ALL DETAILS OF THE FAST SYSTEM INSTALLATION ARE INCLUDED IN THE ATTACHED DOCUMENTS PROVIDED BY BIO-MICROBICS.
14. THE PIPING INSIDE THE PUMP CHAMBER FROM THE PUMP SHALL BE PLACED TO PROVIDE UNIMPEDED ACCESS TO THE PUMP CHAMBER.
15. THE PUMP SHALL BE PLACED ON A 4" TALL PAD.
16. \*\* THE PUMP CYCLE SHALL BE SET FOR A 100 GALLON DISCHARGE.

SOIL TEST DONE BY: J.E. LANDERS-CAULLEY P.E.  
WITNESSED BY: TERRI GUARINO  
PERCOLATION RATE: 2 MIN/INCH P# NONE  
DATE: 11/16/20 ELEV. 13.0

DEPTH	HORIZON	TEXTURE	COLOR	MOTT.	OTHER
0"-8"	O/A	SANDY LOAM	10YR 3/3		
8"-34"	B	SANDY LOAM	10YR 5/6		
34"-132"	C1	M-F SAND	2.5Y 6/4	MOTT @ 8"	WREPPING @ 126"

TEST HOLE 1 DATE: 11/16/20

TEST HOLE 2 DATE: \_\_\_\_\_

DESIGN DATA:

I CERTIFY THAT I AM CURRENTLY APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REG. NO. 310 CAR 15.017 TO CONDUCT SOIL EVALUATIONS AND THAT THE ANALYSIS GIVEN HAS BEEN PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING, EXPERIENCE, AND EXPERIENCE DISCLOSED IN 310 CAR 15.017. I FURTHER CERTIFY THAT THE RESULTS OF MY SOIL EVALUATION AS INDICATED ON THE ATTACHED SOIL TEST FORM, ARE ACCURATE AND IN ACCORDANCE WITH 310 CAR 15.000 THROUGH 15.017.

NUMBER OF BEDROOMS 2  
 GARBAGE DISPOSAL NONE (0)  
 TOTAL ESTIMATED FLOW 220 GPD  
 ( 110 GAL./BR./DAY X 2 BR )  
 SEPTIC TANK CAPACITY 1,000/500  
 LEACHING AREA REQUIREMENTS  
 SIDEWALL AREA 150.00 S.F.  
 BOTTOM AREA 312.50 S.F.  
 LEACHING CAP.(BOT. & SIDEWALL) 342.25 GAL.  
 RESERVE LEACHING CAPACITY N/A GAL.

APPLICANT: BRETT ELLIS  
 DATE: 03/01/21  
 SHEET 2 OF 2 JOB # 3278

NOTE: THE TOWN OF BOURNE REQUIRES THE ENGINEER TO INSPECT AND LOCATE ALL SEPTIC COMPONENTS, INCLUDING INVERTS, AFTER THEY HAVE BEEN INSTALLED AND BEFORE THEY ARE BACKFILLED.

