



TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532



Cynthia A. Coffin
Health Agent

MINUTES January 8, 2014

Members in attendance: Kathy Peterson, Chairperson, Stanley Andrews, Vice-Chair; Donald Uitti, Secretary, Galon Barlow and Kelly Mastria

Support Staff in attendance: Cynthia Coffin, Health Agent; Terri Guarino, Health Inspector, and Lisa Collett, Secretary

Meeting was called to order at 7:00 P.M by Vice Chairman, Stanley Andrews.

- 1) **49 Rocky Point Rd – Rick and Lori Spilhaus – Hearing regarding Stable License and request variance for 6 horses** – Mr. Spilhaus presented the green cards for proof of abutter notification. Ms. Coffin wanted to make an opening statement about the first two items on the agenda and why there was an amended agenda. Ms. Coffin stated that the applicant wants to have horses at 49 Rocky Point Rd. In addition is also is requesting another license to have alpacas at 55 Rocky Point Rd. Since the Board of Health regulation requires that anyone obtaining a barn/stable license must have a hearing before the Board of Health before said licensure, she put both items separately on the agenda as they are two separate properties. Ms. Peterson arrived to participate in the discussion. Mr. Spilhaus stated that he is requesting a variance to go from two horses to six horses. He is constructing a six stable barn. He is moving from Falmouth and already has the six horses. Ms. Coffin asked if Mr. Spilhaus has a plot plan and he presented that to the Board. They have already been before Conservation Commission to add more pasture area. He already owns #88 Rocky Point Rd, which is an additional 6 acres of pasture. There is also another 9 acres in ownership. There was a description of the location of the property. There are 4 and ½ acres on 49 Rocky Point Rd. #55 is 3 ½ acres. There will be no boarding or lessons. All the horses are privately owned. Ms. Peterson discussed that the manure management plan submitted states that the manure will be removed at least once per week. She asked Mr. Spilhaus if he had a written contract with someone to that affect. Mr. Spilhaus said that he does not have anything in writing but in Falmouth this is the existing procedure. They either take it to the disposal sites or it gets picked up by Peach Tree Farms. The other alternative is Blacksmith Shop Farm. Mr. Spilhaus stated that he generally puts the waste in metal garbage cans, but he does dispose of it weekly. Ms. Peterson still had

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concerns about the manure and that there was not a written contract for the manure disposal. She is concerned about possible odors in the future. Mr. Spilhaus stated that he understands if there was a complaint that there will be an issue but feels it could be addressed at that time. Mr. Barlow reiterated the concern and just wants to make sure that Mr. Spilhaus understands that the manure has to be taken care of. Ms. Peterson asked Mr. Spilhaus to sign and date the manure management letter he submitted. **Ms. Peterson made a motion to approve the request from Rick and Lori Spilhaus for a variance from the Board of Health stable regulations to allow the applicant to have six horses at 49 Rocky Point Rd. Ms. Peterson referenced the plan dated August 5, 2013 and received by the Board of Health on December 20, 2013 for the barn and resident for Rick and Lori Spilhaus, and the manure management plan submitted. She stated that there was more than enough acreage to allow this variance. Mr. Barlow seconded the motion. It was unanimous.**

- 2) **Mr. Andrews turned the meeting back over the Ms. Peterson. The next item for discussion was 55 Rocky Point Rd – Rick and Lori Spilhaus – hearing regarding a stable license.** Mr. Spilhaus stated that there is also request a barn for alpacas. The alpacas do not require a barn but do require wind protection. They are outdoor animals. On 55 Rocky Point Rd there is a small pen area. They are kept in electric fenced pastures. Right now there are four alpacas. In the spring there may be more if there are babies. He is requesting for approval of up to 10, he believes. The manure management plan is the same. Mr. Barlow wanted to amend the previous item but Ms. Coffin stated that they are two separate properties even though they are owned by the same people. He is requesting two separate properties. Mr. Barlow withdrew his amendment. **Mr. Barlow made a motion to approve the request for a stable license for 55 Rocky Point Rd and to allow up to 10 alpacas on the property with a condition that the same manure management plan, as was submitted for 49 Rocky Point Rd, be followed for this property. Mr. Andrews seconded the motion. It was unanimous.**

- 3) **55 Head of the Bay Rd – Brian Ciccariello – Request reduction in maintenance inspections for alternative septic system from quarterly to annually.** Mr. Ciccariello stated that he would like to reduce the maintenance inspections from quarterly to annually since the house is only seasonal. The house is only used 8-10 weekends per year. Ms. Coffin stated that the effluent sampling has been completed. Mr. Andrews asked what the results of the testing had shown and Ms. Coffin stated that the parameters had been met except for one testing period and the next test showed compliance with the 19 mg/l. Ms. Coffin stated that the required two times per year for two years effluent sampling has been completed. Mr. Ciccariello is now asking that the maintenance inspections be reduced from quarterly to annually. The quarterly maintenance includes a field test required by DEP. Ms. Coffin told the Board that the DEP does not require any effluent sampling and the Town decided at one point to accept the twice per year for 2 years sampling of effluent. The maintenance inspections are just to

check for the functioning of the system. Ms. Peterson stated that the Board gave a very large variance for this project and had initially only wanted a two bedroom house there but did allow a three bedroom dwelling. Mr. Barlow stated that the abutting cranberry bog is being increased in size and he has concerns. Mr. Andrews is not comfortable with a once per year maintenance inspections. Mr. Barlow asked if two inspections per year could be allowed, one in the spring and one in the fall. Ms. Coffin stated that in general the Board has only allowed a reduction to three times per year. The past reductions have been that the system be inspected one month before occupancy, once during mid- occupancy and once just before the house is vacated. Ms. Peterson said that she reviewed the records and the last seasonal house that requested the reduction did show that there was not really any occupancy off season. Mr. Ciccariello stated that their bills are a little higher because they keep the house heated to 50 degrees even when they aren't there. Ms. Peterson said that she has issues with these requests for reduction because the installation of these systems are offered at the time when applicants want variances but once approved then the applicants don't want to adhere to the approved testing or maintenance. She understands that there are financial concerns. She does not want to see things being reduced to once per year. Mr. Barlow said that the alternative system was offered to get the variance and the Board did grant that variance in a very critical resource area. Ms. Peterson stated that she cannot agree to once per year maintenance. She is willing to look at three times per year as the Board has done before. Mr. Andrews agrees and said that he would like to see it reviewed annually with the utility bills being submitted each year. The Health Agent can review the electric and water bills and if there is no change the reduction to three can be continued. Mr. Barlow asked if three inspections every four months would be appropriate. It appears that the house is kept heated so occupancy at any time is possible. The Board wants to be sure that the system is operational in case the house is occupied any time during the season. It was discussed that even if the system is not receiving flow it could still be operational. Mr. Ciccariello stated that this year's bill would be about 800 dollars for the year. Mr. Barlow stated that if the house was on sewer the cost would be comparable. **Mr. Andrews moved to approve a reduction in the maintenance for the alternative septic system at 55 Head of the Bay Road from four times per year to three times per year. Said inspections to be equally spaced and that annually bills for the electric, water, and gas will be submitted to the Board for review. The Health Agent has the authority to review the bills and as long as there is no change the reduction can continue. If there is any change it will be brought back to the Board. Mr. Uitti seconded the motion. It was unanimous.**

- 4) **30 Presidents Road – Brian Grady of GAF Engineering for Jerome & Patricia Cura – request variance/waiver for proposed additions/renovation.** Mr. Grady presented the proof of abutter notification. He stated that the applicants want to make alterations to the existing dwelling and would like to continue to utilize the existing septic system. The existing system is located approximately 60 feet to an isolated wetland area, but there are no bordering

vegetated wetlands or water bodies within the 150 feet. At the front of the house there will be a small 4' x 10' addition on a crawl space that will be 6 feet to the existing septic tank and 14 feet to the existing leaching facility. The home will remain a three bedroom home. The addition in the front will expand the den which meets the definition of the bedroom. Windows are being relocated. Most of the addition will be for the garage. There will also be the addition of a front entry foyer, an increase in the dining area, a half bath, and hallway but this is minimal. The bedroom area is increasing by 50 sq. ft., which is a 15% increase. The non-bedroom square footage increase is 169 sq. ft. which is approximately a 34% increase, but the bulk of that increase is the garage itself. Mr. Andrews asked Ms. Coffin the age of the system and the last inspection. Ms. Coffin stated that the system was installed in 1989. It consists of a 1000 gallon septic tank and two flow diffusers. She did inspect the system in November and the system was dry and fully functional. Mr. Grady stated that the house is currently occupied year round. Ms. Coffin states that the house does have heat. Mr. Grady stated that the project is going before the Conservation Commission tomorrow night. Ms. Peterson asked why the project did not go before the ConCom before they came to the Board of Health. Ms. Coffin stated that she did not think it was an issue since the request is for a waiver for an existing system and not for the installation of a new one. Mr. Grady stated that the wetlands is isolated and is from the drainage of the surrounding homes. Mr. Barlow asked Mr. Grady if the applicant would be uncomfortable with a three bedroom deed restriction. Ms. Bonoli was in the audience and wanted to clarify that the addition on the front of the house would be on piers and that there would not actually be a crawl space. **Mr. Uitti made a motion to approve the waiver to continue the use of the existing system for proposed renovations to 30 Presidents Road, Jerome & Patricia Cura with the condition of a three bedroom deed restriction. The structural plans are dated received Jan. 2, 2014 and the site plan is dated received the same date. Mr. Andrews seconded the motion. It was a unanimous vote.**

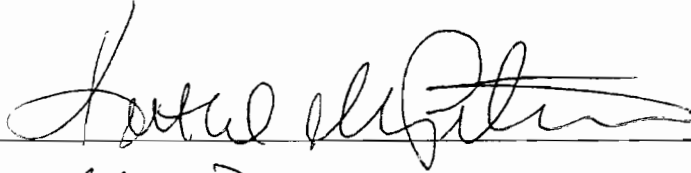
5. **Approve the minutes from the meeting dated November 13, 2013. Mr. Uitti made a motion to approve the minutes. Mr. Andrews seconded the motion. It was unanimous.**
6. **Approve the minutes from the meeting dated November 18, 2013. Ms. Mastria made a motion to approve the minutes. Mr. Uitti seconded the motion. The vote was four to approve with one abstention.**

Mr. Uitti made a motion to adjourn. Mr. Andrews seconded the motion. It was unanimous and the meeting adjourned at 7:46 P.M.

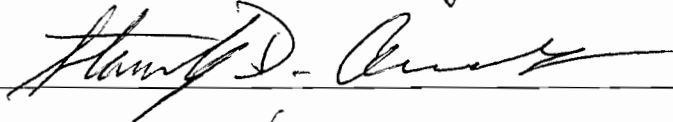
Lisa Collett
Secretary

Typed and approved by
Cynthia A. Coffin
Health Agent

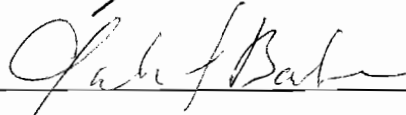
Kathleen Peterson



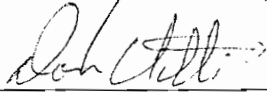
Stanley Andrews



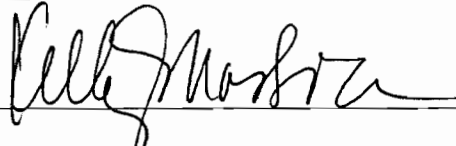
Galon Barlow



Don Uitti



Kelly Mastria



cc Board of Selectmen/Town Clerk