

January 22, 2021

Ms. Terri Guarino, R.S., C.H.O. Bourne Board of Health Agent 24 Perry Avenue Bourne, MA 02532

RE: Parcel 9-20, 2 Mill Pond Circle, Bourne – Peter H. Cressy, Trustee

Dear Ms. Guarino:

On behalf of our client, Peter H. Cressy, Trustee, we request the Town of Bourne Board of Health approval of a Title 5 Septic Upgrade Design (no increase in flow) at the above referenced address.

Based on a drawing by our firm, dated December 22, 2020, two (2) variances under Section 1 of the Town of Bourne Board Health Regulations and Title 5, requiring a 150-foot setback from the Coastal Bank and Wetland Resource Areas to leaching facility. The property does not contain an area that will meet the local 150' setback to Coastal Bank or Wetlands. Due to these circumstances, the setback distances requested are as follows:

		BYLAW	STATE		
NO	DESCRIPTION	REQUIRED	REQUIRED	<b>PROPOSED</b>	WAIVER
1.	S.A.S Setback to Coastal Bank	150'	50'	87'	63'
2.	S.A.S. Setback to Wetland	150'	50'	98'	52'

No additional bedrooms to be created, and therefore no increase in sanitary design flow.

A Request for Determination has been submitted to the Bourne Conservation Commission. The soil absorption system as proposed is 87' away from the Top of Coastal Bank, 98' away from B.V.W. All of these setbacks exceed the state Title 5 minimum requirements of 50' under 310 CMR 15.211 (1).

If you have any questions please feel free to contact me.

Sincerely

Raul Lizardi-Rivera, P.E. Director of Engineering

Encl. 7 Copies of Request and Plan

Filing fee

Cc: Peter H. Cressy, Trustee



# Bourne Board of Health Application for Local Upgrade Approvals



This application is to be submitted to the office of the Bourne Board of Health for the upgrade of a failed or nonconforming septic system where full compliance, as defined in 310 CMR 15.404(1) and the Bourne Board of Health regulations is not feasible. In accordance with the established procedures of the Bourne Board of Health, this application for local upgrade approval is relevant to requests for relief which have not been approved administratively and require approval at a public meeting.

Please note that local upgrade approvals shall not be granted for an upgrade proposal that includes the addition of a new design flow to a cesspool or privy, or the addition of a new design flow above the existing approved capacity of an on-site system constructed in accordance with either the 1978 Code or 310 CMR 15.000.

## If a system upgrade cannot be performed in accordance with 310 CMR 15.404 and 15.405, or in full compliance with the Board of Health Regulations and procedures, a variance will be required. Please visit www.townofbourne.com/health for the full regulations. 1. Facility Name and Address: Owner's Name Peter H. Cressy, Trustee, PHC & SAC 2015 Charitable Remainder Trust Facility's Street Address 2 Mill Pond Circle, Bourne, Ma Owner's Telephone Number 508-477-7272 Owner's E-mail Address raul@capeeng.com Owner's Mailing Address 6419 Waterway Drive, Falls Church, VA 22044-1325 2. Applicant or Preparer's Name and Address (if different from above): Preparer's Name Raul Lizardi-Rivera, P.E. Company Cape & Islands Engineering, Inc. Telephone Number <u>508-477-7272</u> E-mail Address raul@capeeng.com Mailing Address 800 Falmouth Road, Suite 3010 State/ Zip Code Mashpee, MA 02649 3. Type of Facility (check all that apply): ☐ Institutional ☐ School ☐ Industrial

4. Describe Facility (i.e. single-family dwelling, 45 seat restaurant): Single Family Residence with three bedrooms. Zoning district = R-40. Assessors Map 47.4 Parcel 9-20.
5. Type of Existing System (check all that apply): X Conventional Title 5 ☐ I/A System ☐ Privy
☐ Pressure Dosed ☐ Single Cesspool ☐ Overflow Cesspool Systems ☐ Other
6. Describe Existing System Components: Existing system: septic tank + dbox + leaching pits system
7. Design Flow per 310 CMR 15.203 (in gallons/ day):
Design flow of existing system: 330 GPD
Design flow of proposed upgraded system: 330 GPD
Total design flow of facility: 334 GPD (Capacity)
8. The proposed upgrade is (check all that may apply):
<ul> <li>☑ Required following inspection pursuant to 310 CMR 15.301. Date of inspection: <u>12-14-20</u></li> <li>☐ Required by order, letter, for a building permit, etc. (attach copy of correspondence)</li> <li>☐ Voluntary</li> </ul>
9. Describe the proposed upgrade to the system: Proposed removal/abandonment of failed leaching pits and installation of new chamber soil absorption system with 5' separation to groundwater
10. Local Upgrade Approval is requested for (check all that apply & describe on letter of request):  *This information must also be listed on the design plans*
X Reduction in setback(s) – describe and list all reductions or attach separate sheet: Local only – SAS 63' reduction to Coastal Bank and SAS 52' reduction to wetland.
☐ Reduction in SAS area of up to 25% - describe:
☐ Reduction in separation between the SAS and high groundwater – describe in detail:
☐ Relocation of water supply well -explain:
☐ Reduction of 12-inch separation between inlet and outlet tees and high groundwater ☐ Use of only one deep hole in proposed disposal area
☐ Use of a sieve analysis as a substitute for a perc test (attach copy of sieve results)
☐ Other requirements of 310 CMR 15.000 or Bourne Board of Health Regulations that cannot be met – describe and specify sections of the Code:
11. Explain why full compliance, as defined in 310 CMR 15.404(1), is not feasible. (Each section <u>must</u> be completed)

A. An upgraded system in full compliance with 310 CMR 15.000 is not feasible:

A 310 CMR 15 compliant septic system is possible within the property in terms of area available that meets 50' setback to Coastal Bank and Wetlands. But the property does not contain an area that will meet the Town of Bourne Health Regulation 150' wetland setback requirement. Therefore, the furthest area for a system upgrade requires waivers for the septic system.

B. An alternative system approved pursuant to 310 CMR 15.283 to 15.288 is not feasible: The proposed septic system is an upgrade of a failed septic leaching system. The failure criteria for the existing system is inappropriate groundwater setback. As a single component repair the upgrade consists of installing a leaching system than meets Local Upgrade Approval for adequate groundwater separation replacing the failed component (SAS).

- C. Shared system is not feasible: <u>Upgrade system with local regulation waivers is possible</u>
- D. Connection to a public sewer is not feasible: No public sewer available
- 12. In order for this Application for Local Upgrade Approval to be deemed complete, it must be accompanied by the following:
  - X Any Application or Permit Fees paid to the Town of Bourne.
  - X Application for Disposal System Construction Permit signed by licensed septic installer.
  - X Seven sets of complete plans and specifications. One with original stamp of design engineer.
  - X Cover letter addressed to the Board of Health members describing specific requests.
  - \* If abutter notification is required, one of each of the following must be submitted:
    - > A copy of the certified list of abutters from the Assessor's Department
    - > Sample letter for abutter notification postmarked 10 days prior to meeting date
    - Proof of certified mailing (receipts) meeting requirements of 310 CMR 15.405(2)
  - ☐ Proposals for installation of Innovative/ Alternative septic systems must be accompanied by:
    - > A copy of the Certification for Use including technology specific conditions
    - > Draft disclosure notice for the I/A technology to be recorded in the deed
  - \* Approval from Conservation Commission (if applicable)

#### 13. Certification:

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there may be significant consequences for submitting false information, including, but not limited to, penalties or fine and/or imprisonment for deliberate violations."

Facility Owner's Signature <u>See attached authorization</u> Date Date					
Print Name Peter H. Cressy, Trustee					
Signature of Preparer <u>Kaul Land</u> <u>Ka</u>	Date <u>January 22, 2021</u>				
Print Name <u>Raul Lizardi-Rivera, P.E., Cape &amp; Islands Engineering, Inc.</u>					
For Office	e Use Only				
Completed Application Received: Reviewed By:					
Hearing Date:	Permit #:				
Notes:					

- - <del>-</del>

Ms. Terri Guarino, R.S., C.H.O. Bourne Board of Health Agent 24 Perry Avenue Bourne, MA 02532

RE: Application for Local Upgrade Approval, 2 Mill Pond Circle, Bourne, MA

Dear Ms. Guarino:

This letter is in regard the above referenced application.

Please accept this letter as my written authorization to allow Matthew C. Costa, P.L.S., R.S. of Cape & Islands Engineering, Inc. and/or his Associates to represent this property on my behalf.

If you have any questions, please feel free to contact me.

Sincerely

Peter H. Cressy, Trustee

PHC & SAC 2015 Charitable Remainder Trust

6419 Waterway Drive

Falls Church, VA 22044-1325 pcressy@mountvernon.org

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#### **QUITCLAIM DEED**

We, PETER H. CRESSY and SARAH A. CRESSY, being a married couple, of Falls Church, Virginia

for consideration paid and in full consideration of ONE AND 00/100 (\$1.00) DOLLAR

grant to PETER H. CRESSY, Trustee of PHC AND SAC 2015 CHARITABLE REMAINDER UNITRUST, under a Declaration of Trust dated November 17, 2015, as evidenced by a Trustee Certificate pursuant to M.G.L. Chapter 184, Section 35 to be recorded herewith in the Barnstable Registry of Deeds, of 6419 Waterway Drive, Falls Church, Virginia 22044

#### with QUITCLAIM COVENANTS

The land with any buildings thereon located in Bourne (Cataumet), Barnstable County, Massachusetts, as hereinaster described:

Being shown as Lot 20 on a plan of land entitled "Subdivision Plan of Land Bourne-Cataurnet, Mass., for Alphonse L. and Wanda C. Forziati, Barnstable County Registry of Deeds in Plan Book 262, Page 7.

FOR TITLE, see deed from Carl Forziati, et al, Trustees of Forziati Associates Realty Trust, dated November 21, 1991 and recorded in said Registry of Deeds in Book 7767, Page 333.

The grantors herein hereby certifies that they do not occupy the above-described premises as their principal residence and are therefore not entitled to claim the benefit of the estate of homestead in said premises and that no other person is entitled to claim the benefit of an existing homestead.

#### COMMONWEALTH OF VIRGINIA

Weshington, DC, ss.	December	17,2	.01:
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On this day before me, the undersigned Notary Public, personally appeared PETER H. CRESSY and SARAH A. CRESSY and proved to me through satisfactory evidence of identification, which was a photographic identification with signature issued by a federal or state governmental agency,  $\Box$  oath or affirmation of a credible witness,  $\boxtimes$  personal knowledge of the undersigned, to be the person(s) whose name(s) is/are signed above, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose and it was his/her/their free act and deed.



Notary Public: DAVID KING
My Commission Expires: 9-14-19
DISTINCT OF COLUMBIA: \$8

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SUBSCRIBED AND SWORN TO BEFORE ME

NOTARY PUBLIC

AND COMMISSION SADIES 9/14/19

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### TOWN OF BOURNE

Board of Assessors 24 Perry Avenue Buzzards Bay, MA 02532 (508) 759-0600 Ext. 1510 ◆ Fax (508) 759-8026



Rui Pereira, MAA Director of Assessing

January 14, 2021

Cape & Islands Engineering, Inc. Jean E. Duff-Still 800 Falmouth Rd, Ste. 301C Mashpee, MA 02649

Re: Abutters List for Map 47.4 Parcel 9.20

Subject Property: 2 Mill Pond Circle

As required by the Bourne Board of Health, pursuant with section 310 CMR 15.411(1), this is to certify that the attached list of names and addresses constitutes all of the parties in interest as shown on the most recent tax list of the Town of Bourne.

Abutting properties are: Map 47.4 Parcels 9.19, 9.21 & 9.22.

Your payment of \$10.00 has been received by the Bourne Assessor's Office.

Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.

See enclosed for abutters mailing addresses.

Board of Assessors

Em Sun Sis-Omne Brukawsha M. And Spife

Extract: Database: Filter:	1 Abutters List LIVE Key IN 10383,10386	Report #24: Owner Listing Report Fiscal Year 2022	g Report			Bourr	Bourne MA
Sort: Kev Parcel ID	Owner	Location	LCVCI Bk-Pg(Cert) /Dt	ot Mailing Street	Mailing City	ST Z	ST Zip Cd/County
10383 47.4-9-19	JAEGER SHARON&MARG NICK CO-TRS CENTER MILL REALTY TRUST	3 MILL POND CIR N 1300		775 EAST FALMOUTH HWY #253	EAST FALMOUTH	MA	02536
10385 47.4-9-21	FORZIATI ARTHUR L	0 RED BROOK POND DR N 1320	7450/79 2/27/1991	P O BOX 714	CATAUMET	MA	02534
10386 47.4-9-22	FORZIATI ARTHUR L ETUX MAUREEN FORZIATI	1 MILL POND CIR N 1010	30179/167 12/20/2016	PO BOX 714	CATAUMET	MA	02534
Total Records	б						



February 25, 2021

Abutters to referenced property.

RE: Notice of Board of Health Public Hearing, 2 Mill Pond Circle, Bourne, MA

Dear Abutter:

In accordance with the State Environmental Code, Title 5: 310 CMR 15.00, and Section 1 of the Town of Bourne Board of Health Regulations, you are hereby notified that Peter Cressy, Trustee, has requested a hearing before the Bourne Board of Health for relief from Title 5 and/or the Town of Bourne Board of Health Regulations for the installation of an upgraded septic system. The current system has failed. The location of the property for this proposal is 2 Mill Pond Circle, Pocasset (Bourne), MA, where you are listed as an abutter. At said hearing the Board will discuss and possibly vote on:

		BYLAW	STATE		
NO	DESCRIPTION	REQUIRED	REQUIRED	<b>PROPOSED</b>	WAIVER
1.	S.A.S Setback to Coastal Bank	150'	50'	87'	63'
2.	S.A.S. Setback to Wetland	150'	50'	98'	52'

This hearing is tentatively scheduled for Wednesday March 10, 2021 at 5:00pm via Zoom. Information regarding the hearing may be available for your review 48 hours prior to the meeting by going to the Town of Bourne website.

Meeting agendas are posted on the Town of Bourne website, <a href="www.townofbourne.com/health">www.townofbourne.com/health</a> no less than 48 hours in advance of the hearing. Please confirm the date, time, and location of the meeting with the Town, in case of any changes. Should you have any questions or concerns, please do not hesitate to contact me or the Bourne Health Department at 508-759-0600 ext. 1513.

Sincerely,

Jean E. Duff-Still Permitting Specialist

Cc: Board of Health



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7020	Street and / Cataumet, MA 02534
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	PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



No THE COMMONWEALTH OF MASSACHUSETTS FEE					
BOARD OI					
1 mm of Brun					
APPLICATION FOR DISPOSAL SY	STEM CONSTRUCTION PERMIT				
Application for a Permit to Construct ( √ Repair ( ) Upgrade ( √	Abandon ( ) - Complete System  Individual Components				
2 Mill lond Circle	Reter Cressy				
Cyraci Lepties  Lot #  Cyraci Lepties  Installer's Name  Cope of Installer's Name					
				508 548 7500 Telephone #	508-471-721 2 <sup>Address</sup> Telephone #
				Type of Building: Lot Size 28338 Upland	
Dwelling — No. of Bedrooms	Garbage Grinder ( )				
Design Flow (min. required) 10 gpd Calculated design flow 330 gpd Design flow provided 334 gpd  Plan: Date 17.220 Number of sheets 1 Revision Date 10.000 Plans Capair during Pon (no markets in Plans)					
Description of Soil(s) 0 1-10 Sandy Loans 10 10-36 Loans Sond 36-92 Med Sond 92"-135" (oscse Sond Soil Evaluator Form No. Name of Soil Evaluator for Lynn Lynn Lynn Lynn Lynn Lynn Lynn Lyn					
DESCRIPTION OF REPAIRS OR ALTERATIONS New 15-0 gallon tonk d-box & flow diffusors					
The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.  Signed John Graci by Kaw Liam Run Date 1/13/2(					
Inspections_	Date				
THIS PECTION IS					

THE COMMONWEALTH OF MASSACHUSETTS No. \_\_\_\_\_ FEE \_\_\_\_ BOARD OF HEALTH

FORM 1 - APPLICATION FOR DSCP DEP APPROVED FORM 5/96

CERTIFICATE OF COMPLIANCE

☐ Individual Component(s) ☐ Complete System

The undersigned hereby certify that the Sewage Disposal System; Constructed ( ), Repaired ( ), Upgraded ( ), Abandoned ( )

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. \_\_\_\_\_\_ dated \_\_\_\_\_\_. Approved Design Flow \_\_\_\_\_(gpd)

Installer \_\_\_\_

\_\_\_\_Inspector \_\_\_\_ Designer:\_\_\_ \_\_\_Date\_

The issuance of this certificate shall not be construed as a guarantee that the system will function as designed.

**Description of Work:**