



Cynthia A. Coffin
Health Agent

2013 JUN 15 PM 3 38
TOWN OF BOURNE
BOARD OF HEALTH

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MINUTES
June 12, 2013

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

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

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

- 1. 24 MASSASOIT AVENUE – Don Bracken for Charles and Ellen Buchanan -
– Request variances to coastal bank and salt marsh for new Title 5 system
and construction of a new dwelling** – Mr. Bracken stated that the lot is owned
by the Buchanan's and there is an existing garage on the lot. Mr. Bracken stated
that the Buchanan's also own the cottage across the street. Mr. Bracken stated
that the lots are separate for zoning and they have the ability to build on it. Mr.
Bracken stated that he has received a confirmation from the Building Department
that this is a buildable lot. Mr. Bracken stated that he is proposing to construct a
new 2 bedroom single family dwelling with a new septic system. Mr. Bracken
stated that the lot itself is approximately 6600 sq feet. Mr. Bracken stated that the
property is located in an AE flood zone. Mr. Bracken stated that there are buffer
zones to the coastal bank and the salt marsh to the north of the lot. Mr. Bracken
stated that the structure will be constructed on pilings to meet the flood zone
requirements and because of the ground water elevations. Mr. Bracken stated that
this is the most practical foundation to construct. Mr. Bracken stated that the
septic system will be located between the house and the road. Mr. Bracken stated
that the septic will be as far away from the resource areas as he can get it.
Mr. Bracken stated that he is proposing a Microfast de-nitrification system with a
pump chamber that pumps up to a pressure distribution field which is a drip
irrigation field. The Board has seen this type of field in previous projects.
Mr. Bracken stated that drip irrigation pipe is a very small pipe that only requires
about 6 inches of cover over it and acts as a pressure distribution system with
small holes where the effluent weeps out and back into the treatment by the soils
underneath it. Mr. Bracken stated that the field is set at a 5 foot separation to
ground water. Mr. Bracken stated that in this case he did the actual soil

evaluation back in 2007 and at that time he set a monitoring well and added a data logger that can be left in for months at a time which constantly measures the change in the ground water elevation. These reading gave him a graph of ground water levels. Mr. Bracken stated that the groundwater is at the maximum or most conservative that he could get on the site, which is at elevation 5.5. Mr. Bracken stated that the design is the maximum treatment that he can get on the property. Mr. Bracken stated that he is looking for variances to the 150 foot setback to the resource areas to be a 40 foot variance to the coastal bank and a 32 foot variance to the salt marsh. Mr. Bracken stated that he also submitted copies of the proposed floor plans. Mr. Bracken stated that he also submitted nitrogen loading calculations. The existing vacant land has a nitrogen loading of 4 parts per million and the proposed structure with the treatment system is 7.6 parts per million. Ms. Coffin stated that she has a question for Mr. Bracken. She has only done a couple drip irrigation systems, which was some time ago, so she knows it needs to be done on better sand and Mr. Bracken stated that down to 11 feet there will be a strip out. Ms. Coffin stated that she does not see a strip out indicated on the plan so how much around the drip irrigation do you have to strip out. Mr. Bracken stated that it is on the cross section of the plan on the second page. Mr. Bracken stated that with drip irrigation you do not need a 5 foot around strip out. Ms. Coffin asked if he needed to do a side wall strip out and Mr. Bracken stated no, but realistically he is sure that they will. Mr. Bracken stated that there is also a retaining wall that is about 3 feet high to create the mound. Mr. Andrew stated that the Board is beginning to see a lot more of these drip irrigation soil absorption systems. Mr. Andrews asked what the life expectancy is on them and how well are they working. Mr. Bracken stated that he installed a system like this out on Nantucket approximately 6 years ago for a seasonal system and has not heard of any issues or problems. Mr. Bracken stated that there is also a treatment system which requires quarterly inspections. Mr. Bracken stated that there were some issues in the beginning. There is a filter system and the filters got clogged initially because the tanks were not clean enough. Mr. Bracken stated that the filters would pick up some of the residue on the tanks, then all he did was change the filters and there were no problems after that. Mr. Andrews asked what caused the filters to clog. Mr. Bracken stated that it was improper tank maintenance and fine particles got through. Mr. Bracken stated that when you check the system you also check the filters. Mr. Bracken stated that this system is the same system that goes with the microfast system. Mr. Andrews stated that in the request for the variance there is a 2 bedroom deed restriction. Mr. Bracken stated that was correct. Mr. Blaha asked about the blower on the system. Mr. Blaha asked what the blower does because it is very close to his house and has concerns about that. Mr. Bracken stated that it blows air into the treatment system and does have a humming sound. Mr. Bracken stated that it must be set on a platform above the flood zone. Mr. Blaha stated that he has seen the holding tank versions. Mr. Bracken stated that they are not the same and that these blowers go specifically with the microfast system. Ms. Coffin stated that there is a hum sound and that she has not ever had anyone complain of the sound. Ms. Coffin stated that this blower is more for air intake. Ms. Coffin stated that if there were a problem it is

now required to have a charcoal filter on any vent pipes. Mr. Blaha asked if this system is a smaller footprint. Ms. Coffin stated that it is all by square footage. Ms. Coffin stated that it is probably the same as if it was a regular Title 5 and it may even be a little bit bigger. Mr. Bracken stated that it is a bit bigger but it does have to be the same size as a conventional leaching field and the benefit is that he saves at least a foot on depth by going with this system as opposed to a conventional field. Ms. Coffin asked how high the retaining wall is. Mr. Bracken stated that the retaining wall is 3 feet high. Ms. Coffin stated that retaining walls are always a concern for the board as well as the abutters. Ms. Coffin asked if anything is done regarding runoff from the mound. Ms. Coffin suggested an infiltration trench. Mr. Bracken stated that on the east side there is a coarse driveway along with a row of plantings that will be in mulch. Mr. Bracken stated that on the west side the area is shown to be landscaped but if it became an issue, there is space to provide a stone trench or some plantings. Ms. Coffin suggested the board put that as a condition because it is such a small and narrow lot. Ms. Coffin stated that maybe after a rainy period or even after 6 months, to have the property inspected, so that if there is a problem with runoff, it can be addressed. Mr. Andrews asked if Ms. Coffin's concern is from the mounded area. Ms. Coffin stated yes. Mr. Andrews asked how much space will be provided between the retaining wall and the property line on the left hand side. Mr. Bracken stated 4 feet. Mr. Bracken stated that the system is 5 feet from the inside of the wall and 10 feet from the wetlands so there is about 4 feet. Mr. Bracken stated that this project has been through conservation already and received approval but if the board feels more comfortable with putting a condition that is fine. Mr. Blaha stated that he understands that the motion before the board is to provide a variance change from 150 foot setback. Mr. Andrews stated that was correct. Mr. Blaha asked if a 50 foot variance is common request. Mr. Barlow stated that yes it is. Mr. Barlow stated that the Board of Health grants variances up to 75 feet on a regular basis. Mr. Barlow stated that as long as the board gets something in return such as this nitrogen removal and a better system then what is existing there. Mr. Barlow stated that the Board of Health tries to get the best system that they can on any lot. Ms. Coffin stated that the Board is allowed to grant variances if the engineer/applicant can basically show that they are getting the same degree of environmental protection as would have been achieved with a regular Title 5. Ms. Coffin stated that in reality, the board is getting more environmental protection because a regular septic system does not remove nitrogen at all so between the drip irrigation and the nitrogen removal system it is actually a better system then if they met the 150 foot setback with just a regular Title 5. Ms. Coffin stated that is why the board generally grants variances. **Mr. Barlow moved that the board grant the variances requested for 24 Massasoit Ave for a reduction of setback distances from a proposed soil absorption system to the adjacent wetland resource area from 150 feet to 110 foot, a 40 foot waiver, and a reduction in the setback distances from a proposed soil absorption system to the adjacent wetland resource area salt marsh from 150 foot to 118 foot, a 32 foot waiver, and that the board will have a 2 bedroom deed restriction on this property and the reason the board is granting this variance is because the board is**

getting, in Mr. Barlow's opinion, a much better system. Mr. Barlow referenced the Board of Health's current testing policy on this system. Mr. Barlow added to his motion the concern of the Health Agent regarding runoff. Mr. Barlow stated that should there be any concern and the conservation commission does not address it, which he believes they will, the board shall include that if there are any problem with excessive runoff, then the Board of Health will have this applicant back for a hearing to address the problem. Mr. Barlow referenced the plans prepared by Bracken Engineering and they were received by the Bourne Board of Health on May 13, 2013 for 24 Massasoit Ave. Mr. Barlow referenced the architectuals received May 13, 2013. Mr. Uitti seconded the motion. All in favor and the motion passes unanimously.

2. **CHUCK SABBATT – Update on Pocasset Mobile Home Park Status -** Mr. Sabatt stated that the status of the septic at the park within the last 9 months includes two major repairs. Mr. Sabatt stated one was an installation of new conduits in the vicinity of 3rd and 4th avenue, which is the interior of the park. Mr. Sabatt stated that it alleviated some overflow problems that he had been experiencing there. Mr. Sabatt stated that was undertaken with DEP approval. Mr. Sabatt stated that the second major undertaking that he completed a few months ago was the installation of new leaching tanks and leaching. In 2011 through some emergency procedures 5 leaching trenches were installed and that relieved the existing system. Mr. Sabatt stated that at that time it was understood that it was only temporary fix. Mr. Sabatt stated that Mr. Gilpin had given it a life span of one year at most. Mr. Sabatt stated that it worked for over a year and when it became obvious that it was beginning to give out, he had preplanned to replace them which was done. Mr. Sabatt stated that in terms of any issues with the septic system, he has not experienced any major problems in the last 6 months. Mr. Sabatt stated that ironically he had a problem just yesterday with an overflow on 4th Avenue which he reported to Ms. Coffin by email and he understands that this has been repaired now. Mr. Sabatt stated that there may actually be a plumbing issue within the unit itself which has nothing to do with him. Mr. Sabatt stated that he does have another issue which he has reported routinely to the court which is also on 4th Avenue. Mr. Sabatt stated it appears that there is some back up or some blockage in a line on 4th Avenue that services 2 or 3 units in there. Mr. Sabatt stated that he did look at that with Mr. Valeri approximately one month ago, and has authorized Mr. Valeri to proceed with a repair or replacement if necessary. Mr. Sabatt stated that he will follow up on that. Mr. Sabatt stated that he has not had any urgent or emergency situations here. Mr. Sabatt stated that there was a great deal of repair work in that vicinity done during the winter time because of overflows sort of in the same area. Mr. Sabatt stated that the other repairs were done on 3rd Avenue. Mr. Sabatt stated that he did have a problem in the fall on 1st street and 1st Avenue. Mr. Sabatt stated that there was a back up there. Mr. Sabatt stated that those units are serviced on a separate septic system, not tied into the main system. Mr. Sabatt stated that there are about 4 or 5 units there with their own septic system. Mr.

Sabatt stated that the septic system has been routinely pumped. Mr. Sabatt stated that the problem was alleviated when it occurred in the fall. Mr. Sabatt stated that there are no new issues but the ongoing issues he has stayed on top of. Mr. Sabatt stated that in terms of the overall operation, he is pleased to say he now has a full time, soon to be resident, manager named Rudy Vallederas. Mr. Sabatt stated that Mr. Vallederas is on site 24/7. Mr. Sabatt stated that as of tomorrow, he will have unit secured for him and he will be living there which has made and will make a tremendous difference in the overall operation and environment of the park. Mr. Sabatt stated that he is doing some clean up now under Mr. Vallederas' supervision and will get to the lawns and grass commencing next week. Mr. Sabatt stated that he has a few issues in terms of the water. Mr. Sabatt stated not in terms of quality but there have been a few leaks. Mr. Sabatt stated he found 2 on 1st St and both of those have been addressed. Mr. Sabatt stated that there is another one which has been ongoing which is in 6th Avenue, there is a unit there and he has asked Mr. Valeri to take a look at it. Mr. Sabatt stated that it has already been looked at and thought it was taken care of but Mr. Vallederas will look at it again. Mr. Sabatt stated that in terms of the court case, he has a definite "he does not know", he is very surprised that he does not have a decision as of right now. Mr. Sabatt stated that almost one year ago, in August of 2012, the court ruled that Mr. Austin was to provide him with sufficient funding to build an on-site septic treatment plant, put in a new sewer delivery system and repair and replace all the road ways. Mr. Sabatt stated that figure came to approximately 2.8 million dollars and Mr. Austin was instructed to deliver those funds to him. Mr. Sabatt stated that it has not happened. Mr. Sabatt stated that Mr. Austin did file motions to reconsider that ruling. Mr. Sabatt stated that since that time Mr. Austin has been placed in conservatorship. Mr. Sabatt stated that Mr. Austin's son and daughter are his conservers. Mr. Sabatt stated that Mr. Austin has been in a treatment facility. Mr. Barlow stated that from what he understood, Mr. Austin passed away a couple of days ago. Mr. Barlow stated that he was in Lewis Point Nursing Home. Mr. Sabatt stated that he was unaware of Mr. Austin's passing. Mr. Sabatt stated that upon that news, it will change things and someone will now become the estate's executor. Mr. Sabatt stated that he is surprised that he was not one of the first to know. Mr. Sabatt stated that in any case, his son and daughter did ask for and was granted a hearing in February of 2013 to ask the court to reconsider its order and to revise its order to allow them to close the park. Mr. Sabatt stated that they did not want to post the funds. Mr. Sabatt stated that is the issue on the table now. Mr. Sabatt stated that they also have a motion to stay the court's order from 2012 which is under consideration. Mr. Sabatt stated the Attorney General's Office and Phil Austin were trying to negotiate some sort of settlement. Mr. Sabatt stated that the case fell stillborn and nothing happened. Mr. Sabatt stated that the judge was notified that there would be no settlement and was asked to consider the motion. Mr. Sabatt stated that was a considerable time ago, at least early March. Mr. Sabatt stated that he is very surprised there is not yet a ruling. Mr. Sabatt stated that what he has seen happen with respect to motions is that they do get acted on but they acted on by other judges. Mr. Sabatt stated that it tells him that the judge that had this case in February has now moved

on to something else which could mean that the motion is on the bottom of someone else's pile or could be on someone else's desk. Mr. Sabatt stated that his sense is that the hearing judge will not allow that motion, she will not allow the park to be closed, and that she will order them to post the funding. Mr. Sabatt stated that it is frustrating that he does not have a final ruling at this point. Mr. Sabatt stated that there will be an appeal but the judge does not have to stay that order in the interim which would then render the appeal mute. Mr. Sabatt stated that he wished he has more information about it but he has not. Mr. Uitti asked if a lot of people have moved out. Mr. Sabatt stated no. Mr. Uitti stated that it seems like there are more empty lots. Mr. Sabatt stated that the status is there is more of a problem with people moving in then moving out. Mr. Sabatt stated that was one of the things he really needed to get a handle on. Mr. Sabatt stated that units are being rented and he does not know exactly who is moving in. Mr. Sabatt stated that he has a very good grip on that now. Mr. Sabatt stated that he has taken some measures to try to prevent that from happening. Mr. Sabatt stated that he does not think there are vacant lots, but there are units that were owned by the park that he has evicted people from. People were in those units in various illegal capacities, mostly trespassers. Mr. Sabatt stated that it took a long time to get them out but they are now out so that is maybe what Mr. Uitti is referring to as vacant lots. Mr. Sabatt stated that there are maybe 7 units that are empty. Mr. Sabatt stated that no trailers have been removed so there are no vacant sites but the units that were owned by the park are vacant. Mr. Sabatt stated that there is one in the park that is being contested between the former manager and the officer of the state. Mr. Sabatt stated that is the one unit that is occupied. Ms. Cole asked since the work has been done will that mean that other people will be able to move into the vacant trailers. Mr. Sabatt stated that theoretically, according to the license, he can rent out the units. Mr. Sabatt stated that there are 2 issues that would prevent him from renting them out. Mr. Sabatt stated that number 1 is that he does not think these units are habitable in his estimation. Mr. Sabatt stated that number 2; in terms of his management of the park, he has no desire to rent them out at this point. Mr. Sabatt stated that according to the license he can rent out additional sites, under the discretion of Ms. Coffin. Ms. Coffin stated that the park cannot bring in any more trailers on an empty lot. Ms. Coffin stated that she cannot recall if they are park owned or not. Mr. Sabatt stated that he has received calls over the past couple years of people wanting to move into the park and he has discouraged them and informs that there is no availability at this time. Ms. Cole stated that she just wants clarification. Ms. Cole asked if once the trailers are patched up, he can rent out more trailers if he feels like it. Mr. Sabatt stated that if he wanted to with the units that he owns, meaning the park, could be rented and would not be a violation of the license. Ms. Cole asked if that would put more of a strain on the system. Mr. Sabatt stated that it probably would but the likelihood of the park renting out any of its units is unlikely. Mr. Barlow stated that technically these units were already occupied and is now vacant so if Mr. Sabatt wanted to rent them to someone else, they are already part of the system. Ms. Cole stated that she may not be making herself clear. Ms. Cole stated that if Mr. Sabatt chose to sell these or whatever you choose, there may have been one

person living in the trailer previously. Ms. Cole stated if these units get sold or rented, a whole family could move in so eventually that would mean more people moving in causing more of a strain on the system. Mr. Barlow stated that it is not likely that this would happen. Mr. Barlow stated that the park still needs to deal with the Board of Health and the Health Agent. Mr. Sabatt stated that it is sort of a mute question because these are not habitable units and he is not going to rent these units or sell these units. Mr. Sabatt stated to be candid about it, he has discussed with Mr. Vallederas the prospect of selling these units and in the same conversation, before this would happen, he would want to discuss this with the board of health. Mr. Sabatt stated that he not about to make a move in that direction. Mr. Andrews stated that the license states that the Board of Health has the discretion over the park owned units. Mr. Barlow said the board made that very clear on the license. Mr. Sabatt stated that there is sufficient cash flow here currently that meets the needs adequately. Mr. Sabatt stated that he is able to meet all of his obligations here and there is still an ample amount of money in reserve. Mr. Sabatt stated that he does not foresee that he will be renting any of these units and he does not foresee that any will be selling in the immediate future but he may discuss with someone the prospect of his buying one or of them which would be brought before the board before it was done. Mr. Sabatt stated that it would be done on a one unit at a time basis. Ms. Cole stated that by doing this she feels they are taking on step ahead then 3 steps back. Mr. Sabatt stated that it is a very academic discussion because there is nothing on the table right now. Ms. Coffin stated that working with Mr. Vallederas has been very nice. Mr. Andrews thanks Mr. Sabatt for attending this evenings meeting and updating the board. Mr. Andrews asked about the meeting Mr. Sabatt had with the occupants of the park. Mr. Sabatt stated that he met with them in May and hopes to have another meeting in July. Mr. Andrews stated that was great and feels this opens up communications with the occupants of the park. Mr. Sabatt stated that he meets fairly regularly with them, at least every 2 months. **No action need be taken at this time.**

3. **Approve minutes of May 22, 2013** – Mr. Andrews stated that he has found an error in the minutes of May 22, 2013. Mr. Andrews stated that it shows under members present that Mr. Andrews was at this meeting when in fact he was not. It has been instructed to the secretary to remove Mr. Andrews name from the minutes of May 22, 2013. **Mr. Barlow made a motion to accept the minutes as amended. Mr. Uitti seconded the motion. All in favor and the motion passes unanimously.**

Mr. Barlow made a motion to adjourn. Mr. Uitti seconded. It was unanimous. The meeting adjourned at 7:43 P.M.

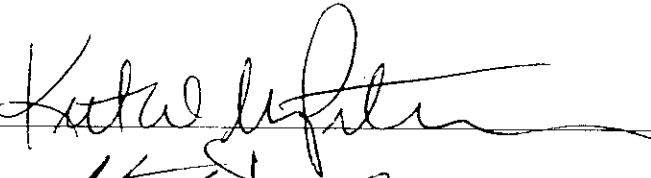
Respectfully taped and typed by,

Lisa M. Collett
Secretary


Reviewed and approved by

Cynthia A. Coffin
Health Agent

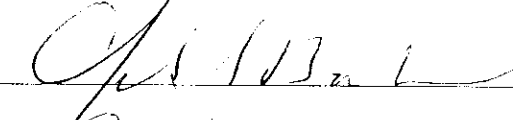
Kathleen Peterson



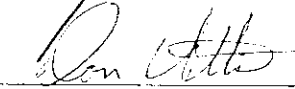
Stanley Andrews



Galon Barlow



Don Uitti



Kelly Mastria

cc Board of Selectmen/Town Clerk