



Cynthia A. Coffin
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x 1
Fax (508) 759-0679



MINUTES August 14, 2013

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

Support Staff in attendance: Cynthia Coffin, Health Agent, Zack Seabury, Health Inspector & Lisa Collett, Secretary

Meeting was called to order at 7:00 P.M.

1. **31 LITTLE BAY LANE – Continued from July 10, 2013 – Eva Vekos – Request waiver regarding Chicken Coop Regulation and distance to property lines** – Ms. Peterson stated that she would like to hear from the Health Inspector, Zack Seabury and the Health Agent, Cynthia Coffin, first and then any comments from the board. Ms. Coffin stated that she did the site visit on Saturday, July 27, 2013. Ms. Coffin stated that because of the high volume of traffic, she instructed Mr. Seabury not to do the site visit. Ms. Coffin stated that Ms. Vekos had moved the coop probably at least 10 feet from the bank or maybe a little bit more. Ms. Coffin stated that the area was fairly clean. Ms. Coffin stated that she told Ms. Vekos that the board may require some type of manure management plan. Ms. Coffin stated that she did see one rooster that she did notice was crowing while she was there which is now gone. Ms. Coffin stated that there are chicks and when they are young you cannot tell which will be roosters. Ms. Coffin stated that Mr. Seabury is working on new regulations for the future. Ms. Coffin stated that she feels that the roosters are the issue and is what the Board of Health is concerned about. Ms. Coffin stated that is what the new regulation will be addressing. Ms. Coffin stated that as long as there is no problem with the roosters and if the board is ok with the fact that it's been inspected then she does see any problems with the approval. She does think that periodic inspections might be warranted just to make sure that waste is not accumulated and there is not a problem with runoff or erosion. Ms. Peterson stated that the new poultry regulations could have been ready for this evening's meeting but she didn't think that it was fair to present them at the same time as this variance hearing. The new regulation is being drafted because we have been

getting a lot of complaints about roosters in general. Ms. Peterson asked Mr. Seabury where he was in the drafting of the regulation. Mr. Seabury has done a lot of research on the issues. He knows that people have roosters in order to maintain the pecking order and keep the hens in line and that roosters also make the hens lay more eggs. After researching a lot of other Towns' regulations, he feels that roosters should be prohibited unless someone is raising chickens to sell chicks. There is really no need for a rooster if someone is just trying to have eggs. Ms. Coffin stated that Mr. Seabury has found that there are a lot of towns that prohibit roosters in residential areas. Mr. Andrews wants to stay on track with Little Bay Lane. He believes that roosters can annoy neighbors and that is his concern. It appears that Ms. Vekos has gotten rid of the larger roosters that were making the noise. Ms. Coffin stated that Ms. Vekos wrote an email and stated that the rooster that had been crowing the date of the site inspection had been removed. Mr. Andrews did not hear any roosters crowing when he was there. Mr. Utti said that if the rooster that was crowing is gone and the other small rooster is going to be kept in and does not cause a problem then he sees no problem. He also commented that the coop had been moved back away from the coastal bank. Mr. Barlow stated that he went out and looked at the bank and it was the time of low tide. He did not see any greater algae bloom here. He has seen areas where people fertilize their lawn and there are huge algae blooms there. He does not believe that the chickens are an issue but he does believe that the rooster issue needs to be addressed. Mr. Barlow wondered if you could have a rooster fixed so that it doesn't crow. He stated that if the one small rooster is allowed to stay then there can't be any complaints coming in about this rooster. Ms. Peterson is concerned that the Board might get a call on this one small rooster but she hopes that is not the case. She stated that if there is a complaint this rooster will have to go too. Ms. Vekos stated that she will not have any other roosters. Mr. Gilanski stated they will only keep the one rooster. He has raised chickens for a long time and he has no problem getting rid of the roosters. The roosters in the house are not out until after 7 or 8 o'clock. If someone has two or more roosters it can become a crowing match. He stated that if you have only one rooster then he will crow when he gets out in the morning and may crow for an hour. The roosters are not allowed to run free. They only crow in the morning. Mr. Barlow stated that the Board is probably inclined to grant the waiver. Ms. Peterson stated that if the Board does grant the waiver she is just concerned that we will get a complaint and then the rooster will have to be removed. Ms. Vekos said that she plans on having chicks in the future and doesn't see how it's the Board's position to determine her purpose for having chickens. Ms. Peterson and Mr. Barlow stated that it is up to the Board as to whether she can have roosters or not. Ms. Vekos said that the complaint was about the setback. She would like to have the Board agree that she can keep the one rooster and if there is a complaint then it will be dealt with but she would like a reasonable amount of time to do that. Ms. Vekos would like at least a week to get rid of the rooster if there is a problem. Ms. Peterson asked how many chickens were on the property. Mr. Galinski said that they are now down to 21 chickens. Mr. Barlow wants to set the number of chickens so that they are not forced to remove any more. Ms. Peterson would like to have the number of

chickens stay at what it is now. She also wants there to be a stipulation that if there is any complaint about the rooster then it has to go. She would like there to be a removal of the rooster within 24 to 48 hrs. Mr. Mulvey, from the audience, stated that he has always had a cordial relationship with Ms. Vekos and he hopes that these proceedings do not change that but he feels that there are two issues, one being the rooster and one the effect on the environment and the coastal bank from the chicken waste. He stated that the Towns have been looking at having regulations to restrict the fertilization of lawns and he doesn't want chicken waste to be an issue either. He thinks that the roosters are definitely an issue that needs to be addressed. He realizes that the nature of the area has changed and it is no longer an agricultural area. He will be satisfied with whatever the Board of Health decides. Ms. Coffin said that she really would like the complaint to be verified and substantiated before any action is taken. She stated that with any other complaint, it has to be verified by the Board of Health or the Bourne Police Department or other agency. She doesn't want action to be taken on something that might just be hearsay. There could be other roosters in the area that might be crowing and she would want to substantiate that the right corrective action is being taken. There was some discussion among the Board members on her statement. Ms. Coffin said that the Police are supposed to go out on noise complaints. Ms. Vekos stated that it is her intent to just have eggs and either eating them or giving them away. She does not want any other rooster. If they do get chicks and one develops into a rooster, they will get rid of it. Mr. Barlow stated that Ms. Coffin will make sure that any complaint that comes in is valid. Ms. Peterson does not agree with the fact that an anonymous complaint can come in to the Board of Health, but that is the way it is. Ms. Peterson asked if Mr. Seabury was comfortable with the number of chickens that Ms. Vekos presently has. Mr. Seabury stated that he was and reminded the Board that Bourne is presently one of the few towns that even allow roosters at all. Mr. Andrews made a motion to grant the variance to the existing poultry regulation for 31 Little Bay Lane, Buzzards Bay, to have up to 24 chickens and that if at any time there is a confirmed complaint received by the Board of Health, that Ms. Vekos has 7 days to remove the one rooster that the Board is allowing them to keep from the property. Mr. Uitti seconded the motion. Mr. Andrews amended the motion to state that Ms. Coffin will try and do inspections once every month for the next six months. Mr. Uitti seconded the amendment. It was a unanimous vote to approve the motion.

2. 14 Shirley Place – Zackary Basinski of Bracken Engineering for the Macleod Residence – Request variance for proposed additions and renovations –

Zac Basinski from Bracken Engineering stated that he is requesting a variance from the 150 foot setback regulation for proposed renovations to the house. The property is 14 Shirley Place. The lot was created in 1967. The house was built in 1979 and consists of 4 bedrooms. The current system is a 1000 gallon tank, distribution box, and leach pit. The Macleod's purchased the house in 1984. Picture Lake abuts the property to the north and there is a resource area, BVW, that has been delineated and confirmed by the Conservation Commission.

The project is to add a 16' x 16' square foot addition off the west side of the house that will be a cathedral living room. There will be a six foot cased opening. The existing leaching pit only had a one foot separation to groundwater. They are proposing to keep the existing septic tank and put in a new soil absorption system in that will have a 5 foot separation to groundwater. Mr. Basinski is also asking for a 10 foot reduction in the required 20 foot setback of the leaching facility to a full foundation, with the installation of an impervious barrier, and a maximum cover of 6 feet with the installation of a vent. The other variance is a 14% decrease in the leaching size due to the lot conditions and the tree clearing. There is Natural Heritage and endangered species land to the west of the property. They want to disturb the least amount of land possible. The project is not increasing the nitrogen loading or the number of bedrooms. Mr. Basinski stated that he is requesting a 103 foot variance for a 47 foot setback of the leaching facility to the edge of wetlands. Ms. Coffin said that the Town is definitely getting a better system and the proposed work does fall within the guidelines of being less than a 50% increase in non-bedroom space. It's about a 36% increase in non-bedroom square footage. She does not generally like reductions in the leaching area but in this case she is okay because they are getting a much better system and design flows in Title 5 are already a little larger than what is actual. Mr. Andrews made a motion to grant a 103 foot variance from the 150 foot setback regulation for the setback of the leaching facility to the edge of wetlands for 14 Shirley Place, a 10 foot variance from the required 10 foot setback of the soil absorption system to the foundation with the installation of a liner along the foundation, allow the cover over the system to be up to 6 feet with the addition of a vent, and a 14.2% reduction in the size of the designed leaching area. The architectural drawings for the addition were drawn June 27, 2013 and received by the Board of Health on July 10, 2013. The septic design plans are by Bracken Engineering dated June 25, 2013, received by the Board of Health on July 10, 2013. Mr. Uitti seconded the motion. It was a unanimous vote to approve the variances.

- 3. 135 CIRCUIT AVE – Don Bracken for the Wagner residence – Request extension on variance already granted on May 12, 2012 –** Mr. Basinski spoke on this item as well. He stated that Mr. Wagner had passed away in the spring. Mrs. Wagner is going through the estate and trying to determine what she is going to do with the property. Ms. Coffin stated that the required deed restriction was already recorded. Mr. Basinski asked for a one year extension, but Ms. Peterson stated that the Board usually only grants an initial 6 month extension. Mr. Barlow made a motion to grant an extension on the existing variance to six months from August 14, 2013 or to Feb. 14, 2014. Mr. Uitti seconded the motion. It was a unanimous vote to approve the motion.
- 4. APPROVE MINUTES DATED JUNE 12, 2013. Mr. Andrews made a motion to approve the minutes of June 12, 2013. Mr. Uitti seconded that motion. The motion passed with one abstention by Ms. Peterson.**

- 5. APPROVE MINUTES DATED JUNE 26, 2013. Mr. Andrews made a motion to approve the minutes of June 26, 2013. Mr. Uitti seconded the motion. It was a unanimous vote.**

It was discussed that the next meeting would be September 11, 2013.

Mr. Andrews commented on the brochures made by the office. He thought that the pamphlet on septic systems was too small. Otherwise the Board thought that they were great.

Don Uitti made a motion to adjourn. Mr. Barlow seconded. It was unanimous. The meeting adjourned at 7:45 P.M.

Respectfully taped by,

Lisa M. Collett
Secretary

Reviewed, 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