



Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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## Meeting MINUTES May 18, 2022

**Meeting was called to order at 5:30 pm**

**1. Attendance. –**

**Members in attendance:** Stanley Andrews, Don Uitti, Barbara Princiotta, and William Meier  
**Support Staff:** Terri Guarino, Kaitlyn Shea, and Deon Wills

**2. Terri Guarino, Health Agent to provide information and updates. The Board of Health to discuss and possibly vote.**

Miss. Guarino states that it is now peak pre-operational inspection time and that she is happy to introduce our newest Health Inspector, Deon Wills to the Health Department. She states they are looking to open the seasonal businesses, and that beaches will begin sampling the first week of June, and they are looking to correct some storm water issues at Bourne's freshwater ponds.

Miss. Guarino states that as of May 18, 2022, the Health Department has 18 active public health complaints. We have received complaints regarding campers/ trailers, illicit discharge, pests, food establishments, and other housing issues. We do not take third-party complaints/ anonymous complaints for certain types of issues and encourage folks to file these online on Viewpoint.

Within the past week the Health Department had an installer begin installation of a septic system at 108 Williston Road without a permit. He was fined \$100. She also states there was an issue of oil being dumped into a septic tank, and that has been resolved. She states that all other housing matters have been resolved this week.

Miss. Guarino states that yesterday's COVID positivity rate was 7.3%, but after tonight's report it was 9.4%, which classified Barnstable County in the red zone due to highly transmittable rates by the CDC. She states that there are free COVID tests and that she encourages people to be vaccinated and get tested.

Mr. Andrews questions the timeline of the Public Health complaints, and if any exceed the length of a month. Miss. Guarino states that she would assume so, and Miss Shea states that initial follow ups happen and that all are happening at an adequate rate. Miss Guarino stated that she is seeing an efficient timeframe.

Mr. Andrews questioned the status of the pre-operational inspections, and Miss Shea states that 75% are done, and the businesses should all be ready to be open around Memorial Day.

Mr. Meier questions if there is a correlation between school vacations and the COVID spike. Miss Guarino states that the increase is more so related to the possible introduction of a new variant.

3. **50 Tahanto Rd – Brett Ellis of Done Right Construction on behalf of owners Harvey Family Revocable Trust – *Continued from March 23, 2022* Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 9 foot reduction from the required 20 foot setback from the foundation to the leaching facility with a liner installed. A 3 foot reduction in the required 10 foot setback from the leaching facility to the property line. A 3 foot reduction in the required 10 foot setback from the septic tank to the foundation and a 4 foot reduction from the required 10 foot setback from the septic tank to the property line.**

Mr. Ellis clarifies that he is the representative for the project.

Miss Guarino reiterates that this project was continued from the April 17<sup>th</sup> meeting because it needed to go before the Conservation Commission prior to going before the Board of Health. She states that the only reason this is before the Board of Health is because it is an upgrade outside of the 150 foot buffer but the property line variances requested trigger abutter notification under Title 5.

Miss Guarino stated that she is comfortable proceeding with this project as long as there is abutter approval.

Mr. Andrews asked how they can have a 40ml poly-liner through the middle of a septic tank, and that that is impossible. Mr. Andrews states that he needs correct records. Mr. Ellis said that they will come right up to the edge of the septic tank, then come out, then go back around and re-seal it. He states it ends at the outlet of the septic tank. Mr. Andrews states that the plans are incorrect, and asks if he can modify the record. Miss Guarino stated that he should have no problem doing this, but that the plans should be modified so that they can vote on the approval. Mr. Andrews said that they can approve of this provided the engineer of record can come in and initial the change to wrap the liner prior to permit issuance. Mr. Andrew states that he would also like a three-bedroom deed restriction.

Jeff Harvey of 50 Tahanto Road agreed to sign a three-bedroom deed restriction. He states that they will not expand it, and there is no desire to. Mr. Andrews states that there is no deed restriction. Mr. Harvey states that he just retired and is just looking to update the home to make it code compliant.

Miss Guarino added that this system failed inspection on March 19, 2021 and would need to be upgraded by March 19, 2023.

Ms. Princiotta made a motion to approve 50 Tahanto Rd subject to the modified plans signed by the engineer prior to the permit being issued, the three-bedroom deed restriction, requesting relief from the variances including a 9 foot reduction from the required 20 foot setback from the foundation to the leaching facility with a liner installed, a 3 foot reduction in the required 10 foot setback from the leaching facility to the property line, a 3 foot reduction in the required 10 foot setback from the septic tank to the foundation and a 4 foot reduction from the required 10 foot setback from the septic tank to the property line, to be completed by March 19, 2023.

Mr. Meier seconded the motion.

All were in favor and the motion was unanimous, 4-0-0.

4. **126 Tahanto Rd – Jeff Youngquist of Outback Engineering on behalf of owner Chris Timson – *Continued from March 23, 2022*-- Requesting relief from Bourne Board of Health Title 5 Regulations. Variances requested include a 30' foot reduction from the required 150' setback from a leaching field and the approval of the installation of sewage disposal system within an AE Flood Zone.**

Mr. Youngquist introduced himself as a representative of the project.

Miss Guarino stated that there have been changes made to include an I/A system for nitrogen reduction, and the revision date was April 12, 2022. Miss Guarino explained that the amended plans include a MicroFAST de-nitrification system and additional flow for a new detached office/ studio with a bathroom.

Mr. Andrews questioned how many bedrooms, and Miss Guarino clarified that it is 4 bedrooms with the office. Mr. Andrews clarified that the architectural and nitrogen loading calculations were provided. Mr. Andrews added that the Board of Health also needs to be notified 48 hours prior to construction for inspections in the construction notes and noted that the nitrogen loading was calculated at 2.7ppm for this project. Mr. Andrews noted item #7, and that there can be no garbage disposals and that they will trash the system.

Mr. Andrews requested that they change the report from "Pocasset Board of Health" to Bourne Board of Health.

Ms. Princiotta asked about the basement, and if it heated. Mr. Youngquist stated that he is unsure. Mr. Andrews said that cutting a doorway is standard with an addition to give access back and forth.

Ms. Princiotta made a motion to approve 126 Tahanto Rd, requesting relief from Bourne Board of Health Title 5 Regulations. Variances requested include a 30' foot reduction from the required 150' setback from a leaching field and the approval of the installation of sewage disposal system within an AE Flood Zone with the + I/A testing policy.

Mr. Uitti seconded the motion.

All in favor and the motion passed unanimously, 4-0-0. There was no public comment.

**5. 4 Richmond Rd – Rob Dewar of Bracken Engineering on behalf of owners Stephen & Josephine Smith – Requesting relief from Bourne Board of Health Regulations. Variances requested include the installation of a tight tank with a 4± reduction from the property line to a septic component and a reduction of the minimum 12' separation for high groundwater to the inlet tee.**

Mr. Dewar of Bracken Engineering introduced himself as a representative of the project.

Mr. Dewar said that this has been approved by the Conservation Commission and the plan is to abandon the existing cesspool and install a 3,000 gallon tight tank.

Mr. Andrews asked if the mortar joints is the best way to make that water tight. Mr. Meier added that the rubber insert in the precast or hydraulic cement may be the best way. Mr. Andrews asked about the Helical Anchor design.

To answer Mr. Meier's groundwater question, Mr. Dewar stated that they hit groundwater during the first perc test, and it was 62 inches down.

Mr. Andrews questioned the Helical coil specs, and Mr. Dewar stated that that will be done by the structural engineer. Mr. Andrews questioned the material it would be made out of, to which Mr. Dewar stated that the Helical Anchor design has an emphasis on coastal stabilization and that they are usually stainless steel so they resist erosion well. He stated that they wanted to make sure it did not pop out, so they chose the Helical design to prevent buoyancy.

Mr. Andrews stated that as he reviewed the requirements of reserve area in the tank, the once a week pumping, and the elevation set on the float, when he runs the numbers, it does not make sense. He said after 6 days, there will be an excess. He states that even though the flow will most likely not fit that, they need to meet 7 days with a design flow.

Miss Guarino explained the 500% design flow based on Title 5 for a 2 bedroom home in the design calculations and that they have increased the size of the tight tank from 2,000 gallons to 3,000. Mr. Andrews reiterated that he does not believe that the calculations reflect the needed flow rate. Miss Guarino is in agreement that it is 6 days. Mr. Andrews stated the alarm should never go off, especially if it is being pumped weekly.

Mr. Andrews discussed the alarm panel, and that he is confused where it would be visible from. He states that he does not want it hidden.

Miss Princiotta made a motion to approve 4 Richmond Rd, with the installation of a tight tank with a 4± reduction from the property line to a septic component and a reduction of the minimum 12' separation for high groundwater to the inlet tee subject to the 2 bedroom deed restriction, the use of a rubber insert condition, the maintenance contract in place, and adjustment of the float to allow for 7 days storage capacity

Mr. Meier seconded the motion.  
All in favor and the motion passed unanimously, 4-0-0.

6. **4 Kennebec Ave – Rob Dewar P.E. of Bracken Engineering on behalf of owners The Brennan Family Trust – Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 4 foot reduction in the required 10 foot setback from the S.A.S. to 531 Circuit Ave. A 5 foot reduction in the required 10 foot setback from the S.A.S to the Circuit Ave Layout. A 5 foot reduction in the required 10 foot setback from the S.A.S to the Kennebec Ave Layout. A 4 foot reduction in the required 10 foot setback from the Microfast equipped septic tank to 531 Circuit Ave. A 4 foot reduction in the required 10 foot setback from the Microfast equipped septic tank to 8 Kennebec Ave. A 4 foot reduction in the required 10 foot setback from the pump chamber to 8 Kennebec Ave. A 4 foot reduction in the required 10 foot setback from the Microfast equipped septic tank to the crawl space wall. A 4 foot reduction in the required 10 foot setback from the pump chamber to the crawl space wall. A 50 foot setback from the S.A.S. a coastal bank and a 150 foot reduction in the required 150 foot setback from the S.A.S. to a non-eroding coastal bank.**

Mr. Dewar of Bracken Engineering introduced himself as the representative of the project. He states that the homeowners are looking to rebuild the existing dwelling to make it flood compliant.

Mr. Andrews confirms that this project has already gone before the Conservation Commission.

Mr. Dewar explained that this is a very small lot, less than 3,000sf on the corner. The coastal bank is based on definition only. He states that the applicants are looking to remove their cesspool through implementing an I/A Microfast equipped septic tank with a nitrogen removal pump chamber and a geo-flow drip tubing system. They are looking to raise the structure and make alterations to make the property flood compliant. He states that 2 sheds will be removed to provide more space for the tank. Through this, Mr. Dewar states that they are reducing the lot coverage from 35.5% to 29.7%.

Mr. Andrews states that they did the lot coverage inaccurately, but Mr. Dewar states that everything is included. Miss. Guarino states that she forgets the number, but that she found a different number. Mr. Andrew states that he found a different number as well.

Mr. Andrews asks if both components of the I/A are confirmed for remedial use by the DEP, which Mr. Dewar confirms. Mr. Andrews asks if the homeowners are aware of then notification requirements for if they decide to rent, to which Mr. Dewar says yes. Mr. Andrews emphasized that despite prior usage, in this time, renting is more common, so they need to fully understand the notification requirements.

Mr. Andrews discussed the nitrogen numbers, and that through the alternate methods, the number is still 11.8 ppm. Mr. Dewar states that there is a 10ppm decrease from what is existing, and that it is a tough property to work with. Mr. Andrews states that this is new construction, however Mr. Dewar states that they are only raising the house and they are not increasing lot coverage.

Mr. Andrews asked about the technologies of the nitrogen removals. Mr. Dewar states that the drip testing is proving to be the most effective in nitrogen removal. Mr. Andrews asked of it is a straight drip system, or if it is layered with the leeching system. However, Mr. Dewar states that it is just a straight drip system.

Miss Guarino finishes the lot coverage calculations and states that Mr. Dewar was correct. She states there was a lot coverage reduction of 150 sq. ft. Mr. Dewar reiterates that the lot coverage is going from 35.5% to 29.7%.

Miss Guarino states that this property failed their Title X Inspection on September 12, 2020 and that it was purchased in October of 2020. Due to this, the deadline to upgrade the septic system is September 12, 2022.

Miss Guarino states that she is uncomfortable with the amount of relief being requested, specifically regarding the setback distance to abutting properties like the soil absorption system by 531 Circuit Ave because there is no precise location. However Mr. Dewar states that the system is in the rear of the property.

Mr. Andrews asks for confirmation that it was a conventional system rather than a cesspool, which Mr. Dewar confirms. He states that he does not know the size, but it goes to a leeching field.

Miss Guarino states that based on the proposed architectural, the dwelling is only 2 bedrooms. However, the existing is a 3 bedroom with 300 gallons a day. However, Mr. Dewar stated that the new system will support a 3 bedroom, as to avoid a 2 bedroom deed restriction.

Mr. Meier asks if Mr. Andrews or Miss Guarino have witnessed the prior drip system, to which both of them said yes. Miss Guarino states that it has been approved by the BOH and is commonly used by Bracken. Mr. Dewar said in his experience, the only restriction is that it only pumps 330 gallons a day.

Mr. Andrews states that he is looking to ensure that test systems work, and he wants to see further testing.

Mr. Dewar states that he does not want the bedroom restriction. Miss Guarino said the amount of variances are concerning, and overall the nitrogen loading is very high. Mr. Dewar reiterates the small size of the home.

Miss Guarino clarifies that this will also have to go before the Zoning Board of Appeals, and Mr. Dewar emphasized that due to the size, it will have to.

Miss Guarino states that she would feel more comfortable if there was a 2 bedroom deed restriction.

Mr. Dewar states that he would need to review the discussion with his clients.

Mr. Uitti made a motion to continue discussion on 4 Kennebec Avenue to the next meeting. Miss Princiotta seconded the motion. All in favor and the motion to continue passed 4-0-0.

7. **20 Westview St – Rob Dewar P.E. of Bracken Engineering on behalf of owners Daniel & Ann Kelly – Requesting relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 1 foot reduction from the required 10 foot setback from the S.A.S. to 22 Westview St. A 4 foot reduction in the required 10 foot setback from the S.A.S to 510 Wings Neck Rd. A 4 foot reduction from the required 10 foot from the Singular Septic Tank to 22 Westview St. A 5 foot reduction from the required 10 foot setback from the pump chamber to the Westview St Layout. A 46 foot reduction in the required 100 foot setback from the S.A.S to the well located at 20 Westview St. A 6 foot reduction from the required 100 foot setback from the S.A.S to the well located at 22 Westview St and a 19 foot reduction from the required 100 foot setback from the S.A.S. to the well located at 10 Westview St.**

Mr. Dewar introduced himself as the representative of the project, and that he is accompanied by the homeowner, Daniel Kelly.

Mr. Dewar confirms this project has been approved by the Conservation Commission. He states that this is for an existing dwelling, and that it is a repair of an existing failed system. He discussed the de-nitrification and geoflow highlights that are similar to a Microfast.

He stated that this property is on a well, which means they need maximum de-nitrification, and a drip dispersal method to assist in any treatment prior to meeting groundwater.

Miss Guarino stated that she sees no issue with setbacks to property lines. However, she states that with the supply coming from the well, she wants to make sure there is an improvement from the prior failed system from July 23, 2021.

Miss Guarino wanted to make sure that water quality will be treated.

Per Mr. Andrews question, Miss Guarino explained that the prior system was a cesspool at the rear upper corner of the property. Miss Guarino and Mr. Andrews stated that this neighborhood has had existing issues with setbacks and wells.

Miss Guarino suggested that since the well is only 54 ft. from the soil absorption system, it should be sampled at least annually to confirm safe drinking standards.

Mr. Kelly confirmed this is a year round home, but that they have not been drinking any water from the property.

Mr. Andrews said his concern is the decay time after the cesspool is removed. He questioned if there are charts that show hydrological flow in the area, but Mr. Dewar and Miss Guarino stated that there was none, but they would believe it would flow latterly into Buzzards Bay. Mr. Andrew stated that he believes when they looked at Lighthouse Ln, there were hydrological flow charts for the entire point of Wings Neck.

Mr. Kelly stated that they are looking to invest in a generator to fuel the property and make it run more effectively.

Mr. Andrews questioned Terri's prior reference to annual testing, and asked if she thinks it should be more frequently because the system had failed prior. Terri stated that 6 months would be ideal to ensure that the water quality is proper.

Mr. Kelly questioned when it would be tested since he is looking to add a water treatment system, to which Mr. Andrews requested they get the status of that.

Miss Guarino stated that she would like to expand the timeframe to upgrade the system, but Mr. Kelly states that he appreciates it but they are looking to expedite the process and does not need the extension but he will take it just in case.

Mr. Meier questioned any restrictions on contractors, and Mr. Kelly states they are in their own association and there are no restrictions in relation to that.

Ms. Princiotta made a motion to approve 20 Westview for their request of relief from State and Local Board of Health Title 5 Regulations. Variances requested include a 1 foot reduction from the required 10 foot setback from the S.A.S. to 22 Westview St. A 4 foot reduction in the required 10 foot setback from the S.A.S to 510 Wings Neck Rd. A 4 foot reduction from the required 10 foot from the Singular Septic Tank to 22 Westview St. A 5 foot reduction from the required 10 foot setback from the pump chamber to the Westview St Layout. A 46 foot reduction in the required 100 foot setback from the S.A.S to the well located at 20 Westview St. A 6 foot reduction from the required 100 foot setback from the S.A.S to the well located at 22 Westview St and a 19 foot reduction from the required 100 foot setback from the S.A.S. to the well located at 10 Westview St pending the I/A testing policy, water testing every 6 months, and an extension of the deadline until May 18, 2023.

Mr. Uitti seconded the motion.

All in favor and the motion passed unanimously 4-0-0.

**8. Set tentative date for next meeting.**

The next tentative meeting date will be May 25, 2022 with a deadline for Bracken to file by Monday the 23<sup>rd</sup>.

**9. Approve the Minutes— Approve the minutes from the previous meetings. All roll call votes.**

December 13, 2021 Ms. Princiotta motion, Mr. Meier second, Mr. Uitti abstained, Mr. Andrews yes. The motion passed 3-0-1

March 8, 2022 Mr. Meier motion, Miss Princiotta second, Mr. Uitti abstained, Mr. Andrews yes. The motion passed 3-0-1

March 14, 2022—Miss Princiotta motion, 2<sup>nd</sup> by Mr. Meier, Mr. Uitti abstained, Mr. Uitti abstained, 3-0-1.

March 23, 2022—Mr. Meier motion, Mr. Uitti second, Ms. Princiotta abstained, Mr. Andrews yes. The motion passed 3-0-1

March 31, 2022-- Mr. Meier motion, Mr. Uitti second, Ms. Princiotta abstained, Mr. Andrews yes. The motion passed 3-0-1

**10. Adjournment**

Mr. Uitti made a motion to adjourn, seconded by Miss Princiotta. All in favor and the meeting adjourned at 7:04 P.M.

Taped by: Terri Guarino, Health Agent  
Typed by: Viveca Stucke