



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES September 14, 2022

Meeting was called to order at 05:30pm

1. Attendance.

Board Members: Stanley Andrews, Don Uitti, Barbara Princiotta, and William Meier
Staff: Terri Guarino, Kaitlyn Shea

- #### 2. Public Hearing to amend Bourne Board of Health Regulations for Sewage Disposal Systems pursuant to M.G.L. Chapter 11, §31 and 310 CMR 11.02. Legal notice is attached to this meeting agenda and scope of changes are available at the Bourne Town Hall and Health Department webpage—CONTINUED from August 10, 2022

Miss Guarino stated that following up from the August 10, 2022, meeting, as requested, she compiled a summary of changes, and that they do include the code citations.

a. Bedroom Definition Regulation

Miss Guarino stated that based on prior comments, they removed the description of ceiling height from the definition, and they have removed relevant Board of Health permits. She stated that she believes the merit of this regulation has not changed, but rather the alterations are to clarify the definition so that the public can have a deeper understanding of what is not a bedroom. Mr. Andrews elaborated on the past discussion of this definition's similarity to what was done in the Town of Mashpee, and that they did have a larger opening than Bourne had typically used. Mr. Andrews stated that Mashpee has a 6 foot opening, and that Bourne has always utilized a 4 foot opening. Mr. Andrews stated that he believes that there should be a universal standard, and that since they are modifying the regulations, they should contemplate that height. Miss Guarino stated that if they utilize a 6 foot opening, then some people may have to alter their house plans or expand their septic systems since it would not meet former standards. Mr. Andrews contemplated about the possibility to adding in a section about clause that prior to the amendment date, casings of 4 feet are allowed, unless modifications or remodeling is occurring. Mr. Meier stated that he does not like a vague definition of the cased openings, and that they need to come to an exact definition so that there is a lack of confusion. Miss Guarino agrees, and states that she is hoping that a more concrete definition will provide clarity to contractors. Ms. Princiotta stated that she believes that the 4 foot cased opening is too small, and Mr. Andrews stated that he agrees and that he likes Mashpee's regulation. Miss Guarino suggests the regulation to read "Rooms with 6ft entranceways and/or rooms consisting of three (3) walls and 1/2 wall not exceeding 42" in height shall NOT be considered a bedroom. *For approvals prior to the effective date of these regulations, a 4 foot cased opening may be considered adequate". Mr. Andrews agrees that this phrasing would cover this concern. Mr. Meier stated that he likes the idea that people are grandfathered in if they had something out of the regulation prior to the regulation date. Mr. Andrews stated that there are projects that have been approved in the past but have yet to be installed, so the previous approval will stand as we cannot turn around and ask them to change approved plans. Mr. Andrews said that we can be more restrictive than Mashpee,

but that we really need to be definitive. Ms. Princiotta questioned the logistics of the regulation if someone is grandfathered in, and they would like to remodel. Ms. Princiotta and Mr. Andrews agree that they would like to not be skipped over, and that they want the Board of Health's Regulations to be more prominent. Mr. Andrews stated that there are changes that may possibly be made by the State regarding Title V and I/A systems. Ms. Princiotta expressed that the goal is to reduce nitrogen loading, and that she wants to ensure that the Board of Health regulations prioritize that. Miss Guarino clarifies that the MassDEP information that has gone out is not solidified. She highlighted that that fact sheet is a confusing subject, and that the bedroom regulation should not be written based on any State regulations that have yet to be developed. Mr. Andrews highlighted that despite the regulations, the general trend regarding septic is to reduce nitrogen loading and protect our local environment, so we need to make sure that we factor that into the decision. Ms. Princiotta expressed concern over the cased opening in relation to this. Miss Guarino clarified that the size of the leaching facility does not make a difference for their nutrient loading. Ms. Princiotta stated that she likes the 6 foot opening, Mr. Meier states that he likes 4 feet for existing, but 6 feet for new construction and remodels, and Mr. Uitti agreed with Mr. Meier. Ms. Princiotta stated that there would need to be an exact definition for what would be a remodel, and Mr. Andrews agreed. Mr. Andrews suggested that the language should be regarding how non modified structures constructed before this date should adhere to the prior 4 foot suggestion. Ms. Princiotta highlights that there was no 4 foot definition prior, and Miss Guarino suggests again using the language "For approvals prior to the effective date of these regulations, a 4 foot cased opening may be considered adequate", but Ms. Princiotta highlights the need for using "non-modified". Miss Guarino emphasizes that that language does not parallel that of a building permit. Kaitlyn Shea uses an example that she will review a permit for remodeling a kitchen and kitchen cabinets, and that even though they are modifying, it isn't applicable. Mr. Andrews said that they can make sure to narrow the language down to highlight if they are changing the square footage of a room. Ms. Princiotta asked for clarification on what the sentence would be, and Miss Guarino states again "For approvals prior to the effective date of these regulations, a 4 foot cased opening may be considered adequate". Ms. Princiotta, Mr. Uitti, and Mr. Meier agreed that that definition is adequate. Mr. Andrews explores other possible needs for revision and highlights the state sanitary code regarding water in a room. Miss Guarino emphasizes that she understands that this is tricky, but it is included per the state sanitary code. She states that presently and historically, State Sanitary Code 105 CMR 410.00 Chapter 2 "Minimum Standards of Fitness for Human Habitation" highlights the chronic dampness with mold and fungi and defines grade level and that no room or area in a dwelling can be used for human habitation if more than half of its ceiling height can be below ground and subject to chronic dampness. Miss Guarino emphasizes that people cannot just add egress windows in their basements to make them a bedroom because it will not fit the state sanitary standards. Mr. Andrews disagrees. Miss Guarino highlights the inclusion of "chronic dampness" and that it cannot be considered a habitable room. Ms. Princiotta states that she would like to just see this removed from the regulation and that it does not add anything. Miss Guarino states that it can be removed and that it would not make a difference either way. **Mr. Meier makes a motion to approve the new Bedroom Definition as presented with the changes stated on September 14, 2022. Mr. Uitti seconds a motion.** Michael Borselli approaches the podium questioning how this will affect a Title V definition. Miss Guarino highlights that there is a definition regarding larger houses where you divide by the total number of rooms. She states that our definitions and the Title V should reflect each other, and Mr. Andrews states that it is not on the agenda. **Mr. Andrews, Ms. Princiotta, Mr. Meier, and Mr. Uitti all are in favor of approving the new bedroom definition.**

b. Adverse Impact Regulation

Miss Guarino highlights that the only changes will be the dates because they reference the newly modified bedroom definition.

Ms. Princiotta makes a motion to approve the new Adverse Impact Regulation as presented. Mr. Meier seconds the motion. All were in favor, and motion passed unanimously.

c. Conversion/Addition Regulation

Miss Guarino states that this is just another housekeeping piece so that it highlights the need to comply with Bourne Board of Health Regulations.

Ms. Princiotta made a motion to approve the Conversion/Addition Regulation as presented. Mr. Meier seconded the motion. All were in favor, and the motion passed unanimously.

d. Variance Validity

Mr. Andrews states that this is change in the dates, as one will have 2 years, but the permit has to be pulled within the first year unless there is a different date listed. Mr. Andrews emphasizes that if no permit has been pulled, then it has lapsed so there will need to be a new case in front of the board.

Ms. Princiotta makes a motion to approve the Variance Validity Regulation as presented. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.

e. Permit Renewal

Disposal Works Construction Permit is valid for one year after signed by the agent. Ms. Shea states that just permits can be submitted prior to having other factors, like how they cannot have an operation maintenance contract without having approval yet. Miss Guarino states that an initial approval from the Board highlights what the permit will need, and that the agents focus on the specifics as it is approved more. Mr. Andrews states that they need to clarify who will approve of the renewals, and that they need to clarify who does approve renewals at the local level. Mr. Meier states that it needs to be defined. Mr. Andrews states that it should just be the Board of Health. Mary Frances Galligan questions the new changes, and if they have an NOI in process, will the changes be effective on the date of approval or when they are published. Mr. Andrews states that it will be effective when they are published. **Ms. Princiotta makes a motion to approve the Permit Renewal Regulation as presented, with the addition of “by Board of Health”. Mr. Meier seconded the motion. All were in favor, and the motion passed unanimously.** Ms. Princiotta questioned the lack of coverage of the other regulations, and Miss Guarino clarified that it would be best to cover those at another time. Mr. Andrews agreed and stated that they should put the other regulations as a priority, and over the next few meetings they should work on cleaning up the regulations more so that it is completed by the end of the year.

3. **Violations of 105 CMR 665.040: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – 8 licensed establishments issued violation notices on August 4, 2022 and fined \$1,000 for the sale of tobacco products to a person younger than 21 years old on July 21, 2022.** *Update on compliance status. *Adam Scena of Cape Cod Filling Station, and Rafiq Islam of Cape Side Convenience aggrieved by order and requested to be heard before the Board of Health.*

Barnstable County Tobacco Control conducted routine tobacco compliance checks on July 21, 2022, during these inspections 8 Retail Tobacco Establishments in Bourne sold tobacco products to someone under the age of 21 years. Pursuant to 105 CMR 665.045 fines of \$1000.00 dollars for first offenses were sent to these establishments. Four establishments received their violation letter and fine and paid the fine amount, two establishments have not responded to their violation letter, and two establishments have submitted appeals to the Board regarding the issuance of fines, pursuant to 105 CMR 665.055(F).

*a. *Cape Cod Filling Station – 156 Main St.*

Mr. Andrews questioned if Mr. Scena was notified of the date since he had requested to be heard before the Board but was not present.

*b. *Cape Side Convenience – 105 Trowbridge Rd.*

Miss Guarino stated that Cape Side Convenience did request a meeting, that the violation occurred on July 21, 2022, and that the owner is now out of the country until late October. Miss Guarino stated that she conversed with the owner and decided they can extend the timeframe for payment until December 1st. Mr. Andrews questioned the challenge of the fine and Miss Guarino stated that she did discuss it with the owner. Mr. Andrews states that there can be a modification of fines. Miss Guarino stated that she has received new information regarding the fine structure. Mr. Andrews states that they do not agree with the fining of \$1,000.00. He states that they were told that the Board of Health has no jurisdiction, but that modifications are actually possible. Mr. Andrews states that he does not believe that the regional tobacco control has the jurisdiction for enforcement.

Mr. Andrews stated that since no one is here to present, they will unfortunately have to pay the fines, and that they will end discussion on the topic.

4. Update on certain properties with violations of Title 5 of the State Environmental Code, 310 CMR 15.000, and noncompliance with orders to upgrade sewage disposal systems:

a. *26 Massasoit Ave*

Miss Guarino states that a filing has been received, and that they have applied to be put on a hearing.

b. *10 Foretop Road*

Miss Guarino states that 10 Foretop Rd filed a permit in March, and that the permit was issued and that the dwelling is currently unoccupied.

c. *1384 Route 28A*

Miss Guarino states that the property did have a closing, that under the purchase and sales agreement the new owners have agreed to take responsibility for the septic, and that they understand that the house is not currently habitable. Mr. Andrews questions if they understand that the property is in noncompliance, and Miss Guarino agrees. Kathy McNamara, one of the past owners, clarified that she listed the property for sale around 2 years ago, that it has always been unoccupied, and that the septic system has not been utilized. She states that a year ago it was suggested to her by her realtor to have a Title V inspection done. She stated that they did not invest in the septic because she knew it was a high chance that the house would be under demolition and rebuilt once bought, and she did not want to put a septic in that would not suit the needs of the new dwelling. She states that she did lose clarity on the timeline, but because of the complication of the purchase of the property, it was difficult to solidify any plans with the septic. She clarifies that the property was sold on September 8, 2022. Mr. Andrews states that there was a lack of attendance in the prior meetings, but Ms. McNamara stated that she was not notified since her brother was the one who received the invitation and he was unable to get onto the Zoom meeting. She states that she was not informed until afterwards, but that she is here now. Miss Guarino states that her recommendation would be to send a new order to the legal address of the new owners, informing them that they have to upgrade the septic system. Mr. Andrews questioned the new owners' knowledge of the noncompliance of the property, and Ms. McNamara understood that it was full disclosure. Mr. Andrews states that he does not want to give them an extended period of time with this and that he would like to have this be a swift process. Mr. Meier states that since the property was only purchased the week prior, he thinks that it is not a fair timeline to assume that they have already contacted engineers. Mr. Andrews states that he would like a permit within 30 days or for them to come in front of the board, especially considering that they were aware that the property was in noncompliance when they purchased it. Mr. Meier questioned if the town is aware of the new information, and Ms. McNamara stated that that would be under the registry of deeds. Miss Guarino emphasized that failed septic systems often become unoccupied, which is why they tend to lapse. She states that it was placed on the agenda because she had lacked a response from the owners. Mr. Andrews states that he would just like some communication so that this project does not slip between the cracks again, and that there has to be communication with the office. Miss Guarino suggested that we issue a typical order that would be sent for a failed Title V and emphasize the need to communicate with the office regarding the status of the project. Miss Guarino states that she already has the contact information of the owners and that she can contact them. Ms. McNamara clarifies that she has further information for the board and that she can provide that to them if it would put them more at ease. Miss Guarino states that she has been in contact with possible engineers, so that there has already been an attempt made. **Ms. Princiotta made a motion that Miss Guarino sends a letter to the new owners stating they need to get a permit into the Health Department and come before the Board within 30 days from today and to keep communication open with the office. Mr. Uitti seconded the motion. All were in favor, the motion passed unanimously.**

5. 4 Wenaumet Bluffs Dr—Steven Nelson, R.S. on behalf of owner, Sidney McDonald—Septic upgrade approvals. Requesting reduction in the 25 foot setback distance from Title 5, 310 CMR 15.405, and the Bourne Board of Health 150' Setback Regulations for placing a 2,000 gallon tight tank within 18 feet of a seawall.

Steven Nelson presented as the sanitarian for the project. He stated that he has been working with the owner and the prospective buyer for the project and has been in collaboration with said parties since late July/early August. He states that the past system was in failure and that it had a history of non-compliance. He states that the goal is to bring the system into compliance per the limited timeframe, considering that the buyer is planning to close in the upcoming week. He states that they would like to do the project in stages because the perc test indicated a need for a monitoring well to determine ground water. Installing a monitoring well would require more time than was allotted due to the closing date which could potentially affect the purchase of the home. He states that they are proposing a 2,000 gallon tight tank. He states that based on the size of the property, the proposed location is the only place that would work. There would be cast iron covers and an alarm panel on the front of the house for monitoring and access for frequent pumping. They would like to put a monitoring well in as soon as possible so that they can utilize a denitrification system with the tight tank. Miss Guarino does not have any questions. She states that this project was received on time within 30 days as requested at the July 27th BOH meeting prior to the next scheduled meeting on August 24th which had been cancelled. The submitted plan incorporated what the board discussed in July. Mr. Meier inquired about how many bedrooms are in the dwelling, and he states that it is assessed as 4 bedrooms, but Miss Guarino stated that some of the bedrooms were in disrepair and so that the 3 bedroom design flow is less than what the house is presently. Ms. Princiotta asks if the garage was already on the property and Miss Guarino confirms that it was. Mr. Andrews states that he does believe that the tight tank is a temporary step, and clarified that Mr. Nelson is unaware of where the water table is. Mr. Andrews states that he is concerned about the buoyancy of the tank in that location; Mr. Nelson states that H₂O tanks do not float, but Mr. Andrews disagreed. He states that he would like to see an integration in the design that will prevent buoyancy and movement. Miss Guarino states that the septic tank is not within the water table based on the previous perc test that was done. Mr. Nelson states that there was no water observed in a 10 foot deep pit right after high tide, and that within the cellar of the house there have been no water issues. Mr. Andrews states that he wants to guarantee the best possible solution for the new prospective buyer and emphasized that the tank cannot float. Ms. Princiotta stated that the application does not seem complete and that she would like to see abutter notifications and house plans, but Miss Guarino clarified that that is not necessary. Kristin Seastrand, the prospective buyer, states that if the next step was doing the monitoring well that she would have to pass on the property as the purchase and sales agreement is valid only with an approval from the Board for a septic plan. She states that the approval could possibly reference that a future plan could be approved with the initial step of installing a tight tank within the time allotted by the purchase and sales agreement. Mr. Andrews stated that his concern is that the proposal will actually work and will not cause an issue because of buoyancy. Mr. Andrews clarified to her that she can only obtain approval of the tight tank, and that they will not be looking into any other aspects tonight. Mr. Andrews states that a permanent approach will be difficult, but his only concern now is regarding the buoyancy of the tight tank. Mr. Nelson stated that with the H₂O tank, he does not see the buoyancy as an issue, but Mr. Andrews believed that to be incorrect. Mr. Nelson states that they know that the water table is not within 10 feet of the hole that was dug, and that with the basement an additional 6 feet down, then, it should not be an issue. Ms. Princiotta clarified that there are two variances being requested, one for Title 5 and one for the local regulations. It would be 7 feet for the Title 5, 310 CMR 15.405, and a 132 foot variance from the local Bourne Board of Health Regulation. Mr. Andrews clarified that Ms. Seastrand will be returning if she wants to do anything beyond this tight tank.

Ms. Princiotta made a motion for 4 Wenaumet Bluffs request for a 7 foot variance from Title 5, 310 CMR 15.405 and a 132' variance from the 150 foot Bourne Board of Health setback regulations to install a 2000gal tight tank, and an 18 foot variance from the seawall. Mr. Meier seconded the motion. All were in favor, and the motion passed unanimously.

6. 77 Puritan Rd – Brad M. Bertolo, EIT, CSE on behalf of owners, Richard and Jeanette Kokoszka – Requesting relief from Title 5, 310 CMR 15.405, and Bourne Board of Health 150' Setback Regulations for septic system upgrade to accommodate the raze and rebuild of a 3 bedroom dwelling.

Brad Bertolo from JC Engineering presented on behalf of owners, Richard and Jeanette Kokoszka. Mr. Bertolo stated that this will be a tear down and rebuild of an existing dwelling, and that there will be a removal and

replacement of a new septic system. He states that the house currently has a septic tank and leaching pit, but that in the rebuild of the house, they will be closer to the coastal ban, which was approved by the Conservation Commission. He states that the current leaching pit is 20 feet from the top of the nearest coastal bank, and that they are proposing a MicroFast system and a 3 chambered leaching facility at the front of the dwelling, which will require: a variance of 5 feet from the front of the property line, a variance from the setback to the foundation and that they will be providing a liner that extends below the slab, and that there are 2 major variances that will be a setback of 61 feet rather than 150 feet from the coastal bank, and that they are 129 feet from a salt marsh. He states that this will be an improvement since it is currently not in compliance and that they will be providing alternative treatment and an upgrade in size. Miss Guarino states that this is an upgrade because no bedrooms will be added, so that by adding a MicroFast system, it will be a substantial improvement. Ms. Princiotta inquired about confirmation of the 3 bedroom dwelling since they have not seen the architectural. Mr. Bertolo clarifies that it is still being approved via a building permit and questioned if Miss Guarino can approve it, but Mr. Andrews states that it has to be the Board. Mr. Andrews states that the architectural will be a requirement, since it is a raze and rebuild. He states that he is not comfortable approving the requests until the architectural are provided. Mr. Andrews also questioned the alarm box because he would like it visible from the street. He questions where the controller is, and Mr. Bertolo states that it will be on the side of the building. Mr. Bertolo states that he truly believes that the system is an upgrade and improvement, and that despite the variances, he does not believe that there are any severe location issues. Mr. Andrews states that it looks like the barrier ends short on the left, that he believes that it dives out halfway through the radius, and that he would like to see it continue around. Mr. Bertolo states that he can run it around the side of the tank and that it should not be a problem. Mr. Andrews states that he would like to see a nitrogen loading worksheet and that he is aware that it is a sensitive area due to excessive nitrogen loading. Mr. Bertolo stated that it will be an obvious improvement, but Mr. Andrews states that he would like to see the numbers because it is an alternative system. Mr. Andrews states that he would like a deed restriction, and Mr. Bertolo states that they have that and can provide it. Mr. Meier inquired about the Conservation Commission, and Miss Guarino stated that she conducted a joint site visit with the Conservation Agent. Ms. Princiotta and Mr. Meier confirmed that they would like to see architectural, and Mr. Andrews clarified that they just need to see the floor plans, not the full drawings. Mr. Bertolo can provide the board with that information when he receives it. Mr. Andrews states that they can request a continuance or ask the Board to vote. Mr. Meier states that without seeing the prints, they cannot vote. Miss Guarino states that it is not a 100% requirement to have floor plans. Mr. Andrews clarifies that due to the number of variances, the Board would like to see them. **Mr. Bertolo requested a continuance. Ms. Princiotta made a motion to continue to 77 Puritan Rd to the next available date at the engineer's request. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.**

7. **104 Rocky Point Rd – Michael J. Borselli, P.E on behalf of owner, Patrick Curran – Requesting relief from Title 5, 310 CMR 15.211, and Bourne Board of Health 150' Setback Regulations. Plans submitted August 2, 2022, dated July 26, 2022 request multiple variances for a new septic system to accommodate a garage and bedroom addition.**

Mr. Borselli introduced himself as the representative of the project on behalf of the owner of 104 Rocky Point Rd, Patrick Curran. He states that this project proposed a detached garage with an at-home office above the garage. The existing home has 8 rooms, 5 of which are bedrooms. The home office would be considered a bedroom and would be the 9th room. The new design of the system would have a flow for 6 bedrooms and that it would be an increase of the current system. The dwelling is on a peninsula and that the system would be an I/A denitrification system with a pressure distribution field to provide additional mitigation against nitrogen loading. This will be a reduction in nitrogen loading, despite the increase in bedrooms, because they will be utilizing an I/A system. There are multiple variances needed due to the location, but that the location of this system is in the best possible spot. Mr. Borselli highlights that there are 34 feet from the SAS to the coastal bank, 66 feet from the mean high water to the SAS, 30 feet from the reserve area to the top of the coastal bank, 65 feet from the reserve area to the mean high water is 64 feet, and 65 feet from the SAS to the salt marsh. He then highlighted that on the Buzzards Bay side from the reserve area to the dune it is 60 feet, from the reserve area to the top of the bank is 24 feet, from the SAS to the top of the bank it is 22 feet, and from the SAS to the dune is 58 feet. Mr. Borselli states that the old tank will be pumped and removed. Mr. Andrews questioned if they have any numbers for the nitrogen loading for 4-5

bedrooms. Mr. Borselli states that he did not run those numbers. He states that the Conservation Commission approved of this project. Mr. Andrews stated that for the reserve area to the basement, the leaching area typically requires a barrier. Mr. Borselli states that he can add in a barrier if needed. Mr. Andrews states that the location is where the old components were and he states that he is concerned about the stability of the soil after the past removal. Mr. Borselli states that it can be compacted prior to setting the new tank. Mr. Andrews states that he would require an Operation and Maintenance contract, and Mr. Borselli states that that is expected and can be provided. Ms. Princiotta requests if he can do the calculations for the setbacks in the future, rather than just providing the numbers. Miss Guarino states that she has discussed this project with Mr. Borselli and that she has no additional comment. **Ms. Princiotta makes a motion to approve 104 Rocky Point Rd with the variances requested, including an I/A policy, O&M agreement, and the compaction of the soil prior to placement. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.**

8. **819 Head of the Bay Rd — Christopher K. Gilbert, EIT on behalf of owners, Messias Vasconcelos & Ana Alves – Requesting relief from the Bourne Board of Health 150’ Setback Regulations for the installation of a new septic system at ‘Lot 1’ 819 Head of the Bay Road, previously approved by on September 26, 2018. Requesting a 40 foot reduction in the setback of the SAS from the coastal bank.**

Mr. Gilbert of Farland Corp Engineering reintroduced himself as the representative of the project. He states that this is Lot 1 and that on the east side there is a stream that leads to Buttermilk Bay where there is the coastal bank and bay. He states that there is a 110 foot setback the proposed leaching system. He states that it is a 4 bedroom house, and that there will be a MicroFast system implemented. He reviewed the location of the property and the system. Miss Guarino states that this project has been previously presented and approved, and just questioned the extension. Mr. Gilbert states that they are looking to pull the permit tomorrow, and Mr. Andrews states that they would only have 1 year from the permit date. Mr. Andrews requested that next time that Mr. Gilbert is in front of the board, he would like more in depth architectural. He states that it is a 3.5 with the nitrogen loading, so he is comfortable. Mr. Andrews emphasizes the need to focus on the I/A policy and Operation and Maintenance contract. Mr. Andrews questions the alarm for the system and emphasizes where it is located so that it can be used properly. **Ms. Princiotta made a motion to approve the application for 819 Head of the Bay Rd. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.**

9. **176 Scraggy Neck Rd – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – CONTINUED from July 13, 2022—Requesting relief from the Bourne Board of Health 150’ Setback regulations for a new septic system to accommodate the raze and rebuild of a new residential dwelling.**

No one was there to present for the project. Miss Guarino stated that she has not heard from the applicants, but that with the lack of an administrative assistant, a voicemail may have been lost. Miss Guarino stated that this has been reviewed from counsel, and that there was a continuance from the Conservation Commission. Mr. Andrews states that he has not received anything from counsel, and Miss Guarino stated that she knows it was received. Mr. Andrews requested that council’s decision be forwarded to him. He requested if Miss Guarino can reach out to Mr. Bracken regarding his absence in the meeting.

10. **128 Emmons Rd – Jack Landers Cauley P.E. on behalf of owners, Jonathan and Marni Levitt –Requesting relief from Bourne Board of Health 150’ Setback Regulations for a new septic system to accommodate an addition with added bedrooms.**

Jonathan Levitt, the owner of this property presents before the board. He states that this revised plan includes removal of 70% of the grass lawn, and 100% removal of the pavement in their driveway. This is for the replacement of the sewage disposal system with a nitrogen mitigating system which brings the parts per million for the nitrogen loading down from 7.65 ppm to 5 ppm. He states that he, as an owner, has decided to become more involved. He believes that he fully addressed the changes that were requested, and that in good faith, he has put in a lot of effort to adhere to the Board’s needs and the environmental necessities of the property. Mr. Cauley

presents himself on behalf of the project. He furthers Mr. Levitt's point by stating that the project was approved by the Conservation Commission. Mr. Andrews requests for him to specify what Mr. Cauley has changed since he was last in front of the board. Mr. Cauley reiterates that they have reduced the amount of lawn space by 70%, and that they will completely remove the pavement in the driveway. The nitrogen loading has gone down to 5 ppm for the 6 bedroom property, that they will be adding in a UV unit, and that they have clarified the variances. The revised architectural drawings have 6 bedrooms in contrast to the prior 7 bedrooms that were introduced. Miss Guarino thinks that the final application addresses the concerns that the Board has had, and that the UV unit is a significant change, as well as the bedroom count. She adds that in combination with the driveway and grass removal, they are hitting the target for the nitrogen loading calculations. She states that this is an improvement and sees no issues. Mr. Andrews is pleased with the changes in the architectural drawings, and that he knows that designers can modify rooms to create a bedroom despite the prior standards. The landscaping changes are significant, and that he is impressed with the project considering the location of the property. Mr. Andrews states that they would require a 6 bedroom deed restriction, an I/A policy, and an Operation and Maintenance agreement. Mr. Andrews inquired about the location of the panel and the alarms, and Mr. Cauley states that the specifics have not been discussed. Mr. Cauley states that he will place it wherever the Board prefers, and Mr. Andrews states that he would like it where it is visible. Mr. Cauley inquired about how he should communicate about the placement, and Mr. Andrews states that it can be administratively approved.

Ms. Princiotta made a motion to approve 128 Emmons Rd requesting a 49.5 foot variance from the local Bourne Board of Health 150 foot Setback Regulations for a setback of 100.5 feet from the proposed leaching facility to the southeastern Coastal Bank, a 50 foot variance from the local Bourne Board of Health 150 Foot Setback Regulations for a setback of 100 feet from the proposed leaching facility to the top of the Coastal Bank, an 18.5 foot variance from the local Bourne Board of Health 150 foot Setback Regulations for a setback of 131.5 feet from the proposed leaching facility to mean high water; and an 8.9 foot variance from the local Bourne Board of Health 150 foot Setback Regulations for the placement of the proposed leaching facility within the rocky intertidal zone, with a 6 bedroom deed restriction, an I/A policy, an Operation and Maintenance agreement, and a light for an alarm that is visible from the street. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.

11. Approve the Minutes — Approve the minutes from the previous meeting dated August 10, 2022.

Ms. Princiotta made a motion to approve the minutes from August 10, 2022. Mr. Meier seconded the motion. Ms. Princiotta, Mr. Meier, and Mr. Andrews approved. Mr. Uitti abstained. The motion passed, and the minutes were approved.

12. Set tentative date for next meeting.

Miss Guarino confirmed that the next meeting is scheduled for September 28, 2022. She requested clarification on the fall schedule, so that engineers and designers can plan accordingly. Ms. Princiotta clarifies that she will not be here on October 26, 2022. Mr. Andrews requested if there can be an email sent with the tentative dates so that it can be communicated more coherently. Miss Guarino clarified and agreed.

13. Adjourn.

Ms. Princiotta made a motion to adjourn. Mr. Meier seconded the motion. All those were in favor, and the motion passed unanimously. Meeting adjourned at 7:35 P.M.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke, Recording Secretary
Edited by: Kaitlyn Shea, Stacey Burgess, & Terri Guarino