

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



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 does not believe 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 this may not reflect Title V standards, and that if they utilize a 6 foot opening, then some people would have to alter their house plans or expand their septic systems since it would not fit Title V 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. Miss Guarino discussed that it is hard to define for title transfers versus building permits because there is a wide variety of situations where it may not meet requirements. She also highlights the difficulty of defining an exact number because the plumbing and electrical work in each home is not universal, so it is hard to make a universal standard. Mr. Andrews states that modifications regarding plumbing and electrical is something that they often see, so that that aspect is not stressful. 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 and Miss Guarino stated that there are changes that may possibly be made regarding Title V and I/A systems, and with these changes, there may be more difficulty with regulating the cased openings. 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 Mass DEP information that has gone out is not solidified, so the decision should not be based on that, especially since the town is still working on the CWMP regulations. She highlighted that this is still a confusing subject, and that the bedroom regulation should not be written based on any 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. Mr. Andrews clarified stating that with the denitrification systems, there will still be a focus on reducing nitrogen loading, so the cased opening size will not be as prominent. Miss Guarino clarified that the size of the leeching 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 that it would have to be a black and white definition so that engineers and construction workers don't get confused. 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 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 is 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 "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 saying that the building code permits them to. Mr. Andrews states that he has personally seen this done, and 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, and if it is periodic appearance of moisture, then it can be a concern. Mr. Andrews states that if there is a way of clearing that up, then it can stay. Miss Guarino states that it can be

removed and that it would not make a difference either way. She states that it could lose the purpose of what it encompasses anyways, so removing it would not matter.

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 definitions.

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 she decided 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. He states that there would be cast iron covers and an alarm panel on the front of the house for monitoring and access for frequent pumping. He states that 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 raise and rebuild. He states that he is not comfortable approving the requests until the architectural drawings 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 notification from the Conservation Commission, and Miss Guarino stated that she was made aware and that she conducted a joint site visit with the Conservation Agent.

Ms. Princiotta and Mr. Meier confirmed that they would like to see architectural drawings, and Mr. Andrews clarified that they just need to see the floor plans, not the full drawings. Mr. Bertolo states that he 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 by seeing the prints, they cannot vote. Miss Guarino states that it is not a 100% requirement to have the floor plans, and 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. He states that the existing home has 8 rooms, 5 of which are bedrooms. He states that the home office would be considered a bedroom and would be the 9th room. He states that the new design of the system would have a flow for 6 bedrooms and that it would be an increase of the current system. He states that it 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. He states that this will be a reduction in nitrogen loading, despite the increase in bedrooms, because they will be utilizing an I/A system. He states that 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 problems.

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 leeching 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. He states that it is 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 states that 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, and that they have obtained a Certificate of Compliance.

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. He states 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. He states that the new architectural have 6 bedrooms in contrast to the prior 7 bedrooms that were introduced.

Miss Guarino states that she 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 states that in combination with the driveway and grass removal, they are hitting the target for the nitrogen loading calculations. She states that this is a substantial improvement and that she does not see any issues.

Mr. Andrews states that he is pleased with the changes in the architectural, and that he knows that designers can modify rooms to create a bedroom despite the prior standards. He states that 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.

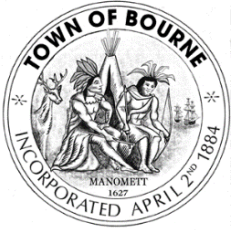
Miss Guarino confirmed that the next meeting is scheduled for September 28, 2022. She requested clarification on the fall schedule, so that engineers and designers can plan accordingly. Ms. Princiotta clarifies that she will not be here on October 26, 2022. Mr. Andrews requested if there can be an email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

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.

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

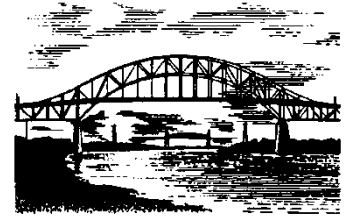
DRAFT



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



Meeting MINUTES February 8, 2023

Meeting was called to order at 05:30 P.M.

*This meeting was televised and recorded by Bourne Community TV for replay.
Items on the agenda were taken out of order.*

14. Attendance.

Board Members: Stanley Andrews, Dusty Meier, Don Uitti
Professional Staff: Terri Guarino, Stacey Burgess, and Town Counsel Bryan Bertram

Mary Frances Galligan announced she was also recording the meeting.

15. Health Agent, Terri Guarino to provide information and updates.

Miss Guarino announced that the Health Department will be pursuing some grant opportunities and taking advantage of the options before them. She explains that they had previously discussed the Public Health Excellence Grant, and informed the board that the department has signed onto that with Barnstable County's Department of Health and Environment, which the majority of other towns have signed onto. She states that this is the approach that the State's Department of Health will be using to prioritize funding for the majority of municipalities within the Commonwealth. Mr. Andrews questions if it is a "service sharing grant", to which Miss Guarino confirms. Mr. Andrews asks if they have done any further research in respect to grants with the Massachusetts Board of Health in respect to enlisting additional Title V inspectors in the area. Miss Guarino states they have not, and that she is not personally familiar with that, but there are a lot of other opportunities presenting themselves, and that the department will continue pursuing more options that can address the needs that they have.

Miss Guarino also updates the Board on the correspondences on housing complaints that have taken place. She explains that these complaints occur when an occupant calls the department and places a possible violation to the state sanitary code at a rental property. She explains this has become more prevalent in the past few months, and lately it has been relating to burst pipes due to the weather, and that there was a complaint today and there will be an order to follow. She states that if these orders do not get resolved, they may need to be heard before the Board of Health, so she would like the public and the Board to keep that in mind. She explains she will keep the Board up to date, and that so far they are challenging cases to work with, but the department is satisfied with the response of the homeowners and the work being completed to rectify the violations.

Miss Guarino provides another update regarding Tobacco Regulations, and that the Board has previously discussed changes to them. She states that she would like to have a discussion regarding the revision of the violations at a future meeting date. She explains that the department has received violations again, which poses a challenge as the local regulations do not parallel the state regulations.

Mr. Andrews inquires to if they can have the Barnstable County Tobacco Control Inspector come in to discuss the violations and regulations with the Board, and Miss Guarino states that she is more than willing to ask. Mr. Andrews questions if he can come in for the first meeting in April, which would be April 12th, 2023.

16. Changes to Nitrogen Loading Worksheet

Mr. Meier questions if they can move this item and continue it to the next meeting. Mr. Andrews states that they will be discussing this at the meeting tonight, and that it needs to be addressed.

Mr. Meier inquires if they can take this item and discuss it later in the evening, out of order.

Mr. Uitti makes a motion to take this Item #3 out of order and move it to be the item after the minutes. Mr. Meier seconds. All were in favor and the motion passed unanimously.

17. 7 Wales Dr. – Down Cape Engineering, Inc. – Daniel A. Ojala, P.E., P.L.S. on behalf of property owner Christine M. Moscatiello – Clarify motion from Dec. 11th – Requesting relief from 310 CMR 15.404 and Local Board of Health Regulations for the installation of an upgraded septic system.

Danny Gonsalves, Professional Engineer from Down Cape Engineering, introduced himself as the representative for the project on behalf of homeowner Christine M. Moscatiello. He reiterates that they have presented in front of the Board on multiple occasions for this project, and that they are looking to install an upgraded septic system. He states that he has some questions about the nitrogen loading worksheet, and that he has provided the Bourne Board of Health with the nitrogen loading form that they prefer.

Mr. Andrews confirms that Mr. Gonsalves submitted the Town of Bourne Conservation Commission nitrogen loading worksheet, and that he believes that that form was the only component that they were requiring.

Miss Guarino confirms for Mr. Andrews that they were willing to approve this project pending the submission of the correct nitrogen loading worksheet.

Mr. Andrews and Mr. Meier review their packets for the information on 7 Wales Dr. and confirm that they are ready for approval.

Mr. Uitti makes a motion to approve 7 Wales Dr. on behalf of the property owner Christine M. Moscatiello, requesting relief from 310 CMR 15.404 and local Board of Health Regulations for the installation of an upgraded septic system. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

18. 4 Wenaumet Bluffs Dr. – Stephen B. Nelson, R.E.H.S/R.S. on behalf of property owner Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132' waiver from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank.

Miss Guarino states that the representative of this project, Stephen Nelson, has requested a continuation to the next meeting on February 22, 2023. Mr. Andrews confirms, and they agree to discuss 4 Wenaumet Bluffs Dr. on February 22, 2023.

19. Violation of 105 CMR 665.010(A): Minimum Standards for Retail Sale of Tobacco & Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – Sale of a tobacco product to a person under the Minimum Legal Sales Age at Cape Side Convenience, 105 Trowbridge Rd, on Jan. 9, 2023 – 2nd offense – Requesting continuance to March 8, 2023.

Miss Guarino discusses that the business owner is requesting a continuance until March 8, 2023, because they will be unavailable due to being out of the country.

Mr. Andrews questions if this was through the county's tobacco control "sting" program, and Miss Guarino confirms. Mr. Andrews seeks confirmation on if this was their second offense, and Miss Guarino confirms. Mr. Andrews states that the Board will be limited in their response because of the state rulings.

Mr. Uitti questions if they are still selling tobacco at this time. Miss Guarino states that they are, and that they currently have a valid permit to do so. Mr. Andrews reviews that the meeting would be where the discussion regarding continuing to sell tobacco would occur.

Mr. Meier makes a motion to extend the discussion on the Violation of 105 CMR 665.010(A): Minimum Standards for Retail Sale of Tobacco & Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – Sale of a tobacco product to a person under the Minimum Legal Sales Age at Cape Side Convenience to March 8th, 2023. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

20. 176 Scraggy Neck Rd. – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – Requesting relief from the local Bourne Board of Health 150' Setback regulations for a new septic system to accommodate the raze and rebuild of a residential dwelling. Requesting continuance to Feb. 22, 2023 hearing.

Mr. Andrews confirms with Miss Guarino that the Board of Health office received a letter of continuance, to which Miss Guarino states yes, and that it was received on January 24th, 2023, to request a continuance until February 22nd, 2023, so that there would be adequate time to respond to the recent letter received from Hill Law, that came in prior to the January 25th meeting.

Mr. Meier makes a motion to grant continuance of 176 Scraggy Neck Rd, Don Bracken of Bracken Engineering until February 22nd, 2023. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

21. 68 Elgin Rd. – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Timothy & Michelle Bernard – CONTINUED – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of a new sewage disposal system. A 41'± variance to Title 5 setback requirements from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System; and a 141'± variance from local setback requirements for a 9'± setback from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System.

Mr. Andrews advises that he cannot sit in on this item, therefore, the Board will not have a quorum on this item and asks Mr. Basinski if he is comfortable requesting a continuance.

Mr. Basinski formally requests to continue to the next meeting.

Mr. Meier makes a motion to extend 68 Elgin Rd to February 22nd, 2023. Mr. Uitti seconds the motion. Mr. Meier and Mr. Uitti vote in favor, and Mr. Andrews abstains. Motion passes.

22. 2 Jefferson Rd. – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Arthur R. Hallam III – Requesting relief from the Bourne Board of Health 150' Setback Regulations for the installation of a new sewage disposal system, previously approved by the Board of Health on September 13, 2018.

Mr. Basinski, Professional Engineer of Bracken Engineering introduces himself as the representative of the project. Mr. Andrews comments on the familiarity of the address, and Mr. Basinski states that it is familiar. Mr. Basinski discusses that the property is 2 Jefferson Rd is a developed lot for a single-family house in Gray Gables. He states that this property was in front of the Board of Health in 2018, and that the applicant was granted approval for a house renovation and cottage move on the property, and that the Board granted relief on the installation of a septic system. He states that after the housework was done, the property owner Mr. Hallam suffered from an aneurysm and was "out of commission" for a while, and then with COVID-19, he had to pause on the project. Mr. Basinski explains that the owner is now looking to install the project and reinstate the permit, and that they have been granted an order of conditions by the Conservation Commission. He states that the resource areas are the same on the lot, and that it is the same proposal as from 2018 that was approved. To recap, he explains that there is a 2-bedroom main house and a 2-bedroom cottage on the property, and that they would like to have a proposed I/A septic system which includes a MicroFAST unit, a 1000-gallon pump chamber, and a plastic SAS with pressure distribution on the top. Mr. Basinski explains that the design has been developed to accommodate the sensitive resource areas.

Mr. Basinski explains that they are requesting relief for a 15-foot setback to the offsite, and a 30-foot setback reduction from the salt marsh that leads up to the Cape Cod Canal.

Mr. Andrews clarifies that Mr. Basinski submitted his green cards for the project, and he confirms that they have been submitted physically, and electronically. Mr. Andrews questioned the timing of the project, asking that if they had 2 years to install the system, and if the 2 years were put off track due to COVID, but that they had 18 months to install prior to COVID, and that the halt COVID caused ceased a year and a half ago, they should be submitting a new application. Mr. Basinski clarifies, and states that it is a new application, but that it is exactly the same as what was approved prior.

Mr. Basinski explains that the nitrogen flow on the lot was 9.9 ppm before, and after installation it will be 6.3ppm. He states that there is a vast reduction, and that they are proposing 5 bedrooms, and that there will be no increase in the bedroom count.

Mr. Andrews questions the submission of the architectural, and Mr. Basinski explains that they were included in the packet. Mr. Andrews explains that there is a new Town of Bourne Board of Health Bedroom definition, but that he did review the architectural, and they conform to the new definition.

Mr. Andrews requests that Mr. Basinski explains more regarding the Soil Absorption System. Mr. Basinski states that it is a plastic system with pressure distribution. He states that it meets the Title V requirements and the local Board of Health requirements for pressure distribution and provides for nitrogen reduction.

Miss Guarino states that she does not have any questions, and that this appears to be the same as what was previously presented to the Board of Health. She states that there was a condition of approval regarding a deed restriction, so a 5 bedroom deed restriction will need to be recorded in total and that it must distinguish between the multiple dwellings on the lot. She also highlights that they will need an alternative septic notice recorded prior to the issuance.

Mr. Andrews questioned the timeline that the owner has. Mr. Basinski states that he wants to go as soon as possible. Mr. Andrews confirms that Mr. Basinski is aware that if they are granted approval, they will have to still obtain the other

requested items prior to the permit issuance, and Mr. Basinski confirms, and informs Mr. Andrews that they still have to go through the Zoning Board prior to permit issuance.

Miss Guarino states that the current system is not deemed as failing, so, she believes that the timeframe for completion can be the standard two years.

Mr. Meier asked about the project status in accordance with the Zoning Board, and Mr. Basinski stated that they are "just about ready" to submit the application.

Mr. Meier makes a motion to approve 2 Jefferson Rd, represented by Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Arthur R. Hallam III, requesting relief from the Bourne Board of Health 150' Setback Regulations for the installation of a new sewage disposal system, previously approved by the Board of Health on September 13, 2018. Mr. Uitti seconded the motion.

Mr. Andrews asks for clarification on the motion.

Mr. Meier makes a motion to amend the previous motion to include approving changes that were made at the previous meetings. Mr. Uitti, second. Unanimous for the amended motion. There was unanimous approval of the motion and the amendment.

Mr. Andrews clarified that this was referencing to the original plan that was approved on September 13, 2018, and the amendment includes the stipulations that were granted with the approval.

Mr. Meier makes a motion to approve the amended motion. Mr. Uitti seconds the motion. All were in favor.

23. Return to agenda item #3, regarding changes to the Nitrogen Loading Worksheet.

Mr. Andrews states that he is aware that Miss Guarino sent a copy of the changes made via email regarding the changes to the excel worksheet that the Cape Cod Commission has created for the Town of Bourne. Miss Guarino states that this is the form that the Conservation Commission currently uses for their Notice of Intent applications, so it will aid in the creation of uniformity across the town. Miss Guarino explains that this form was developed by the Cape Cod Commission to be specifically catered to the Town of Bourne. She specifies that there were standardized fields on the worksheet filled in, one being the recharge rate, so that there aren't inconsistencies with applicants filling in data for a different community. She explains that Bourne actually has a higher recharge rate than other municipalities within Barnstable County, and that the information comes from the Cape Cod Commission's technical bulletin, so that the value is specifically filled in for the applicants.

Mr. Andrews questions if they remain locked, and Miss Guarino confirms.

Miss Guarino explains that there is also a standard value for the wastewater flows, and that generally speaking, any sort of nitrogen loading methodology is based on several assumptions, so there are a number of different ways to calculate the wastewater flows, whether you are using 44 gallons per day per person, or 55. She states that there are also discrepancies based on studies that use 2.5 people per household, or 2 people per household. She states that you can also obtain data from the water districts regarding usage, and there are various methods to obtain information, such as the water use records per property. She explains that with the form, they filled in a conservative wastewater flow value of 175 gallons per day per unit, and with that, that value is averaged with the project's Title V wastewater management flow. So, using that standard flow value, there will not be any inconsistencies between projects. Miss Guarino emphasizes how she prefers the usage of a standard value and that she supports it because it is based on actual residential parcel water usage data in the Town of Bourne, so it is more effective.

Mr. Andrews questions the 175 gallons per day per unit, and explains that based on his recollection, it was based on one water district in North Sagamore, because the values weren't available for the Cape Cod Commission for the other

watersheds in the town. He states that he remembers it was 71 gallons per day, but that they calculated it out to match a parcel. Miss Guarino responds, explaining that that is roughly correct, and that it would be around 70 gallons per day with roughly 2 people per unit.

Mr. Andrews reemphasizes how the data is only based on one water district, and Miss Guarino clarifies that the other water districts do not have data on an annual basis, but that they have other data which they used for the online mapping rules. She explains that it is not as current as an annual basis like the North Sagamore district, but that the information is still strong. Mr. Andrews states that he would hope in the future they could specialize the form for each region and watershed since the varying areas may differ due to the diverse population in town.

Miss Guarino highlights that some other features are that wastewater flow is converted based on the applicable MassDEP I/A technology limitation, so with the amount for ppm calculation, there is still an applicable conversion factor. She explains that on the second sheet, there are also other tools that can be used for future regulations to help guide decision making processes, such as asking if the watershed with which a property is located has a well, if there is a freshwater recharge area, or potential water supply areas. She states that these could be questions that are useful for future decision making.

Mr. Andrews brings up the different technologies used for the systems, and questions the adaptability, and the difficulty to implement a system that has special qualifications. He questions if they have the ability to use the document to support new technologies. Miss Guarino explains that it is quite simple, and that they had the commission do that by adding on more categories with more details that would include some of the recent provisional systems. Mr. Andrews explains that he is aware that Miss Guarino and the Town of Bourne Conservation Agent, Stevie Fitch, went through a lot of effort to make it a comprehensive form.

Mr. Meier questions the North Sagamore Water Districts data being used, and Mr. Andrews explained that they were the only region that had those numbers to report on, which explains the information that was used for building that tool. Mr. Meier states that his problem is the discrepancies in population per district, and Mr. Andrews states that they would be able to account for that data later, especially since Miss Guarino highlighted how the form can be altered and improved on. Mr. Meier says that that is very important to him.

Ms. Mary Frances Galligan came to the podium, and questioned where they would be able to find the worksheet. Mr. Andrews responded, and stated that it will be on the Bourne Board of Health website. Ms. Galligan also inquires if passed, if this will be the form that will be used going forward. Mr. Andrews explains yes, and that once the worksheet is approved, it will immediately be in effect.

Ms. Galligan also questions where the Cape Cod Commission report can be located, and Miss Guarino states that the report can be found on the Cape Cod Commission website, and if you search for the Cape Cod Commission Technical bulletin, there is a link.

Ms. Galligan asked for clarification on if approved, that worksheet will be used, and if the current Bourne worksheet will no longer be used. Mr. Andrews confirmed. Ms. Galligan also discusses that she is aware that there was another Bourne worksheet draft that was submitted prior for one of the NOIs, and questioned the implementation. Miss Guarino explained that this worksheet has been used by the Conservation Commission. Ms. Galligan questioned the changes, and the hard cells. Miss Guarino states that they have been making sure that the cells have been locked, as well as the individual sheets and formulas being locked, so that you can fill in the mandatory fields but that the calculated values can't be changed. Ms. Galligan questioned what values cannot be changed, and Miss Guarino explains it's gallons per day, and that the cells that have been locked have values that have been calculated based on pre-existing formulas so that when you enter a value, the value is applied to the formula. Ms. Galligan states that at the last meeting she was at, she believed there was an error in the sheet. Miss Guarino stated that they were referencing the older form, which did not have the up-to-date features. Miss Guarino states that all of the worksheets are from the Cape Cod Commission's Technical Bulletin, and that this evening they are discussing how they worked with the commission to tailor the worksheet for the needs of Bourne through the available data to make sure that there are correct water flow and recharge rates because the methodology is to make sure there are varying options for the

various types of systems. She explains that a lot of the methodologies are developed from assumptions from pre-existing data, which is why the applicants can have boxes to check off for their systems to make sure they are fitting the correct nitrogen loading limits as per the MassDEP. Miss Galligan questioned the error, and states that she is concerned with the past error. Miss Guarino explains there are issues on the old form, specifically regarding the ground water recharge, which the new form is able to better account for because there are estimates based on calculations that are formed by assumptions, which has made it a more sound and reliable form. She emphasizes that the new worksheet is up to date.

Mr. Bertram joins the conversation, and explains that the old form is out of date and not the best applicable worksheet. He states the new form was developed to reflect the advancement in technology, and that the usage of an excel worksheet allows the form to be more user-friendly to aid in avoiding errors. He states that prior, the forms called for handwritten calculations, which led to higher error rates, but now, the form will do the calculation, and that he does not believe that there will be any carry over errors since this is a new form. He explains that the Cape Cod Commission and the Conservation Commission have analyzed these forms to ensure that there are no errors.

Ms. Galligan questions if there will be a cutoff date for when the form will be effective. Mr. Andrews emphasizes it will immediately be in effect when the Board votes it in.

Mr. Basinski came to the podium to ask for clarification on if previously submitted projects will require the new form, and if it will be submitted as a courtesy or a requirement for the prior projects. Mr. Bertram states that he thinks it will be sufficient to submit for new projects. Mr. Andrews explains that he knows that Mr. Basinski usually utilizes the Bourne form and his own form, and he thinks that the form that Mr. Basinski utilizes parallels the new form. Mr. Basinski states that if he wants him to expand on the errors on the old form he can, and that he did not think that it was anything egregious, but small issues with ratios. He explains that he can see those issues have been corrected with the new form, and that he thinks the new form is a great thing for the town and will aid in standardizing the forms. Ms. Galligan approached the podium again, to ask for clarification on if going forward, even for previously filed applications, if the form should be used. Mr. Andrews states that it is not required for previously filed applications, but they will ask for it because it will aid in decision making.

Mr. Andrews states that this is a great tool for I/A technology, but questions what the form may contribute to conventional systems. Miss Guarino explains that the conventional system option is still within the form, which highlights a standard Title V system that has estimates of 35 ppm of nitrogen loading. Mr. Andrews asks for clarification on if this tool will be effective across the board for various systems as they progress through the years and see advancements in technology. Miss Guarino confirms that that is correct, and that it will even be able to account for cesspools and their nitrogen reduction.

Mr. Meier questions if this will ease the workload of the Health Department, because once there is a computer with automatic calculations it should be a lot easier. Miss Guarino confirms. Mr. Andrews explains that something that he likes is that nothing can be tweaked, and that the form is standardized so it will be easier for review and interpretation. He states that he often gets nervous with spreadsheets, but that he knows that this one has been extremely vetted. Mr. Andrews explained that this will be the form utilized for all applications and all systems with the exception of emergency repairs. Miss Guarino states that it is not a requirement for repairs or upgrades currently, and that she is confused if he is referring to septic system upgrades the Board of Health is considering. Mr. Andrews states that it could be used for new systems, upgrades, repairs, and having one standard form for that can accomplish a uniform number to see tracking. Miss Guarino again asks for clarification on if he is specifically referring to projects in front of the Board of Health. Mr. Andrews states that he is looking for a policy for all systems for the entire town so that there is consistency throughout the town. Miss Guarino explains that it is not currently a requirement for upgrades and repairs, but that it could be applicable to all projects, but is just not required. Mr. Andrews states that he thinks this is truly a great tool for the applicants, and that it will be useful for tracking the data for water districts and watersheds to see the efficiency of systems.

Mr. Basinski asks for clarification on if the Board will use this form for all projects, including those not near water, upgrades, and repairs. Mr. Andrews states that that's how he sees it, and that that it will be useful for tracking data. Mr. Basinski explains it will be good for the watersheds, and Mr. Andrews confirms and that it will aid in seeing the effects and health of watersheds and TMDLs. Mr. Basinski states that one thing he would be cautious about is how the old form was based on square feet, but that this form is based on acreage, so the magnitude of difference will change the numbers drastically, so he thinks there should be additional decimal places used to cover a possible differential. He explains for consistency, there should be decimals used. Mr. Andrews asked for Mr. Basinski's professional recommendation for a conservative and realistic example. Mr. Basinski states that he would utilize around three decimal places at a minimum. Mr. Basinski emphasizes the importance of creating this standard to aid in converting square footage to acreage.

Mr. Meier questions the difference between square footage and acreage, and how it will affect the conversions, specifically regarding nitrogen loading. Mr. Basinski explains that especially in situations where they are trying to reduce the nitrogen to 5ppm in coastal areas, the margin will be effective and they need to check the conversion to reduce errors. He states that having a three decimal place minimum will help reduce inconsistencies.

Mr. Andrews asks Miss Guarino what her opinion would be regarding the clarification on the nitrogen loading and utilizing 3 decimal places. She states that that is a tool that she can easily put into excel, and that Mr. Basinski raised an interesting point.

Mr. Bertram stated that if someone submitted a sheet that only utilized 1-2 decimal places, and 3 is part of the decision making, the Board could always ask for further clarification. Mr. Andrews stated that if that was submitted, it would not be a complete filing. Mr. Bertram states that they could always request the additional information during a hearing if the three decimals is not part of the requirement. Mr. Andrews explains that he has a hard time deciding on that because he would like to avoid any discrepancies so that there is more accuracy for the square footage.

Mr. Meier stated that he would like to see that standardized now and have it be required so that they are not making any arguments in the hearings on the amount of decimal places so that the process can be swifter.

Mr. Andrews states he would be comfortable with 4 decimal places.

Miss Guarino states that 3 decimal places will work well, and that there are a lot of assumptions and averages so that going to the thousandths would be very conservative.

Mr. Uitti states that he agrees with the rest of the board, and Mr. Meier thinks they got a lot accomplished in regards to this.

Mr. Andrews shows his gratitude for the Board having a deep discussion on this topic and that he is thankful that they are able to make revisions to this since it is out of date, especially since this will help in protecting our environment and assisting the Board and applicants in the process of projects. He states it will provide consistency throughout the Board.

Mr. Andrews makes a motion to accept the new nitrogen loading calculation sheets that Miss Guarino has presented with the requirement that when converting square footage to acreage that is three decimal places out to the thousandth, and that this form be used on all systems in town with the exception of emergency repairs. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

Mr. Andrews states that he is aware of how much work Miss Guarino, and Miss Fitch, the Conservation Agent put into the worksheet, and thanks her.

Miss Guarino questions the exception of emergency repairs, and asks Mr. Andrews to explain what he is referring to, and he states that an emergency repair would mean that there is a catastrophic failure, and that it can be signed off immediately without the Board meeting, because there is a system that is bubbling over the ground, so that there is something that needs to be fixed immediately without a nitrogen loading sheet. Miss Guarino explains that under the Title V definition of emergency repairs, it is usually a pump out, and that there is a different definition for a repair, which would be a single component like a pump tank or chamber, and that an upgrade would include the soil absorption system. She states that she is just looking for clarification on if he is referring to the projects that go in front of the

Board of Health. He states no, and he would require this for all filings and all permits so that everything is covered. Miss Guarino states that she does take an issue with that. Mr. Andrews asks why the nitrogen loading sheet would affect other projects. Miss Guarino explains that it is hard enough to get completed applications into the office, and that this would be something out of the ordinary for a lot of system designers, and often times homeowners and installers will submit the applications, and that they are not familiar with the level of detail that these would require, because the contractors often do not work on complicated and technical projects that would often require that information and would come in front of the Board of Health, so she does not think that it would be best. She emphasizes that this would be an issue among designers and installers to provide this level of detail for the permits that they typically pull, and that she does not think that there is any level of regulation that would support this, so it is a concern for her. She explains that it would cause an undue burden on the office and that there would be handholding for all the contractors on how to do this.

Mr. Andrews states that he remembers a licensed installer could design and put in a system, but now that he believes you have to have someone who is certified to design a system, which means that they should know how to fill out the sheets. She explains that it will cause a big issue, and she has a strong objection to it, and that it would be burdensome to the staff to have to walk through each individual application for how to do this, and that there are a lot of links to various tools, which system designers are not always used to using. She explains that right now the regulations are not in place for some of the deeper and technical layers of the worksheet, so as far as the Cape Cod Commission viewers, it would be difficult. She states that many system designers are not familiar with the regional policy plan data viewer tools for the Cape Cod Commission, and they would need guidance on how to answer those questions. She states that she would ask the Board of Health to only be using this for applications in which they would be reviewing.

Mr. Andrews states that his questions at the beginning of if the tool would work across the board, and Miss Guarino's response that it would, was so that he could see what the tool was so that they can have consistency for a database that can be available to the community so that they can see what systems are being installed, what level of protection would be provided for the environment, and it would provide a way to track and categorize what is going on. He states that if there are designers coming on to the Cape area, they have chosen to come and work, and they should be able to fill out the required documentation if they are willing to work in this area.

Miss Guarino states that she has explained how she feels, and that she does not think that current regulations would support requiring this form for upgrades and repairs, and that this form is required by the Conservation Commission for their Notices of Intent forms, not their RDAs, which is repairs and upgrades, which is the same for the Board of Health process. She explains that it is too significant of a change, and that the timing is not appropriate because there is not clarity on what the future regulations will be. She states that when state and local regulations change, that would be the time to implement something across the board.

Mr. Basinski comes to the podium to expand on what Miss Guarino stated. He explains that it is cumbersome to fill out these forms, and that in certain situations the Board needs to look at when and why the data will be used. He says that many designers do not have the capability to do the nitrogen loading calculations, and that they do not have the ability to do that. He also explains there will be an impact on cost and they will raise rates if this is included, which will cause a burden. He explains it is a great tool for the town, but that there is no regulation to support this and that they do not know what the data is being brought into. He states that he believes it is premature.

Mr. Andrews responds saying if they expand, and see an expansion in the required technology in our watersheds, and if the local engineers and sanitarians that are used to working with this are overwhelmed so people who are not used to working in these parts have to take these projects, shouldn't they have to conform to the same standards? Mr. Basinski responds stating that it is not even regarding people who do not work in this area, but rather, there are some designers who do not have the capability to get the accurate areas for that form, so it will add a cost for those designers. Mr. Andrews responds that they require that already. Mr. Basinski states that there are some areas with conventional systems that the information would not be needed, so it will now cause a burdened cost to the homeowner. Mr. Andrews states that the same designer could be designing things regardless of area, so if they are designing things that require the form for one area, he doesn't understand why they cannot do it for another. Miss

Guarino explains that for repairs and upgrades, there is not a land surveyor requirement under Title V, so they are not getting the same level survey for those jobs, because for things like new construction, a surveyed plan is required, or, if there is a property setback issue. She states that currently MassDEP does not have the appropriate tools to readily find this information, so as far as watersheds, they have to use this RPP data viewer tool that the Cape Cod Commission has available, but that MassDEP cannot obtain that information easily. Mr. Andrews questions if the tool will not work for what they have in town. Miss Guarino explains that it is a decision making tool for the Bourne Board of Health to use when considering variances, waivers, and increases in design flow, and that this is how the worksheets have been used in the past. Mr. Andrews states that it could also be used as a database tool to see what has been done in an area, and to see how they are achieving nitrogen reduction in TMDLs, as well as other parts of the community. Miss Guarino explains that if and when there is a MassDEP approved Comprehensive Wastewater Management Plan, or whether or not the watershed permits come into effect, there will be compliance requirements for fitting the limits of those permits, but that they do not know what those are yet. She states that in the future, that is something that this can be adjusted to address so that there is a way to maintain the data, but for right now, it is just designed to complete what it has done in the past, and that it focuses on groundwater recharge, and that it is a decision making tool to guide decision making processes and strategies, especially when considering redevelopment, increases in flow, additions, renovations, and substantial improvements to existing parcels. She states that she thinks that is the intent for the worksheet, so that the tool can be more functional than what it was, but that they are not sure what will come in the future.

Mr. Andrews questions if they have anything in specific that they would like to see the tool applied to. Miss Guarino states that for right now, it is just required for new construction and increases in flow for the application packets, and that that was her anticipated usage. Mr. Andrews explains that the Board has been requiring it for sensitive areas and resource areas because they need a variance from local regulations, and that the Board would still like to see that because it is what provides them with a solid scientific decision.

Miss Guarino explains that recently the form has been utilized for some of the upgrade applications.

Mr. Bertram states that this is less of a legal issue and more of a policy issue, and that his role is constrained, but that it sounds like there are two areas of concern; The items that come before the Board in a hearing where the Board finds it useful, which they can amend the vote so that it can be required for applications that go in front of the Board, and then if they want to consider if there is a utility to collecting information on other things, they could keep it as an agenda item so they can do some more tweaking. He states that he believes they have achieved what they wanted to capture tonight, and that they can put it off for other usages until they have time to wrap their heads around future regulations more.

Mr. Andrews thanks him for his wisdom and asks if there are any other questions.

Mr. Andrews amends his motion to make the worksheet a requirement for all systems that come in front of the Board. Mr. Meier seconds the amendment. All were in favor, and the amendment passed unanimously.

Mr. Andrews makes a motion to approve the main motion as amended.

Mr. Meier states that he is still baffled, and he would like to further discuss it.

Mr. Meier seconds it.

Mr. Meier questions about how they were attempting to obtain standardization for the Board, because they have to extend things, which would not happen if they had a standard for information for the Board, not the office. He explains that when they are looking at multiple nitrogen calculations and they get worksheets that have differences depending upon the interpretation, that he would like there to be a lack of discrepancies. Mr. Andrews states that this is what this still does, and that with how the motion is amended, anything coming in front of the Board will have that form attached to it. Mr. Meier states that is what he is looking for.

The Board voted, all were in favor, and the motion passed unanimously.

24. Approve the Minutes – Approve the minutes from previous meetings dated September 14, 2022, November 16, 2022, December 14, 2022, January 5, 2023, & January 11, 2023.

Mr. Andrews states that he has not reviewed the tape for the September 14, 2022 meeting, and that he will be able to review it this upcoming weekend. He states that he is not comfortable approving those minutes without reviewing the tape since there was discussion regarding how the minutes were not complete or accurate. Mr. Meier states that it would be a good idea to hold off on voting so that Mr. Andrews can review, and so that the entire Board can vote.

Mr. Meier makes a motion to extend the September 14, 2022, meeting minutes until the next meeting date on February 22nd, 2023. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.

Mr. Andrews states that there were corrections made to the November 16, 2022 meeting minutes where the plus and minus symbols were not included in the motion but were reflected in the minutes. He states that he saw an amended set from Kaitlyn Shea, Assistant Health Agent, and that he wants to make sure they vote as amended. Miss Guarino states that she recalls it being a general comment, not being a set of minutes, and that she asked for clarification on what they were specifically discussing and did not get clarification. Mr. Andrews states that he reads the motion directly from the agenda, but the plus/minus symbol was removed in some places, but not others, and the motion was made by the same member in both instances, since plus/minus is very open ended. Miss Guarino emphasizes that that was a general comment. Mr. Andrews states that this is a change that he would like to see in the minutes. Miss Guarino states that she does not recall what he is specifically referencing and that she was not sent corrections because she was not given specifics.

Mr. Bertram states that to clarify, in the November 16th minutes, they would like the plus and minuses struck from any motions. Mr. Andrews states that he would like them to stay in the heading, but that they are struck from the motions. Mr. Bertram reviews the minutes. Mr. Andrews explains that he reviews them on his computer because he has printer issues and they were not included in his packet but that he did have an electronic copy to review.

Miss Guarino states that it depends on who is making the motion, and Mr. Andrews states that he knows Ms. Princiotta does not include it. Miss Guarino states that they did not obtain specifics.

Mr. Andrews states that for the November 16th minutes, on Item #5, they would like to have the plus and minuses removed.

Mr. Andrews shows Mr. Bertram on the paper copy what he is referencing, and Mr. Andrews states that he knows that Ms. Princiotta does not include the plus and minuses in motions.

Miss Guarino states that it depends on who makes the motion and that people often read directly from the agenda. Mr. Andrews explains he made sure that Ms. Princiotta would not when she reads motions. He states that that is the only set that they had those corrections on.

Mr. Meier made a motion to approve the November 16, 2022 minutes as amended at the meeting. Mr. Uitti seconded it. All were in favor, and the motion passed unanimously.

Mr. Meier made a motion to approve the minutes from December 14, 2022, January 5, 2023, and January 11, 2023. Mr. Uitti seconded the motion. All were in favor, and the motion passed unanimously.

25. Set tentative date for next meeting and adjourn.

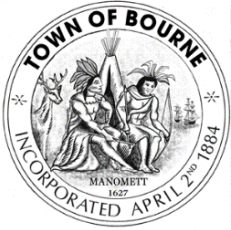
Mr. Andrews stated that the next meeting would be the 22nd of February.

26. Adjournment

Mr. Uitti made a motion to adjourn the meeting. Mr. Meier seconded the motion. All were in favor, and the meeting adjourned at 6:53 pm.

Taped by: Terri Guarino, Health Agent
Typed by: Viveca Stucke
Edited by: Stacey Burgess

DRAFT



Miss Guarino 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



Meeting MINUTES

February 22, 2023

Meeting was called to order at 05:30 P.M.

*This meeting was televised and recorded by Bourne Community TV for replay.
Items on the agenda were taken out of order.*

1. Attendance.

Board Members: Barbara Princiotta, Dusty Meier, and Don Uitti

Professional Staff: Terri Guarino, Kaity Shea, Stacey Burgess, and Town Counsel Bryan Bertram.

2. **4 Wenaumet Bluffs Dr. – Stephen B. Nelson, R.E.H.S/R.S. on behalf of property owner Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132' waiver from the Bourne Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank.**

Mr. Meier requests to hold on this item until Miss Guarino arrives because there are various questions that require her input. Ms. Princiotta confirms, and states that they will review 176 Scraggy Neck Rd first.

3. **176 Scraggy Neck Rd. – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – CONTINUED – Requesting relief from the local Bourne Board of Health 150' Setback regulations for a new septic system to accommodate the raze and rebuild of a residential dwelling. Requesting continuance to March 22, 2023 hearing.**

Mr. Meier makes a motion to extend this item to March 22, 2023. Mr. Uitti Seconds the motion. All were in favor, and the motion passed unanimously.

Ms. Princiotta asks for confirmation that the paperwork was completed for the extension, and Assistant Health Agent, Kaitlyn Shea, confirms.

Ms. Princiotta questioned if Miss Shea and Miss Burgess were prepared to speak on behalf of Miss Guarino until she arrives. Miss Shea states that she can possibly answer some questions for 68 Elgin Rd and 3 Sunny Ln. Ms. Princiotta states that they will review 4 Wenaumet Bluffs Dr.

4. **4 Wenaumet Bluffs Dr. – Stephen B. Nelson, R.E.H.S/R.S. on behalf of property owner Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5’ reduction in the required 10’ setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32’ reduction in the required 50’ setback distance from the proposed leaching facility to the top of coastal bank; and 132’ waiver from the Bourne Board of Health 150’ setback regulation for the placement of a leaching facility within 18’ of coastal bank.**

Ms. Kristin Seastrand introduces herself as the homeowner for the project. She states that she was not present for the last meeting, so she can provide the Board with an update of her understanding of the status of the project so that she can respond to homeowner specific questions. She states that when she was last before the Board on December 14th, 2022, they were reviewing the upgraded proposal, and the Board wanted to see the nitrogen calculations, the Conservation Commission’s approval, and the 3 bedroom deed restriction. She states that those have all been submitted, and she is aware that there were questions about the property and her intentions for renovations, or the real estate listing.

Ms. Princiotta thanks Ms. Seastrand for coming, and for the effort that she has put in. She questions the architectural, and if the only way into the loft above the garage is the stairwell. Ms. Seastrand confirms, and Ms. Princiotta explains that according to the Bourne Board of Health’s new Bedroom Definition, that loft would count as a bedroom, so instead of a 3 bedroom home, it would be a 4 bedroom home.

Mr. Meier asks about the original tight tank approval from Ms. Seastrand’s initial Board of Health appearance, and that they voted that in, and with the variances they’re asking, it would fall within the criteria of a tight tank. Ms. Seastrand states that it was not a tight tank that was approved, the system was “AdvanTex”, and that they informed the Board that they would be coming back with a different plan, which is what they submitted later on. She states that the initial approval was so that she could close on the house, and that the tight tank was included as “Part 1” as a plan, and they came back for “Part 2” with the new system, and that this was all discussed at previous meetings. Mr. Meier questions if the Board approved the tight tank, and Ms. Seastrand states that what was approved by the Board was the “AdvanTex” system, which is why they came back with the state of the art system, and that this has been going on since November 1st. She states that they were asked to reduce the home from a 4 bedroom to a 3 bedroom, which she did, she also did a well test, and she got approval for Conservation, and she has people on standby to adhere to construction dates. She states that it would be redundant to go backwards to discuss the tight tank when they already went and reviewed it and understood there was a misunderstanding.

Ms. Princiotta states that there was not a misunderstanding on what was approved, but rather she believes the situation has changed. Ms. Seastrand responds, saying that she does not believe that there was a misunderstanding, but rather, she presented the entirety of the plan, and that includes the AdvanTex. Ms. Princiotta states that AdvanTex is a tight tank. Ms. Seastrand explains the plan shows that they will come back with another plan. Ms. Seastrand states that the meeting minutes, if posted, would explain that they planned to come back with another plan in the future, and that they were asked for the nitrogen levels and the deed restriction. She explains she understands the Board’s hesitation and that they want the best system, but that this is her retirement home, and that a tight tank is not best for the property. She explains that she is bummed out because she has been transparent about how they did not believe the tight tank is best and that the Board believes she is trying to pull something over on them. Ms. Princiotta states that the Board does not believe that she is trying to pull something over on them and that that is not the intent. Ms. Seastrand says that Ms. Princiotta stated that she understands the plans have changed, and Ms. Seastrand emphasizes that they did not, and it is exactly what she discussed in September.

Ms. Princiotta questions how Ms. Seastrand proposes to remove the 4th bedroom or alter the plans to suit a 4 bedroom home to accommodate the nitrogen loading. Ms. Seastrand states that she put the deed restriction on for 3 bedrooms,

and that there are only 2 bedrooms and the loft. She states that there is a very weird bathroom that appears as a bedroom because the previous owner renovated the home to make the bathroom very large and make the upstairs like a suite. Ms. Princiotta states that she agrees, and it was her mistake, and that it is just a very large bathroom, not a fourth bedroom.

Ms. Princiotta explains that the Board's concern is that the goal is to reduce nitrogen loading, and that although both plans are an improvement, the tight tank would have had 0 nitrogen loading, and that Ms. Seastrand is now asking for an increase for over 10ppm, which is a concern because the Board had the best possible outcome that could be, and now the new plan would be a reverse.

Ms. Seastrand questions where they could go from here because there appears to be disagreement in what has been approved.

Miss Guarino states that the plans that were approved were revised on August 18, 2022. Ms. Princiotta requests the letter of approval for the approved plans. Miss Guarino explains that the 3 bedroom deed restriction was a provision and it was recorded on December 13, 2022. Ms. Princiotta asks if the approval is for a tight tank. Miss Guarino confirms that the approval was for a 2,000-gallon tight tank.

Ms. Seastrand states that the deed restriction was discussed in regards to the AdvanTex system and not as part of the tight tank.

Ms. Princiotta asks if she would like to have Mr. Nelson speak on her behalf, and Ms. Seastrand confirms.

Mr. Nelson introduces himself as the designer for the project. He explains that he was hired in August, shortly after the system had failed its Title V inspection. He stated that the first step was to do a perc test and soil evaluation. He stated that the perc date was August 11, 2022. He states that the soils were coarse sand, and there was not a lot of room to work with considering the existing system and the road. He states that they got down to about 9' deep, that they could not determine the water table, but that they did not see any sign of water. He explains that the decision was made between them, the Health Agent, and the Board, to put in a monitoring well so that they can determine the groundwater for the future upgrade of the system.

Mr. Nelson states that the problem that they were having was that they were on a very tight timeline, because the mortgage rates were going up, and her commitment to the mortgage and original closing date were for September 15, 2022. He states that the tight tank plan was the only plan they could come up with in time so that they did not have to wait for a public hearing. He explains that they were unable to put the other details on the plan because it would have derailed from the timeline of the mortgage company, and that Ms. Seastrand would not have been able to obtain the house, and the Board would still have to deal with the noncompliance of the previous owner. He states that the goal was to have a plan approved, and everything that is circled in red is a narrative that discusses a continued plan for after Ms. Seastrand purchases the property, and that the understanding was that there were future plans to come. He states that the plan that was approved has an AdvanTex system and that they approved the plan, but somehow when they came back on November 16, Mr. Andrews questioned why there was a lack of communication, even though the well had just been implemented on November 11th. Mr. Nelson explains that it took two months to find someone to dig the well to do the ground water monitoring, so when they came back, and Mr. Andrews gave them a deadline and did not want to hear about their continued plan, he was confused because it was all there, and he is not sure if someone did not read the plans all the way through.

Ms. Princiotta highlights that she agrees that the continued plan is noted because it discusses how it is an interim tight tank septic repair plan, but that indicates to her that they will be installing a tight tank. Mr. Nelson emphasizes that they needed a Board of Health approval to get the mortgage. Ms. Princiotta confirms that they did get the mortgage. Mr. Nelson reiterates that Ms. Seastrand owns the house and now the Board does not have to deal with a 20 year history of the previous owner ignoring the Board of Health, and that Ms. Seastrand is cooperative.

Mr. Nelson states that the tight tank is not optimal for the year-round home, and that he knows it, the Board knows it, and everyone in the audience knows it. He states that it was never the final solution, and what they had to do was get Ms. Seastrand in the house so that they could continue with Phase 2 of the plan, since it is a continued plan, and that it

was never “be all, end all, tight tank, that’s it.” He states that the comment regarding going from 0 ppm of nitrogen flow to 10.3 ppm nitrogen flow is incorrect because they are really going from 34 ppm to 10.3 ppm for the nitrogen flow. He reiterates and emphasizes how this was only interim so that they could get approval from the mortgage company and that they were able to get Ms. Seastrand in the house.

Mr. Meier goes to ask a question, but Mr. Nelson continues speaking and states that he understands that nobody wants to do the property transfer, and that that is the biggest problem.

Ms. Princiotta stops Mr. Nelson, and states that Mr. Meier had a question. Mr. Meier questions how the target for a coastal area for nitrogen loading is 5 ppm, and that their proposed system is at 10.3 ppm, which is double, and that they would not be there if they went with a tight tank. Mr. Nelson states that he has been to enough of the Board of Health meetings, and that he has seen approval for FAST systems where the target is 5 ppm, but the FAST system is only good for 25 ppm, and that their system is good for 19 ppm or less, because the AdvanTex system is superior. Mr. Meier explains that they are also asking for 132 foot variance. Mr. Nelson states that the Conservation Commission approved that. Ms. Princiotta states that that is the Conservation Commission, and that they are the Board of Health, and that she would request that he focuses on his lot, not comparing to others, because every lot is unique, and that they are attempting to come up with a solution that works for everyone. Mr. Nelson emphasizes that the rest of the solution is that they are proposing a geo-mat system, and that he is not aware if there are any of those in Bourne, but that he has seen various amounts on the South Shore, and that it is a system where the water does not just drip out of pipes, but it transmits throughout the fabric into the soil. He explains that the leeching soil will wick the soil and spread it out, not just point to sources inside the field.

Mr. Meier questions Miss Guarino’s feelings on the project.

Miss Guarino explains that this is a septic system upgrade, so that should be one of the Board’s primary considerations since they will be going from a failed system to an improved alternative. She agrees that tight tanks are more practical, but aren’t usually a comfortable solution for homeowners with year-round residences, and that they are better suited in seasonal use properties where there are often outdoor showers, a decrease in laundry, weekend visits, and so it is uncommon for year round homes to have a tight tank. She explains that it is clear that the initial approval that the Board of Health had was just for the tight tank proposal, and that being said, same for the Conservation, hence why the new set of plans had to go back in front of both of the Boards, because the initial plans only mentioned a phase 2, which could mean anything. She said that this evening it is up to the Board if they want to sustain their motion of the tight tank and have that installed, and maybe see phase 2 from there for the future, because the understanding was that the tight tank would actually be installed when the Board of Health approved it.

Mr. Meier states that he is having a hard time digesting this project, and that he understands what Mr. Nelson is saying and that he understands they believe that with the area they have to work with they believe that they are doing very well with 10.3 ppm. He states that he understands that it is a reduction from 34 ppm, but the thing is that there are new regulations coming up, and that they could put this system in, but it could be later removed because they are unsure if it would be grandfathered in. Miss Guarino states that there aren’t any specific answers, and she understands that they are going to be installing one of the best nitrogen reducing systems on the market, and that there is only going to be more clarification on what technologies are best in the future, and that right now the state says 19 milligrams per liter, but as more research is conducted, the state may find that it will be guaranteed for 16-17 ppm. She emphasizes how she understands that it is tricky, and that both sides are significant, because it was a 4-bedroom dwelling and a MicroFAST system approved that did not get installed, so even this is an improvement since there will be no more than 3 bedrooms. Mr. Meier says it is a catch-22 situation, and Miss Guarino agrees, and states that this is not a common situation for the Board of Health to be in, especially since it is interim. She states that an on-site system being interim is not anything that she has heard of.

Ms. Princiotta states that her concern is that this will set a precedent where other applicants can do this and come back and revise plans. Ms. Seastrand states that she thought that the precedent of an AdvanTex system would be helpful because it does more than the MicroFAST, which is why she proposed it, and that the lot is very small, which is why it

is up to the Board's judgement. She states that she has seen over 20 other systems get approved in the last 2 years that are tricky. Ms. Princiotta states that that is not the issue, and that the issue is that the Board already approved a tight tank, which has 0 nitrogen loading, which would be the starting point, and now they are asking to change that to 10.3 ppm. Ms. Princiotta states that regardless of the current system, they had obtained an approval that was at 0 ppm, and a request for an increase to 10.3 ppm is a problem. Ms. Seastrand emphasizes that the current system is much worse, and that this is an upgrade. She states that if they want her to do the tank, she will do what the prior system is, because it is working fine, and she has no issues, and she will ignore their requests and let it go to court and she will outline that she did everything she could possibly do money-wise, time-wise, to do what she thinks is the right thing, and that the tight tank was a misunderstanding. Mr. Nelson states that it wasn't, and that he had a long conversation with Mr. Andrews about how he did not like things that are between owners.

Ms. Princiotta requests that Mr. Nelson refrain from discussing conversations had with a gentleman who is not present because it is just conversation.

Mr. Nelson reemphasizes that in order to get the house sold and get the previous owner out of the house, they had to do something that did not require a 10-day notice, because if they did, which the proposed plan does, they would not have gotten the mortgage, which causes it to be a unique circumstance. Mr. Nelson asks if Ms. Seastrand was able to buy the house with the proposed plan, and the tight tank was never mentioned, would they approve the plan.

Ms. Princiotta states that that comment is irrelevant because they have a tight tank approval, and that the answer is irrelevant, and that the decision now is to sustain the tight tank and deny the proposed plan, or to approve the proposed plan.

Mr. Meier also asks that by the change of the system over to what they want, and if they remove the tight tank... Ms. Princiotta objects and informs Mr. Meier that they never even installed the tight tank. Mr. Nelson states that when he drew the plan, the tank stayed in the same spot, and that they were using that tank, but that the tank has not been installed, and that it did not make sense to install the tank and then go back to dig it up again, and that they are trying to just do all the work at once. Ms. Seastrand states she didn't want to spend the money on the tight tank. Mr. Nelson, again, asks that if the tight tank was never brought up, would it be approved. Mr. Nelson reemphasizes that the situation was unique because they only brought up the tight tank so that Ms. Seastrand could get her mortgage and get into the house.

Mr. Meier asks IF they approve the plan, if they will have to finish it completely in a certain amount of time. Miss Guarino explains that the order to correct the failed system was issued to the previous owner on July 21st of 2022, and that 1 year was granted. She states that when the Board of Health approved the tight tank on September 14th, 2022, the deadline was for an installation by March 1st of 2023, so, there were two different dates provided.

Miss Guarino proposes an idea, and if it can be entertained to work this interim idea in the opposite fashion, and for them to install the proposed system, since they have worked so hard and are so passionate about it, and if they set conditions for more stringent nitrogen testing and effluent sampling, so that they can assure it is meeting the standard, so they can follow if it is not working.

Mr. Nelson states that that is in the deed approval, and that it needs to be quarterly serviced for the first year and a half, and then it would be twice a year. Ms. Princiotta states that they do not monitor that, and that is not under the purview of the town.

Ms. Princiotta asks how quickly they can install this system if approved. Ms. Seastrand states that she has talked to the contractor today, and that they informed her they could possibly still fit a March deadline, but that it would be dependent upon the materials, but that they ensured her that within 60 days would be reasonable, and that they could start tomorrow since he has kept a spot open. Mr. Meier stated that he does not want this to be a temporary fix where they do not continue the entire system, especially where they have the option to put in a tight tank at a later date, where it can be enacted.

Mr. Nelson states that that is in the approval for the AdvanTex. Ms. Princiotta responds stating that it would have to be in their motion and in the Board of Health's approval.

Mr. Nelson explains that he can work with Ms. Seastrand to not put products down the drain that would hinder the nitrogen removal, and he can do better than 19 ppm.

Miss Guarino states that within the technologies' ownership operations manuals, there will be a list of products that interfere with the performance of the particular type of system, so it is important to read through and recognize what could cause a problem, because there would be harmful effects.

Mr. Meier states that he is prepared to make a motion.

Mr. Meier makes a motion on 4 Wenaumet Bluffs Dr, Stephen B. Nelson, R.E.H.S/R.S, on behalf of Kristin Seastrand – CONTINUED – Requesting relief from 310 CMR 15.00 and Local Board of Health Regulations for the installation of an upgraded sewage disposal system. Including: A 5' reduction in the required 10' setback distance from the proposed leaching to the front and side property lines (310 CMR 15.211); A 32' reduction in the required 50' setback distance from the proposed leaching facility to the top of coastal bank; and 132' waiver from the Board of Health 150' setback regulation for the placement of a leaching facility within 18' of coastal bank. Results for quarterly testing to be reported to the Board of Health, the deed restriction for the IA System, an Operation & Maintenance Agreement, and to return in June/July of 2025 with results to review of quarterly testing to discuss the potential need to install a tight tank or additional remediation. Mr. Uitti seconds the motion. Roll call vote as follows: Mr. Meier- yes, Mr. Uitti- yes, Ms. Princiotta- yes. All were in favor, and the motion passed unanimously.

Mr. Nelson stated that the Board will be hearing from them every 3 months, and that the idea is to be conscious of reporting.

Ms. Princiotta recognizes the effort that went into this project, and states that the Board's concern is regarding the environment, and that they see that this can be a good solution, and that they would request that they provide the testing results to Terri, and to have installation be done by June 30th, 2023. Mr. Meier states that all parties are in compliance and agreement, and Ms. Princiotta states that if there are any issues, they can contact Miss Guarino.

- 5. 68 Elgin Rd. – Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Timothy & Michelle Bernard – CONTINUED – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of a new sewage disposal system. A 41'± variance to Title 5 setback requirements from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System; and a 141'± variance from local setback requirements for a 9'± setback from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System.**

Mr. Basinski introduces himself as the representative for the project. He states that this is a new construction project that is located on Handy Point in Cataumet/Pocasset on an existing lot. He explained that as mentioned, the resources on the lot are a coastal bank, and that it protects flood waters, and that it is not a loading area or resource areas. He states that the project was approved by conservation, and that the resource areas were confirmed. He states that the application was submitted at the end of last year. The Conservation Commission approved this project as non-significant, which lowers the importance, but that they still wanted to obtain the variance to make sure the application was reviewed.

Mr. Basinski explains that the property owner is also the homeowner of the neighboring property at 72 Elgin Rd, and that he went in front of the Board for that project, which was approved for a 4-bedroom design. He states that the homeowner is voluntarily putting a MicroFAST system onto the property, and that they do meet the 150 foot setback to Red Brook Harbor, but the homeowner understands the potential Title V changes, and that he is investing a lot into the lot so he wanted to ensure it was done properly, and that the MicroFast brings the nitrogen down to 5.8 ppm per lot. He

states that this is not in a nitrogen sensitive area, and it fits the setback requirements. He emphasizes that he believes that this project meets the requirements for the wetland protection act, and that it is a great system for the area. Miss Guarino states she has no further comments, and that the application is complete, and the architectural confirm that it is a 3-bedroom dwelling, and the cased opening minimum sizing is that of the updated Board of Health regulations.

Mr. Meier questions the bedroom count, and Mr. Basinski states that it is 3 bedrooms. Mr. Meier inquires about the area above the garage, and Mr. Basinski states that it is a storage area that is only accessible through a hatch. Mr. Meier states that it appears to be 35 by 48, so it is not a main door but an access hatch. Ms. Princiotta asks about the semantics of the hatch, and Mr. Basinski jokes that it is just big enough to fit the Christmas decorations. Mr. Meier states that he can see that they provided by the office space, a 6 foot door opening, which complies, and he thinks the access point for the storage space is fine.

Mr. Meier makes a motion to approve 68 Elgin Rd, Zachary Basinski, P.E., C.F.M. of Bracken Engineering on behalf of owner/applicant Timothy & Michelle Bernard – CONTINUED – Requesting relief from 310 CMR 15.211 & Bourne Board of Health 150' Setback regulations for the installation of a new sewage disposal system. A 41' variance to Title 5 setback requirements from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System; and a 141' variance from local setback requirements for a 9' setback from a fragmented, non-water dependent Coastal Bank to a Soil Absorption System. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

Ms. Princiotta confirms with Mr. Basinski that he is aware that he has to do the deed restriction and the Operation and Maintenance Agreement, and he confirms.

6. 3 Sunny Ln – N. Douglas Schneider, P.E., P.L.S. on behalf of Liam Coyne – Requesting relief from 310 CMR 15.00 and Bourne Board of Health Regulations for the installation of an I/A sewage disposal system to accommodate the raze and rebuild of a 3-bedroom dwelling. Requesting a 90' waiver from the 150' setback requirement from the leaching facility to the wetland resource area; approval for a 3' vertical separation to groundwater, as permitted by DEP; and an 8' reduction in the 10' Title 5 setback distance from the tank to the proposed foundation.

Doug Schneider introduces himself as the representative of the project. He states that this plan was in front of the Board in Mid-December, and that it involved a tear down and rebuild of an existing 3-bedroom cottage on the lot, and it would be elevated per flood zone requirements, and will adhere to the wetlands to the south-west, off-site of the property, and that they will be installing a MicroFAST system.

Mr. Schneider states that they are doing the best they can, and that their project was continued at their last appearance so that they could provide a nitrogen calculation spreadsheet for the Board of Health to review, and that he did it through the Town of Bourne sheet and his own spreadsheet. He states that he did the Town of Bourne Conservation Commission form, but that Miss Guarino sent him a different spreadsheet, but that there was a difference in water flows. He states that the two have slightly different numbers, but that the bottom line is that with the MicroFAST system, they are reducing the nitrogen loading from 18 ppm to around 4.5 ppm, which is roughly a 40% reduction.

Mr. Schneider explains that Miss Guarino questioned what the approval from the DEP was, and that they got remedial approval due to reductions in groundwater, and a 19mg approval. He states that he spoke to the buyer's rep from MicroFAST, and that they would have remedial approval since it is a MicroFAST.

Miss Guarino emphasizes that the existing system was deemed unfit for human habitation, so the property being raised to be flood zone compliant and having a passing Title V system is a significant improvement, and that the existing system is submerged within the water table. She explains that any system installed here will be better than what is there now.

Miss Guarino questions the dwelling, and if it is being designed for year round use or seasonal use. Mr. Schneider clarifies that it is being designed for year-round use per building code. She explains that there is a difference from going from a cottage to a year round home.

Miss Princiotta questions if the paperwork was designed to reflect new construction because she thinks that they had thought it to be new construction. Miss Guarino explains that the most recent letter that was dated January 31, 2023, reviews what was presented, and that the nitrate system and the MassDEP approval was for remedial use, and general use systems are for new construction where conventional Title V systems could also be installed. So, using the referenced remedial usage approval, it is not for new construction and the reasoning is that it is a raze and rebuild from a 3 bedroom dwelling to a 3 bedroom dwelling. Miss Guarino explains that there may be a difference in the current footprint but there is no increase to the flow of the system.

Ms. Princiotta questioned how the retaining walls impact the system. Mr. Schneider states that it is an AE Zone so there is no wave action in that area and that Conservation has approved it. He states that with a medium coastal storm, this property will probably see water, but that it is fairly low, and the water would go around the walls and out. Ms. Princiotta states that her concern is the general use system vs. the remedial use system, so that it complies with the new construction.

Mr. Meier questions the two names in the deed information, and that there is a Liam and a William referenced, so he is confused who owns the property. Mr. Schneider states that he knows him as Liam. Mr. Meier questions what is on the deed.

Mr. Meier also inquires about how there is two engineers involved, and Mr. Schneider explains that Holmes and McGrath has been acquired by Cape and Islands, and that the two companies have merged. Mr. Meier questions if it is one company or two, and Mr. Meier states that it is one.

Ms. Princiotta states that she is not comfortable approving something for remedial use without doing more investigation or something being approved for general use. Mr. Schneider explains that the primary difference between remedial use and general use is the separation from the groundwater. He explains that under general use, the system has to fully comply with all Title V requirements, but to do that in this situation, it would require that the system be elevated another two feet, where this existing house has a system that qualifies as remedial since there is no increase in design flow. Ms. Princiotta confirms that there are other things that would qualify the dwelling as new construction, and that they are tearing it down and rebuilding the footprint, so the Board has determined it as new construction.

Ms. Princiotta explains that it would be nice to see the general use regulations or variances, even if it requires the extra 2 feet, so they know the facts. Mr. Schneider states that the only difference is the separation of ground water, because the general use would require a 5 foot separation from the groundwater so the system would be raised two feet.

Ms. Princiotta asks Mr. Schneider if he would be comfortable with a continuance, so that they could review the specifics of the general vs. remedial usages. He asks if she is requesting that he redesign the entire system. Ms. Princiotta says no, but that she is asking for him to allow the Board some time to investigate.

Miss Guarino reviews the MassDEP site, and their overview of distinctions between general use and remedial use, and that the general use systems, they will provide a level of environmental protection that is at least equivalent to conventional on site systems that are in compliance with Title V. She explains that it is not needing any further reductions or setback systems, and that the remedial systems approve pre-existing conditions at a particular facility, or facilities served by a failing or non-conforming system. She states that it is why the remedial use felt more applicable to the designer since it is an improvement to existing conditions. Miss Guarino and Ms. Princiotta agree that the wall is very high, so they do not have to add to that.

Mr. Meier specifies that anything is an improvement, and that this is a drastic improvement since it is a raised system, and the house is on stilts. He states he sees no further measures that can be taken. Mr. Uitti agrees.

Mr. Uitti makes a motion to approve the system at 3 Sunny Ln, N. Douglas Schneider, P.E., P.L.S. on behalf of Liam Coyne – Requesting relief from 310 CMR 15.00 and Bourne Board of Health Regulations for the installation of an I/A sewage disposal system to accommodate the raze and rebuild of a 3-bedroom dwelling. Requesting a 90’ waiver from the 150’ setback requirement from the leaching facility to the wetland resource area; approval for a 3’ vertical separation to groundwater, as permitted by DEP; and an 8’ reduction in the 10’ Title 5 setback distance from the tank to the proposed foundation. Including a deed restriction and an Operation and Maintenance Agreement. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

7. Approve the Minutes – Approve the minutes from the previous meetings dated Sept. 14, 2022, & February 8, 2023.

Ms. Princiotta states that Mr. Andrews is still reviewing the September 14th minutes, and the February 8th minutes are still in draft form, so they can tend to those next time.

Mr. Meier makes a motion to continue the approval of the September 14th, 2022 and February 8th, 2023 minutes to a future meeting. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

8. Set tentative date for next meeting.

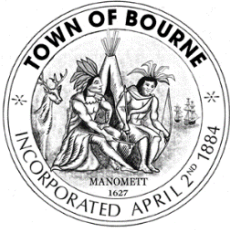
Mr. Uitti confirms that the next meeting is March 8th, 2023. Miss Guarino confirmed, and that there are 5 Wednesdays in the month of March, and the 2nd and 4th Wednesdays are March 8th and March 22nd. Miss Guarino states that there were applications that were continued to March 8th.

Mr. Meier inquires about the tobacco violations that were continued. Miss Guarino states that that is scheduled for March 8th, 2023.

9. Adjournment.

Mr. Meier made a motion to adjourn. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 6:35 P.M.

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



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



Meeting MINUTES March 8, 2023

Meeting was called to order at 05:30 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

1. Attendance.

Board Members: Barbara Princiotta, Dusty Meier, and Don Uitti
Professional Staff: Terri Guarino, Stacey Burgess

Miss Guarino excused herself to leave at the start of the meeting.

2. Violation of 105 CMR 665.010(A): Minimum Standards for Retail Sale of Tobacco & Electronic Nicotine Delivery Systems and Bourne Board of Health Tobacco Regulations – Sale of a tobacco product to a person under the Minimum Legal Sales Age at Cape Side Convenience, 105 Trowbridge Rd, on Jan. 9, 2023 – 2nd offense – Continued from February 8, 2023.

Mr. Rafiq Islam, the owner of Cape Side Convenience, introduced himself as the representative of the matter.

Mr. Islam stated that he is thankful that the Board was willing to defer the date for his attendance since he was unable to attend. He explains that he is not here to contest the violation, but to express his remorse for the failure. He states that in his time running his shop, this is the second time it has ever happened.

Mr. Islam explains that on the date of the violation, the worker who sold the tobacco, who has a long history with the business, was distracted because a relative was undergoing a surgical procedure.

Mr. Islam again expresses his apologies for the violation, and wishes that he can continue with the store operation.

Miss Guarino excuses herself from the meeting, for the remainder of the meeting.

Ms. Princiotta questions what Mr. Islam has done to mitigate this for the future. Mr. Islam explains that he wrote a letter to the Board stating that he has introduced new signage regarding checking an ID and there will be more procedures in place to ensure this will happen. Mr. Islam again, states that he is embarrassed, and is apologetic regarding the incident and he does not want this to happen again.

Ms. Princiotta relays that the fines are set by the state and that the Bourne Board of Health cannot control the amount of the fine. She explains that it is \$2,000, and asks Mr. Islam when he would be able to make the payment of the fine. Mr. Islam responds that around the 15th of April would give him some time to make payment. Ms. Princiotta states that they will give him until April 30, 2023, so that he can have some breathing room.

Mr. Meier asks if a placard could be posted near the register to remind the workers about checking the ID's. Mr. Islam states that they already do. Mr. Islam approaches the Board members to show them the signage on the front door, and Mr. Meier suggests that there is a sign facing the employees stating "If born before this date..." by the register, so it can remind the cashier. Mr. Islam also shows the Board a photo of the young man who purchased the product, a cigar, and Mr. Meier indicates that he does have a beard.

Ms. Princiotta states that she does appreciate that Mr. Islam is diligent in this, and requests that he puts a sign regarding the "born before this date".

Mr. Meier makes a motion to impose a fine of \$2,000 against Ayan, Inc. as penalty for the second violation of 105 CMR 665.010 within a 36-month time period; and for this fine to be paid in full to the Town of Bourne no later than April 30, 2023. The Board shall not move to impose a prohibition on the sale of tobacco products at this time, but reserves the right to do so for subsequent violations incurred within the retail establishment, or for the failure to comply with this decision of the Board. Mr. Uitti seconds the motion. All were in favor, and the motion was passed unanimously.

3. 140 Wings Neck Road — Earl Lantery, P.E. on behalf of Peter & Susan Ohanian— Requesting a hearing before the Board of Health for proposing to install a new septic system equipped with Singulair nitrogen reducing technology.

Mr. Lantery introduces himself as the representative for the project. He thanks Miss Guarino and the Health Department staff for their assistance since he has been facing health problems. He states that they are intending on installing a Singulair 960, 600 gallon a day system. He refers to page 2 of the plans that he presented to the Board, and states that he has used all mono-pour tanks, so there is no mid-tank seen, and the top is sealed. He explains it keeps the tank away from the ground water, and that the Singulair will gravity feed into a pump chamber, and the pump chamber is located next to the garage and the SAS is over 200 feet from the road and the breakwater resource area. Mr. Lantery states he requested a variance for a one foot reduction for the separation between groundwater and the bottom of the system, from 5 feet to 4 feet, to try and keep down the height of the retaining wall.

Mr. Lantery explains that he has been before the Conservation Commission, and it was negative for the RDA, and he made a request for determination, and he moved the system slightly to protect some trees. There is an oak that is dead that needs to come down, and there are some holly bushes that can be relocated at the request of the Conservation Agent. Mr. Lantery explains that he originally submitted for a conventional system, but with the help of the Health Department, he has been able to alter the system so there can be nitrogen reducing technology.

Ms. Princiotta questions when the project went before the Conservation Commission. Mr. Lantery states that it was within the last month. Ms. Princiotta questions if there was a copy of the decision, and Mr. Lantery explains that he has one, and that he believes it is in the file. Miss Burgess explains the office did not receive that document. Ms. Princiotta states that a copy will need to be submitted so that it is officially stamped into the record since they have not seen it.

Ms. Princiotta asks about the green cards, and if they match the abutter's records, and Miss Burgess confirms.

Mr. Meier questioned the submission of nitrogen loading calculations, and Mr. Lantery states that they were provided and delivered it on Monday morning. Mr. Meier and Ms. Princiotta state that they do not have it, and that the deadline for submitting is the Wednesday at noon prior to the meeting so the Board can review them.

Mr. Meier discusses how they will have to move things like the water line and gas line, and that the sewer line is passing, but it is not present on the plans. Mr. Lantery states he can make that correction.

Ms. Princiotta highlights how this system failed a Title V inspection more than two years ago, so something should have been done by December of 2022. She also highlights that Mr. Lantery did submit the nitrogen loading sheet, but it

was not the correct form, and the calculations need to be submitted on the new Board of Health nitrogen loading calculation excel sheet, so it will need to be resubmitted.

Ms. Princiotta also discusses that it is very difficult to see the floor plans and to decipher if there are any proposed changes to the house, and normally they see existing and proposed floor plans. Mr. Lantery states that the owners informed him it is 3 bedrooms, and the assessors card also states 3 bedrooms. However, Mr. Lantery explained that Miss Guarino expressed that the office, which was a sunroom, has windows on 3 sides and a closeable door, so they made it 4 bedrooms with a garage. Ms. Princiotta explained that that is what the Board is unsure of, and asks if there is a water supply to the garage and the room above the garage. She states that there looks like there are attics, a room above the garage, and a potential workshop. Mr. Lantery states he will redraw the floor plans. Ms. Princiotta requests that the floor plans be clear and legible, and asks if there is a bathroom or water supply to the detached garage. Mr. Lantery states that he has been there, and there is not a water supply to the detached garage. Ms. Princiotta requests that Mr. Lantery revise the filing letter to reflect the variances and to make it clear if it is a septic system upgrade.

Miss Burgess states she has no comments and that Miss Guarino's comments covered all she would have to say. Ms. Princiotta explains there is more work that needs to be done before the Board grants approval, and states that they would appreciate if Mr. Lantery could make those changes. Ms. Princiotta states that they will meet next on the 22nd of March, and Mr. Lantery could either request a vote now, or sign a waiver of continuance for the next meeting. Mr. Lantery states that he would like to continue. Ms. Princiotta explains that the file is not complete so they will be unable to vote until the filing is complete.

Mr. Lantery explains that he is currently recovering from a brain injury, so his rebound has been difficult, but he is thankful for the aid that the Health Department staff has provided him. Miss Burgess explains he can sign the waiver now for continuance to the next meeting. Mr. Lantery requests a continuance until March 22, 2023.

Mr. Meier makes a motion for continuance until March 22, 2023 for 140 Wings Neck Rd, Earl Lantery, P.E. on behalf of Peter & Susan Ohanian — Requesting a hearing before the Board of Health for proposing to install a new septic system equipped with Singulair nitrogen reducing technology. There was not a second or vote on the motion.

Ms. Princiotta states that Mr. Lantery is all set, and that they will see him on the 22nd.

4. Health Department Updates – Terri Guarino, Health Agent to provide information and updates.

Ms. Princiotta states that the Health Agent was dismissed, so they will plan to postpone this to a future meeting.

5. Preliminary presentation for discussion only – Overview and updates to Board of Health Variance/ Waiver Application forms.

Ms. Princiotta stated that since Miss Guarino is not present, they will postpone this to a future meeting.

6. Discussion and possible vote on filling the two vacant seats on the Board of Health pursuant to M.G.L. c. 41, § 11.

Ms. Princiotta states that there are two vacant seats, one from Galon Barlow, and one from Stanley Andrews. She questions if they would like to see someone volunteer for an appointment. Mr. Meier states that he has heard that the

Select Board has offered to reach out because there are multiple boards who need appointments. He states that he has heard that no one has come forward to volunteer. Ms. Princiotta explains that they should look at exploring ways to get someone to fill the position.

Mr. Uitti questions if they have notified the paper. Ms. Princiotta states that they can notify the Select Board of the vacancies, and they will meet with them on a mutually agreed upon date where they can ask them to fill the position until the next election, and then they would ask the Health Department to open up a talent bank form and advertise on the website and in the paper, so they can view the candidates and pick people. Mr. Meier asked when the Town election is. Ms. Princiotta states it would be around May, and despite the proximity of the election, it is important to notify them and allow people to join the Board. Mr. Meier states they should notify the bipartisan political party heads. Ms. Princiotta states that they cannot do that, and that they have 30 days to notify the Select Board, and that the Select Board cannot act on it until the Board of Health votes to notify them.

Mr. Meier makes a motion to notify the Select Board of the vacancies of Galon Barlow and Stanley Andrews, to request a meeting with the Select Board on a mutually agreed upon date and time between the chair of the Select Board and Acting Chair of the Board of Health for appointment to fill the positions until the next election, and to request that the administrative office open up a talent bank form for the vacancies for a minimum of two weeks from posting. Mr. Uitti seconds the motion. All were in favor, and the motion passed unanimously.

7. Approve the Minutes – Approve the minutes from the previous meetings dated September 14, 2022, February 8, 2023, & February 22, 2023.

Ms. Princiotta states that they will continue the minutes until a future meeting since they are still being worked on.

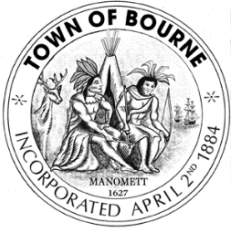
Mr. Meier makes a motion to extend the approval of the minutes from the September 14, 2022, February 8, 2022, and February 22, 2023, to a future meeting. Mr. Uitti seconds. All were in favor, and the motion passed unanimously.

8. Set tentative date for next meeting and adjourn.

Miss Princiotta notes that they did discuss March 22, 2023 as the next meeting. All agreed that date will work.

Mr. Meier makes a motion to adjourn. Mr. Uitti seconds. All were in favor, and the motion passed unanimously. The meeting adjourned at 5:59pm.

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



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



Meeting MINUTES March 22, 2023

Meeting was called to order at 05:30 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

1. Attendance.

Board Members: Barbara Princiotta, Dusty Meier, and Don Uitti
Professional Staff: Terri Guarino, Kaitlyn Shea, and Stacey Burgess

2. Set tentative dates for upcoming meetings.

Ms. Princiotta states that there has been discussion regarding changing the meeting dates from Wednesdays to Mondays. Mr. Meier questioned how that would affect Miss Guarino. Miss Guarino explained that there has been recent conversations regarding it, and Miss Burgess had looked at a calendar to determine the effect of holidays on Mondays, which could be tricky to switch to. She also explained that 3-day weekends and usage of vacation times also have an effect on Mondays, which could pose a problem for meetings. Miss Guarino also stated that Miss Shea has a reoccurring conflict on Mondays, so if Miss Guarino was absent, the Assistant Health Agent would not be available to fill in. Miss Guarino states that it would be a major change. Ms. Princiotta explained that they could plan accordingly for the holiday schedules, and that she is not sure of Ms. Shea's reoccurring engagement, but as long as Miss Burgess is there, it should not be a problem. Ms. Princiotta states that she would like to try a Monday schedule because Wednesdays are increasingly difficult for herself. Mr. Meier stated that Mondays are not preferable for him because that is when he tends to work overtime.

Ms. Princiotta proposes a Friday meeting date, and questions the possibility of that. Mr. Meier states that he has never seen a board meeting occur on a Friday. Ms. Princiotta explains that on such a short staff, she just wants to ensure the possibility of a meeting. Miss Guarino states that if availability is an issue, they could explore the possibility of reducing to one meeting per month, especially since there are a lot of agendas that could be combined. She explains that reducing to one meeting may help, but that she is unaware because there is a lack of certainty on how long the Board will only have 3 members.

Mr. Meier questions if there will be a change in time for the meetings, especially considering if there is only one meeting per month. Miss Guarino explains that Town Hall closes at 4:30pm, and Ms. Princiotta questions if that means the Health Department will be able to meet at the community building at 4:30, 4:45, or 5pm. Miss Guarino states that there could be one Health Department member present at 4:30, and the remainder could come later. Ms. Princiotta states that she would not want to rush anyone, so they could always do 5pm if that is easier.

Ms. Princiotta states that on the topic of meeting agendas, they do need to discuss the meeting date for the joint meeting with the Select Board. She explains that they are only meeting on Tuesdays, and the end date is the 28th of

March to submit letters of interest, so early April would be easiest, specifically April 4th. Mr. Meier states that he does not think that they should set a date yet because there has not been any letters of interest submitted yet, so there is no point in setting a meeting if they are unsure that they are even going to have one.

Ms. Princiotta states that if they are having meetings on Wednesdays still, she would like to propose that the next meeting is April 5th, rather than the 12th. Miss Guarino shows that there was a calendar provided in their packets for the Board to reference, and the green is for existing meeting dates, yellow is for what Ms. Princiotta was thinking about, and holidays are red and squared off. Miss Guarino states that with the advertisements for the vacancies, it stated that there would be a joint meeting. Ms. Princiotta explains that there was miscommunication with the Select Board regarding the joint session, but they are looking to set one now, and April 4th would look best, contingent upon letters of interest being submitted. Ms. Princiotta also raises the possibility of a joint meeting via Zoom, so that there is more inclusive participation. Mr. Meier also highlights that some people are on other boards, so they need to account for other conflicts.

Miss Guarino explains that based on the discussion this evening, they could look to eliminate a meeting in April because there is Easter, Good Friday, and vacations. She states that they could do an April 26th meeting. Ms. Princiotta states that she will need to coordinate with Miss Guarino about the time, because she may need it to be later.

Mr. Meier questions a timeline for the meeting. Ms. Princiotta asks Miss Guarino about what she expects the agenda for that meeting to consist of. Miss Guarino states that there will be a continuance of 176 Scraggy Rd, which will warrant a long discussion, but other than that, there are not a lot of items. She states that this could also be the first potential meeting where someone could be sitting in to fill a vacancy. Ms. Princiotta states that that will be an issue, and questions the possibility of doing Zoom. Miss Guarino states that she believed Zoom meetings were to end the 31st of March, but Mr. Meier states that he was informed by a Select Board member that they will be able to hold meetings on Zoom still.

Ms. Princiotta suggests the April 26th meeting, potentially at 6pm, and that they can look into the ability to utilize Zoom.

3. 11 Jonathan Bourne Dr, Unit 8, Pocasset – Balance Fitness, LLC. DBA Fitness Elevations – Teri Battles, Owner – Food Establishment Permit overdue for 2023 renewal and late fee waiver request.

Teri Battles of Fitness Elevations introduced herself as the representative for the request. She states that she would like a break on the late fees that are being charged, and that there were circumstances that played into it that she was not aware of. She states that she brought documentation to prove that she has never been late, and that she can ensure it will not happen again, because she unfortunately had trusted someone else to handle the situation. She states that she also has documentation to support that she paid the food establishment permit fee, and did put \$150 toward the late fees.

Ms. Princiotta asked Miss Guarino about the remainder balance of the late fees that Ms. Battles is looking to have abated. Miss Guarino states that with the payments that have already been received, it would be a waiver of \$300. She states that considering the date the application was received, it would be a \$450 late fee, and the applicant has already paid \$150. Ms. Princiotta questions how long she has had her food establishment permit for, and Ms. Battles states it was either 2015 or 2016. Ms. Princiotta confirms with the applicant that this is the first time that she has been late, and Ms. Battles expresses her apologies and ensures it will not happen again. Miss Guarino states that she agrees, and that she feels badly. Ms. Princiotta states that she appreciates that Ms. Battles came in, and that the Board is looking to guarantee that everyone is successful in the Town of Bourne, and that she recognizes that she has not been late before, so as long as she has taken care of the permit, she sees no problem waiving the late fees.

Mr. Meier makes a motion to cancel out the remaining \$300 of the late fees, since she showed good faith, has been on time, and everyone runs into problems.

Mr. Meier makes a motion for 11 Jonathan Bourne Dr, Unit 8 Pocasset – Balance Fitness, LLC. DBA Fitness Elevations – Teri Battles, Owner – Food Establishment Permit overdue for 2023 renewal, has been paid, and approving the late fee waiver request to cancel late fees of \$300. Mr. Uitti second. Unanimous.

Ms. Princiotta emphasizes going forward to just communicate with the staff if there are any difficulties.

- 4. 176 Scraggy Neck Rd. – Don Bracken, P.E. of Bracken Engineering, Inc. on behalf The Long Point Trust c/o Marybeth & Steven Bisson – CONTINUED – Requesting relief from the local Bourne Board of Health 150' Setback regulations for a new septic system to accommodate the raze and rebuild of a residential dwelling. – Requesting continuance to April 12, 2023.**

Ms. Princiotta states that they will not be having a meeting on April 12th, so that this item will need to be continued to April 26, 2023.

Mr. Uitti makes a motion to continue 176 Scraggy Neck Rd to April 26, 2023. Mr. Meier seconds the motion. All were in favor, and the motion passed unanimously.

- 5. 140 Wings Neck Road – Earl Lantery, P.E. on behalf of Peter & Susan Ohanian – CONTINUED – Requesting a hearing before the Board of Health for proposing to install a new septic system equipped with Singulair nitrogen reducing technology.**

Earl Lantery introduced himself as the representative of the project. He explains that there were several items that were requested, so he provided new copies of the plan that demonstrate the water line and he filled out the nitrogen loading form.

Ms. Princiotta questioned how he did the form, because there are calculations on multiple different sheets. Mr. Lantery states that his IT guy forwarded it to the town, and that Miss Burgess said she would try to help. Ms. Princiotta states she just wants to make sure it is formatted correctly.

Miss Guarino states that the floor plans were modified since the previous meeting, since it was difficult to discern the labeling, but the modified plans were received on March 13, 2023, and show that there are clearly 3 existing bedrooms, and an office/sunroom, which warrants a design for 4 bedrooms. It was clarified that this is strictly an upgrade. Miss Guarino also highlights the detached structure, and how it is labeled as a workshop with an attic and storeroom. She confirms with Mr. Lantery that there is no water or plumbing, just electrical with a large open space.

Miss Guarino explains that they are voluntarily utilizing an innovative/alternative de-nitrification system, the Singulair system, which is approved MassDEP, and she states that with the nitrogen loading calculations, de-nitrification is being done.

Miss Guarino states that previously she commented on the variance request within the letter to the Board regarding the 4 foot vertical groundwater separation. This is not a true variance with respect to repairs and upgrades, as the difference of 5 feet of vertical separation to 4 feet of vertical separation from the groundwater table is approved by MassDEP for the remedial use of Singulair technologies, so it is a standard condition for that specific technology, and thus does not require variance approval.

Miss Guarino states that she is satisfied with the floor plans that were clarified, and that it is an upgrade. She states that prior to issuance of the permit, she will require some additional specs on the type of retaining wall, and if it has a footing, what it is made out of, and the specific heights. Mr. Lantery states that he can provide that information.

Mr. Meier added the incorporation of a buoyancy wall, which will aid in the issue of the groundwater.

Ms. Princiotta questions the “velocity zone” on the plan, and Mr. Lantery states it relates to the survey plan. Ms. Princiotta asks about relation to Conservation since it abuts the Pocasset River.

Miss Guarino states that the parcels on Wings Neck Rd have a large amount of lot coverage, and it is very narrow, so the sewage disposal system is outside of the flood zone and resource areas, but since there is trenching, digging, and adding new pumping, it falls within Conservation's zone. Miss Guarino states that the closest point is 217 feet to a resource area.

Ms. Princiotta asks if anyone from the staff has been to the site to see the 4 car garage because it is listed as a 2 bedroom dwelling. Mr. Lantery states that there are no plans to develop further on the home.

Ms. Shea states that they dug the perc hole next to the garage. Mr. Lantery states it is just an open space with multiple floors and an attic. Mr. Lantery states that adding plumbing to the garage with connection to the Singulair unit would not be possible due to the distance and inability to get the gravity feed to reach the system.

Mr. Meier states that they would probably have to put in a separate system just for that, and it is obvious that it is not really a room, but that it can be viewed that way in the portion above the garage.

Mr. Lantery states that there is electrical, but no other utilities, and that the client is aware that if they ever plan to develop it, they would need Board approval.

Ms. Princiotta states that she wants Mr. Lantery to work with the Health Department for the nitrogen loading sheet, because the factors for the formulas are not working. She states that she would just like him to manually change a few things to accommodate the bedroom count.

Mr. Meier makes a motion to approve 140 Wings Neck Road – Earl Lantery, P.E. on behalf of Peter & Susan Ohanian – Requesting a hearing before the Board of Health for proposing to install a new septic system equipped with Singulair nitrogen reducing technology. Mr. Uitti second. All were in favor, and the motion passed unanimously.

Ms. Princiotta reminds Mr. Lantery he will need to mark up the plans with the suggestions.

6. Approve the Minutes – Approve the minutes from the previous meetings dated September 14, 2022, February 8, 2023, February 22, 2023, & March 8, 2023.

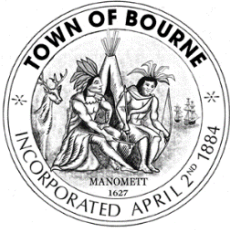
Ms. Princiotta states that she just received the hard-copy minutes tonight, so they can wait to approve them at the April 26, 2023 meeting date.

Mr. Meier makes a motion to continue approval of the minutes to April 26th. Mr. Uitti second. All were in favor, and the motion passed unanimously.

7. Adjourn.

Mr. Meier makes a motion to adjourn. Mr. Uitti second. Unanimous. Meeting adjourned at 6:08pm.

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



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



Remote Meeting MINUTES May 10, 2023

Meeting was called to order at 4:00 P.M.

This meeting was televised and recorded by Bourne Community TV for replay.

27. Attendance.

Board Members: Barbara Princiotta, William Meier, and Don Uitti
Professional Staff: Terri Guarino, Stacey Burgess

Michael Rausch of The Bourne Enterprise acknowledged that he was recording the audio of the meeting.

28. 9 Cheryl Ln – Joseph DeCicco – Requesting Stable Permit for 2 horses and relief from Bourne Board of Health 100' Setback Regulation for a 15' setback from abutter property line.

Miss Guarino explained that pursuant to the Bourne Board of Health regulations, they require that prior to any new horses or stables on the property, the applicants must go before the Board. She explained that they also do a site visit to the property. Miss Guarino stated that the applicants are requesting a 15-foot setback from the abutter property line, and that the application did include a letter of support from the abutter in question, as well as a very thorough manure management plan.

Dianna Bismore, Joseph DeCicco's wife, introduced herself as one of the applicants. She states that the horses are hers. She states that they have submitted an in depth set of plans, and that they have worked to appease and make sure that their neighbors are comfortable with their intentions. She adds that they have a beautiful yard, and that she would like to emphasize that they do intend to keep their yard looking just as nice once the horses are there. She clarifies that just as much as potential neighbors, she and Joseph do not want flies or to smell manure, so they want to address any issues that may arise.

Mr. Meier states that he sees that the applicants have completed everything, and that they have a contract hauler for the waste, and that they have notified their abutters. He emphasizes that he is in favor.

Mr. Uitti states that he is happy with what he has seen with the application. He explains that he drove past the property and saw it, and that everything looks proper.

Ms. Princiotta thanks the applicants for being thorough in their application because it made it easier to review, especially in regards to the manure management plan.

Ms. Princiotta questions where the dumpster will be located on the property. Ms. Bismore states that it would be behind the stable, next to the storage container on site that they will use for hay and other items for the horses.

Ms. Princiotta questions how frequently the applicants plan to have the dumpster emptied. Ms. Bismore states that the agreement with the company is that it is “once it is full”, but that she and Mr. DeCicco will attempt to have it emptied out as frequently as they need to if there is any smell or issues that arise.

Ms. Princiotta questions how large the dumpster is, because the Board of Health has a regulation that there is no more than 10, 50-pound bags of manure or equivalent. Ms. Bismore states that it is four yards. Ms. Princiotta questions what the equivalency would be to pounds. Miss Guarino states that it would be small and more manageable. Ms. Princiotta states that her only concern was that with it getting to be the height of the summer, she would want to deter any smells, and Ms. Bismore agreed, emphasizing that she understands and will alleviate that concern for everyone’s sake.

Ms. Princiotta questions if they have already entered into the contract with Cavossa Disposal. Ms. Bismore states that she was informed that once she had her permit, she could fill out the paperwork.

Ms. Princiotta explains that those were her only questions, and that it is good that they have a strong management practice and that the neighbors are in favor of the plan. She advises the applicants to just be mindful of the frequency of the dumping, so it would be to their benefit anyways to mitigate any smells or issues. Ms. Princiotta states that she has no further objections or questions.

Michelle Williamson introduced herself and stated that her concern is that she has lived next to horses before, and that everyone says that they will clean up and dump as they should, but with time, things tend to slide, and horses end up being to their ankles in mud and manure. She questions who will be picking the waste up, and the actual frequency, because she does not feel comforted by a term like ‘often’ because it can allow for leeway in a lack of management. She states that she is aware that manure produces toxic chemicals, and that in her house, since she does not have Air Conditioning or Central Air, they leave their windows open, and she is concerned about how it will affect her and her home. She explains that it would be nice to have a lack of smell, and she questions how close to her house it will be and how far the horses will be allowed to graze, because she feels as though it is ‘practically in her front yard’, and she does not want any smell, or for them to ruin the grass on her yard. Ms. Williamson continues, stating that she has not seen the proposed map.

Ms. Princiotta explains that all of that information is posted on the site, and that there was only one abutter that fell within the Board of Health setback regulations, and that property owner was in support, so Ms. Williamson is outside of the scope of the regulations of where they are proposing to put the stable.

Ms. Williamson questions if the horses will be able to ‘run around’ and how that will affect her home, since they could frequent other parts of the property outside of the stable. Ms. Princiotta explains that with the frequency of dumping, there is no more than 500 pounds allowed on the property during any week, so it will have to be removed at that point because it would be in violation of the regulation.

Miss Guarino shares the map of the plot via the Zoom “screen sharing” application and is able to display that Ms. Williamson’s home is #8 Cheryl Lane and is bordering the property on the southwest side. Ms. Princiotta states that she is an abutter and was notified, but that there is no violation in the setback regulations due to the placement of the stable.

Ms. Bismore states that it was drawn larger, and that she was aware that Ms. Williamson and her father was unhappy regarding their intentions with the horses. She states that she specifically placed the stable so that it would be farthest from their property in an attempt to appease them, and that they have also discussed putting some shrubs down where their properties border so that there is more of a block between the properties. She states that she is bound by the Board of Health to dump it once it reaches a certain level, and that in addition, as a horse owner, she is not going to leave it there and subject her horses to standing in their own waste.

Ms. Princiotta questions if Ms. Bismore would be comfortable agreeing to the shrubs as part of the issuance of her permit as part of the approval to satisfy the issue with the neighbor. Ms. Princiotta questions if they can add that onto the map as part of the approval. Ms. Princiotta states that she thinks that this would be fair satisfaction to the neighbor. Miss Guarino draws it on the map and displays where they could enhance it to provide more privacy in the region. Ms. Princiotta states that she thinks that would be satisfactory.

Mr. Meier makes a motion to approve, but Ms. Princiotta states that Mr. Meier's audio quality is hard to hear, and that Ms. Williamson has her hand raised but that unfortunately the discussion has ceased due to how they have moved onto vote. Ms. Williamson responds, stating that her hand has been raised prior to the motion being raised. Miss Guarino states that she did see that Ms. Williamson had her hand raised.

Ms. Williamson questioned if they are picking up the manure from the street and if there will be a trail of manure on the street. She also questions what kind of evergreens will be planted and that she knows that the 'green giants' grow to be around 12 feet per year, which will be great for privacy, but that she would like to be more informed.

Ms. Princiotta explains that with the manure plan, the shrubs is an accommodation to be a good neighbor, and that the Board is able to approve the plan without the shrubs because it is not a necessity, so the Board is not in the position to dictate the kind of shrubbery that they utilize. She states that if this is set as a part of the approval and they do not plant anything, then they would have to go before the board, but that there is no set distinction on what kind of shrubbery she has to use, especially considering on how there is already a buffer in place between the properties. Ms. Williamson emphasizes that her primary concern is her front yard. Ms. Princiotta explains that with this plan, they have a manure management plan in place, they are requesting the setback for the other abutter who has approved, and there is a dumpster that they agree to have picked up before it reaches 500 pounds or more, and that the shrubbery is in everyone's best interest. Ms. Williamson states that her father is unable to get into the meeting, and asks if there is any way that they can postpone the vote until the Board is able to hear what he has to say. Ms. Princiotta states that there has been ample opportunity throughout the entire process to participate, and that Ms. Williamson has been able to vocalize their opposing concerns, and that the applicant has posed no concerns. Ms. Princiotta states that she and the other board members and the health agent have no concerns about this issue. Ms. Williamson requests that they wait a few minutes to vote so that she can message her father and see if there is anything else that he would like to be included. Ms. Princiotta states that she can give her an additional minute before they vote, but that the Board is prepared to make a decision.

Mr. Rausch questions how many horses Ms. Bismore intends to have, and what kind of breed they are. Ms. Bismore explains that she currently has one, and that he is barely a full size, that he is a draft pony-cross, so that he is barely a horse, and that she is intending on getting a miniature pony to be a companion to the other horse.

Ms. Williamson states that her father has more to say but is requesting to call her and that she is unsure of what else he has to say, and that she cannot call him because she is on the Zoom on her phone.

Ms. Princiotta questions if the Board is ready to vote, and that she appreciates Ms. Williamson and that they are trying to accommodate her and her father, but that the homeowner is in compliance with regulations and is going out of the way to be accommodating, and that she suggests conversations personally with the homeowner since it will be outside of the purview of the Board.

Mr. Meier makes a motion to approve the project for 9 Cheryl Ln, requesting Stable Permit for 2 horses and relief from Bourne Board of Health 100' Setback Regulation for a 15' setback from abutter property line and in addition, shrubs along the neighbor's lot line. Mr. Uitti seconds the motion. Roll Call Vote: Mr. Meier - yes, Mr. Uitti - yes, Ms. Princiotta - yes. The vote passes unanimously.

Ms. Princiotta congratulates Ms. Bismore, and states that she must adhere to the conditions of the vote with the planting of shrubbery, and to make sure that she communicates with her neighbor to ensure that they are satisfied. Ms. Bismore questions if they have to plant along the entire lot line, and Ms. Princiotta states no, just the buffer zone. Ms. Princiotta also states that they should communicate with the Health Department once they have everything set up.

29. Set tentative date for next meeting.

Miss Guarino states that the next regular meeting date is proposed to be set for the 24th of May at 5:30pm. She explains that she knows that Ms. Princiotta would not be available until 6pm, so they can move it until then. Ms. Guarino states that they would prefer to go at 5:30 since the applicants already have the time as 5:30 so all the notifications would have to be redone, but that they can hold off on any important business until Ms. Princiotta arrives. Ms. Princiotta requests some latitude and that they move it until 6:00pm, and that she would really like the change to the time, and that she believes that 2 weeks' notice would be feasible to re-notify the abutters. Ms. Princiotta asks if Mr. Uitti and Mr. Meier are okay with 6:00pm, and Mr. Uitti states that he will not be able to come on the 24th. Ms. Princiotta states that they may not have a quorum pending the result of the election, so, she would prefer it if they set it at 6:00pm, and then they can change the time if necessary. Miss Guarino states that there are requests for housing cases so that per the state sanitary code it has to be done 10 days prior to the meeting, so, if they could do the format established soon, it would be best. Ms. Princiotta states that she would be satisfied with a remote or hybrid format, and that she is understanding about that. Miss Guarino states that they can do remote, at 6:00pm. Mr. Meier questions how many issues will be on that meeting. Miss Guarino states that since there has not been a meeting since March 22, 2023, there are a number of issues that need to be discussed and have accumulated and could be on the docket, but that she will need to see if they will be available for that specific date, so she does not know for certain yet. Mr. Meier states that that format is perfect with him. Ms. Princiotta states that the next meeting will be at 6:00pm on May 24th, 2023, and be held remotely.

30. Adjourn.

Mr. Meier makes a motion to adjourn. Mr. Uitti seconds the motion. Roll Call Vote: Mr. Meier - yes, Mr. Uitti - yes, Ms. Princiotta - yes. All were in favor and the motion passed unanimously.

The meeting was adjourned at 4:31pm.

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