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# TOWN OF BOURNE BOARD OF HEALTH

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## MINUTES October 13, 2021

### Meeting was called to order at 05:30pm

- Members in attendance:** Stanley Andrews, Chairman; Galon Barlow Jr, Vice Chair; William Meier, Clerk; and Barbara Princiotta. **Support Staff in attendance:** Stephanie Fitch, Health Inspector, and Syreeta Amaral, Administrative Assistant.
- Approve minutes— approve the minutes from the previous meetings dated September 22, 2021.** Miss. Princiotta made a motion to approve the meeting minutes. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously. Mr. Andrews requested that the minutes again require the Chair's signature prior to being recorded at the Clerk's Office. This practice was halted during COVID-19.
- Set tentative date for next meeting—** The next meeting was tentatively scheduled for October 27, 2021 at 5:30pm.
- 31 Tahanto Rd – Peter McEntee P.E. of Engineering Works, Inc on behalf of owners Ann & William G. Murray – Requesting relief from State and Local Board of Health Title 5 requirements. Variances requested include a 5 foot reduction from the property line to the S.A.S. A 2 foot reduction in the required 5 foot separation from maximum seasonal high groundwater to the bottom of the S.A.S. A reduction in the requirement of 12 inch separation between the inlet and outlet tees of the MicroFAST tank with the use of preinstalled watertight sleeves on the tank and pump chamber and a 100 foot reduction in the 150 foot requirement from the S.A.S. to the coastal bank—** Mr. Peter McEntee with Engineering Works presented the project. This property has a cesspool and will be upgraded to an innovative technology drip dispersal system with a MicroFAST .5 unit. This land is all subject to coastal storm flowage and is located on the banks of the Pocasset River. Mr. McEntee believed this plan would provide good protection of the environment. The effluent will be well distributed throughout the field. Mr. Andrews asked about existing and proposed nitrogen loading. Mr. McEntee said it will be reduced from 16.2 ppm to 9.9 ppm. Mr. Andrews asked if it was a voluntary upgrade. Mr. McEntee said that it is for a title transfer. Mr. Andrews asked why there is a discrepancy between the Assessor's card, which says 5,500 square feet, and the square footage used in the nitrogen loading calculation, which is 6,185.52 square feet. Mr. McEntee said there is no definition of the back property line on the plan of record and there may be a small discrepancy between what he calculated and the Assessor's card. Mr. McEntee stated that they made the system as big as it could be for a 2 bedroom house. Mr. Andrews was happy with the drip system due to the sensitive area. Mr. McEntee said that he has had good success with them so far. Mr. Andrews asked about a blue line on the plan. Mr. McEntee said that the blue line is the existing water line that they will relocate so that they do not have to sleeve it. The house has no foundation and is up on blocks; it is a crawl space with a lattice. Mr. Andrews asked for a vapor barrier along the edge of the house. Mr. McEntee said that he does not want to excavate further for the vapor barrier, so it would have to be a shallow one. He stated that there is a very small volume of water coming out of the distribution system at a time. Additionally, the ground water is likely higher on the plan than it typically is on a regular basis, as he used data logger readings after a heavy rain event which was at elevation 3. He used this reading to be conservative. Mr. Andrews asked where the system is located on the abutting property to the left. Mr. McEntee had it in his records but did not have it at the meeting. Mr. Andrews

stated that he likes to see abutting systems on the plans, especially when asking for a variance to the property line. Mr. Andrews asked that General Notes #4 and General Notes #12 include notification of the Board of Health. Ms. Fitch asked for clarification about the foundation. Since there is no foundation there is no need for the additional variance. No further questions from the office staff. No questions from the other board members. Mr. Andrews asked for a 2 bedroom deed restriction and the Town of Bourne's Alternative Testing and Maintenance Policy be recorded with the Registry of Deeds. **Miss Princiotta made a motion to approve the variances requested including a 5 foot reduction from the property line to the S.A.S., a 2 foot reduction in the required 5 foot separation from maximum seasonal high groundwater to the bottom of the S.A.S., a reduction in the requirement of a 12 inch separation between the inlet and outlet tees of the MicroFAST tank and high groundwater with the use of preinstalled watertight sleeves on the tank and pump chamber and a 100 foot reduction in the 150 foot requirement from the S.A.S. to the coastal bank with approved changes to plan made during the meeting, and a 2 bedroom deed restriction and the required I/A disclosure notice be recorded. Two foot separation is allowed due to the alternative technology drip system. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.**

*Miss Princiotta recused herself from the remainder of the meeting.*

5. **60 Arlington Dr. – Zachary Basinski P.E. of Bracken Engineering on behalf of owners Edward & Peri Jacobs - Requesting relief from Local Board of Health Title 5 requirements. Variances requested include a 10± foot reduction from the required 150 foot setback from the proposed S.A.S. to Mean High Water (Buttermilk Bay) and a 72± foot reduction from the required 150 foot setback from a S.A.S. to the top of a Coastal Bank—** Mr. Zachary Basinski presented the project. This is an existing house built in 1956 and currently has a 1,000 gallon septic tank and leach pit. The Jacobs would like to build an addition to the home. There will be no added bedrooms. The addition to the home will include a septic upgrade with a Title V MicroFAST approved system with a Presby pressure distribution field. The system is proposed in the area furthest from the resource areas and on the highest point of the lot. Nitrogen reduction goes from 9.6 ppm to 5.6 ppm. Mr. Basinski believed this to be a vast improvement to the property. Ms. Fitch noted that there is no increase in flow, a decrease in nitrogen, and relayed that the Health Agent had no questions. Mr. Andrews asked why there is a discrepancy in the square footage between the Assessor's card, which says 22,000 square feet, and the square footage recorded on the plans by Bracken Engineering, which say 24,054 square feet. Mr. Basinski stated that the Assessor's card can be incorrect and the subdivision plan has a different number, which is 24,020 square feet, based on surveying from 1955. Mr. Basinski noted that techniques of survey and mean high water line can change over time and that Bracken Engineering is using an updated survey. Mr. Andrews observed that the plans do not reach the target of 5ppm nitrogen. Mr. Basinski said that the target of 5ppm is for new construction and since this project does not have an increase in wastewater flow, it is not considered new construction and instead falls under repair, with a design goal of reduction in nitrogen. Mr. Andrews asked about increase in bedroom space and existing architectural. Mr. Basinski clarified that they are not asking for a waiver on an I/A system on the lot. Mr. Andrews asked about the pocket door creating the master suite as shown on the architectural. Mr. Basinski stated that in the master suite, the study has a large cased opening and would not be considered a bedroom since there is no privacy provided. Mr. Andrews stated that he does like the positioning of the pocket door and he would rather see it only blocking off the bedroom, leaving the study open to the living room. Mr. Basinski recorded the change in the pocket door location on the plans. He clarified that there is no basement in the house. On the septic plans, Mr. Andrews stated that he wants the office staff involved with location of the blower unit prior to installation and to have Note #4 reflect that. Mr. Andrews wanted General Note #7 to clarify that the COC is from the engineer and inspected by BOH and #11 to include that no field modifications be allowed without prior approval by the engineer and BOH. Mr. Andrews read Note #12 and asked that the engineer express to all clients that garbage grinders cannot be used with septic systems. Mr. Andrews asked what MicroFAST recommends for pumping. Mr. Basinski explained that MicroFAST does not recommend pumping because the solids are what breaks down the nitrogen, therefore they stick with the standard three year pumping schedule. Mr. Andrews wanted to ensure that all citizens understand proper maintenance. Mr. Andrews asked that the location of the high and low vent not be changed in the field because he does not want them moved closer to abutting properties. Mr. Basinski agreed. Mr. Andrews asked about the proposed stormtech subsurface infiltration units. Mr. Basinski explained that one unit is for roof

runoff and the other units in the back are for pool runoff. Mr. Andrews was concerned with the unit for the pool water being so close to a marked well on the plan. Mr. Basinski stated that the unit can be moved outside of the well zone and recommended that they tie it to the infiltration units in the back. There were no other comments by the Board. Mr. Andrews asked if there were comments from the audience. Ms. Brenda Mashawaty of 64 Arlington Drive stated that they have been neighbors of the Jacoubs since 1999, they share a well house with separate wells, and she supports the work they are proposing. Mr. Kevin Geaney represents Miss. Princiotta of 54 Arlington Drive. Mr. Geaney stated that part of the property is a coastal bank and intertidal beach zone. He pointed out that there are discrepancies between the subdivision plan and application plan regarding the property gross areas and the distance and direction of the linear courses of the lot lines, which may account for the difference in gross areas. Additionally, Mr. Geaney pointed out that the plan doesn't depict all the rights of way on the property and the plan doesn't show that the failed seawall has collapsed. Mr. Geaney also believed that the lot size used in the nitrogen calculation is artificially inflated upland area by including lowland and intertidal beach area, which is not appropriate. Therefore, the calculations are not reliable. He also argued that the variance distance on the plan is wrong by a factor of 2 and that the mean high water mark is from 1955. Since the seawall has failed, the high water is no longer held back by the wall. He believed moon and spring tide high water should be used instead for calculating the variance distance. He also stated that the proposed addition is adding approximately 1,550 square feet of habitable space, nearly doubling the home's habitable space. He argued that the plans include at least three to five additional bedrooms based on the Bourne Board of Health bedroom definition. He wanted to see a percentage increase worksheet. He also argued that it should be noted that there has been an increase in flow because the residence was once a seasonal residence and is now being used as a year-round residence. They have upgraded the heating system, installed central air, added a generator, and gutted and enlarged the laundry room, which puts them out of compliance with regulation since the house was remodeled/alterd/repared and the septic system didn't comply with Title V. He implored that the Board look closely at the plans, regulations, and the submitted application and he asked that the variance be denied based on the 150' Setback Regulation and the Conversion-Addition regulation. Mr. Andrews asked Mr. Basinski to respond. Mr. Basinski stated that the lot area is in compliance because they used the mean high water that comes to the top of the retaining wall in the back, so he believes they are in compliance. The upland area is a wooded area and is not a water-dependent resource area. When they do nitrogen calculations, they always include upland banks because they are an upland resource area. The use of the new GPS satellite bearing system for surveying has made the numbers look different because they have been twisted due to the satellite surveying. However, it is the same configuration and area, the numbers just don't look the same because of the slight twist. Mr. Basinski had no comment on the intertidal zone since it is off the lot, all calculations only go to the retaining wall / mean high water line. Mr. Andrews asked about the damaged portion of the wall and where the moon high tide reaches. Mr. Basinski said the moon high tide comes up the slope but it is within reason of the wall, which is why they used the +/- prefix in the variance request. Mr. Barlow recommended that the Board does a site visit. Mr. Basinski stated that the high tide does not go up 2/3 of the slope. He also stated that a percentage increase worksheet was not included because they aren't asking for a waiver to install a conventional system. Mr. Basinski also stated that the house may have been used seasonally, but it has always been a year-round property with the ability to be used at any time. The sea wall collapse does not affect the gross floor area on the lot. The other rooms do not provide privacy and are therefore not considered bedrooms, standard to what they have done in the past. Mr. Barlow Jr. wanted to do a site visit to understand the condition of the seawall and high tide lines. Mr. Meier concurred. Mr. Andrews did not want to do a posted joint inspection. Mr. Meier asked about permission to view the seawall. Mr. Jacoubs gave permission for the Board to access his property at 60 Arlington Drive, as did Ms. Mashawaty at 64 Arlington Drive and Mr. Geaney's client at 54 Arlington Drive. Mr. Andrews asked Mr. Basinski to submit new plans addressing all notes discussed during the meeting, including adding BOH to notes #1, 2, 3, 4, 5, 18, 19, 20, 22, and 23. Mr. Andrews asked Mr. Basinski to fill out a time waiver at the office tomorrow. Mr. Basinski agreed. **Mr. Barlow Jr. made a motion to continue 60 Arlington Drive until the next meeting contingent upon Mr. Basinski signing the time waiver tomorrow. Mr. Meier seconded the motion. All were in favor and the motion passed unanimously.**

6. **Adjourn**—The next meeting was tentatively scheduled for October 27, 2021 at 5:30pm. Mr. Barlow Jr. made a motion to adjourn the meeting. Mr. Meier seconded the motion. All were in favor and the meeting adjourned at 6:23 PM.

Taped & Typed by Stephanie M. Fitch

Stanley Andrews \_\_\_\_\_

Galon Barlow Jr. \_\_\_\_\_

Don Uitti \_\_\_\_\_

William Meier \_\_\_\_\_

Barbara Princiotta \_\_\_\_\_