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TOWN OF BOURNE BOARD OF HEALTH

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MINUTES July 10, 2013

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, Zack Seabury, Health Inspector & Lisa Collett, Secretary

Meeting was called to order at 7:01 P.M.

1. **ISWM – Dan Barrett – Discuss Leachate issue** – Ms. Peterson stated there is an item that has been added so this is an amended agenda. Ms. Peterson asked that Mr. Barrett from ISWM to come forward to discuss some leachate issues. Mr. Barrett stated that he called the chairperson of the Board of Health as he usually does when there is an event that he would consider substantial. Mr. Barrett stated that sometime on Sunday afternoon on July 7, 2013, the leachate piping system in phase 4 stage 1 liner system failed causing the leachate in the primary sump to be pumped into the secondary system. Mr. Barrett stated that the secondary system quickly filled over capacity causing some leachate to spill into the retention basin on phase 4 stage 1. Mr. Barrett stated that they discovered the situation on Monday morning, shut the pumps down, determined the problem and repaired it. Mr. Barrett stated that the primary pump is back online Monday afternoon. Leakage from the cells was contained and stopped. Mr. Barrett stated that they contacted J.P. Noonan, Monday morning, about the situation and they responded quickly with vacuum trailers and began pumping water out of the retention pond and hauling it off site. The secondary pump was turned on this morning and the system was pumped out by the afternoon. Mr. Barrett stated that he contacted the Department of Environmental Protection (DEP) of the failure on Monday morning. Mr. Barrett stated that he already has a protocol to handle these situations in place and they instructed him to follow the protocol, taking the necessary steps to stop the leakage and clean up the overflow. He informed DEP that he had already started the process and that he would keep the DEP abreast of their progress. Mr. Barrett stated that Mr. Quinn, from SITEC Engineering came on site, observed the progress and assisted with testing that needs to be done to

comply with the clean up protocol. Mr. Barrett stated that of this afternoon, all the water had been removed from the pond and they began to remove underlying soils to complete the clean up. Mr. Barrett stated that this was an unfortunate incident. Mr. Barrett stated that this is a brand new pumping system. The piping failed and they are trying to figure out why. They took the whole thing apart and replaced it with all brand new components. Part of the problem was because it was not one single piece of pipe. Mr. Barrett stated that it has been replaced with all single pieces of pipe. They also installed a manual shut off valve in the middle so they don't have to rely on a back flow preventer. Mr. Barrett stated that the good news is that it was a very small amount of water and he was able to get it very quickly thanks to J.P. Noonan. He feels they are now in pretty good shape. As part of the testing protocol that he worked out with DEP, for all these types of situations, he will calculate the distance to the nearest groundwater monitoring well. He stated that the County is due to come do some testing within the next 2 weeks, then another round on those wells 2 weeks after that. They will be able to predict if there is any contamination and when it will hit it. Mr. Barrett stated that he does not anticipate any issues. He stated that as the board already knows, leachate is not a hazardous waste. This situation still does not make him happy. There was an operational flaw, and installation flaw and he certainly won't allow that to happen again. Ms. Peterson stated that she wonders why it took until Monday for someone to notice this problem. Ms. Peterson stated that she knows there are people there on Sunday and isn't that why they are there. Mr. Barrett stated that the facility is open 7 days per week and that is why he can narrow it down that it happened Sunday afternoon. When the guard in the cell did his walk around the pumps were all functioning fine, and then everyone left for the day. Given the amount of water that was in there and looking at when the employees left, it had to happen sometime after closing. Ms. Peterson stated that she would like to see Mr. Barrett back in a couple of weeks to see how he has corrected that operational problem. **No action need be taken at this time.**

2. **175 PRESIDENTS RD – CONTINUED from June 26, 2013 – Barbara Frappier for Al and Barbara Morton – Request waiver to use the existing septic system for proposed renovations and additions** – Ms. Frappier stated that she has provided plans of the existing house and the proposed renovations to the Board of Health. Ms. Frappier stated there was also a discrepancy of approximately 30 square feet in the bedroom space which centered around a closet. Ms. Frappier stated that according to the Bourne Board of Health policy, the Board does not count closets, which equaled the 30 feet in question. Ms. Coffin stated that Ms. Frappier is correct. Ms. Peterson asked Ms Coffin if all the figures work out. Ms. Coffin stated that it seems to be fine now. Ms. Peterson asked if the members of the board had any questions or concerns. Mr. Andrews stated that the square footage matched to the numbers provided so he is comfortable now. Mr. Barlow stated that he is all set. Ms. Mastria stated yes and Mr. Uitti stated yes also. **Mr. Andrews made a motion to approve the waiver to allow the continued use of the existing septic system in conjunction with the planned renovations. Mr. Andrews stated that the work includes an**

expansion of an existing bedroom by 43.5 square feet and a kitchen expansion of 144 square feet. Mr. Andrews stated that there will be no increase in number of bedrooms. Mr. Andrews stated that the plans are received by the Board of Health July 13, 2013 of existing and proposed renovations. Mr. Andrews stated that there will be a 2 bedroom deed restriction and prior to any other renovations, the applicant must come back before the board. Mr. Barlow seconded the motion. All in favor and the motion passes unanimously.

3. **51 GILDER RD – William Curt Duane – Request waiver to use the existing septic system for proposed renovations and additions.** – Mr. Duane stated that he had previously constructed a garage and that there is already a septic system on the property. He bought the property in 2003. It is on a half acre lot and is in the highest area on Gray Gables. He purchased the property from Mark Weatherby and the septic system was being upgraded. Mr. Weatherby was going to install a four bedroom septic system, with three 500 gallon leaching chambers. Mr. Duane asked the installer what he would have to do to make the system larger in case he wanted to add on to the house. At his expense, Mr. Duane asked for four leaching chambers to be installed to give a design flow of 566 gallons per day, for a five bedroom system. The system is 205 feet from the resource area. He has a letter from the Conservation Committee stating that the coastal bank is a topographical anomaly and is a bank by definition only. Mr. Duane spoke with Mr. Mullaney at length about the bank. Mr. Duane stated that now the garage has been built. At first it was just for storage but the second floor is really nice, so he has decided to put a bathroom up there and maybe a bedroom, office, recreational area etc. Mr. Duane stated that he was just going to do it but fortunately Ms. Coffin informed him that he needs to come before the Board of Health and request a waiver first. Ms. Coffin stated that there is a coastal bank, but it is by definition only according to the Conservation Commission. If the Board agrees with this, there is not a setback issue. Ms. Peterson stated that she would feel more comfortable if Mr. Duane knew exactly what he plans on doing with the space. Ms. Coffin started that Mr. Duane came into the office and stated he wanted to put the bathroom in. Ms. Coffin asked Mr. Duane what his future use was for the rest of the space. Ms. Coffin stated that if his future intention was to turn it into a bedroom then she advised Mr. Duane to ask for that now as well. Ms. Peterson stated that she suggests he propose the bedroom now and let the board look at the plans to work it through that way, and then the bedroom part of this is established. Mr. Duane stated that he has a 5 bedroom system and he has 3 bedrooms existing, so he is proposing to add a bedroom. Mr. Duane stated that he knows the square footage looks heavy but he did not want to put any walls or anything. Mr. Andrews stated that the plans show existing at 523.5 with a proposed of 470 square feet. Ms. Coffin stated that she did not look at this because if it is not a coastal bank then it's not an issue. Ms. Coffin stated that Mr. Mullaney, the Conservation Agent, already told her it is not a true coastal bank. Ms. Coffin stated that in her opinion the percentages did not really come into play because the whole idea is if it's not a coastal bank then the board does not generally worry about the coastal bank

issues. Mr. Andrews stated that he would still like to see the paperwork submitted correctly. Mr. Duane stated how he came up with his percentages. Mr. Andrews stated that the total should be the cumulative of the existing and the proposed. Ms. Coffin stated that the total is only the increase between the existing and the proposed. Ms. Coffin stated that it is approximately an 89% increase. Mr. Barlow stated that he is comfortable with Conservation's thoughts and Ms. Coffin's. Mr. Barlow stated that this is technically out of the Board of Health's realm. Ms. Peterson stated that it is under our purview because of the coastal bank, and all of Gray Gables has to deal with that. Mr. Barlow stated that he knew that and this board has dealt with this before. Mr. Barlow stated that as a rule, Board of Health usually accepts what the Conservation Commission decides. Ms. Coffin stated that there was another issue about this property due to a complaint from an abutter. The result was that a vent had to be installed on the existing leaching system. Ms. Coffin stated that she looked at this system the end of 2012 and it was almost empty so it is working fine. Mr. O'Connor, a resident of Gray Gables, stated he called the EPA on Mr. Duane twice for major violations. Mr. O'Connor stated all the plans never had any stamps on them. Mr. O'Connor stated his house is 3500 square feet and Mr. Duane's house is 2000 square feet. Mr. O'Connor stated he was only allowed 2 bedrooms so wonders how does Mr. Duane get away with 4 bedrooms. Mr. O'Connor stated that Ms. Coffin told him that Mr. Duane's septic design is for 5 bedrooms. Mr. O'Connor stated that he asked for a plan showing 5 bedroom design but never got it. Mr. O'Connor stated that he went to Mr. LaPorte, the Building Inspector, asking for a certified foundation plan. Mr. O'Connor asked how a variance can be awarded without knowing how close he is. Mr. O'Connor stated that Ms. Coffin told him that this was now up to the State. Mr. O'Connor stated that Captain Owens is on top of this and has also gone to Mrs. Coakley from the Attorney General's Office. Mr. O'Connor stated that he just talked to Captain Owens in his office and tried to call Mr. Duane but Mr. Duane never returned his call. Mr. O'Connor stated that Captain Owens stated the next time he will send the State Police. Ms. Mastria asked what Mr. O'Connor's objection is. Mr. O'Connor stated that Mr. Duane has 4 flow diffusers but never saw a certified plan showing the 4 flow diffusers. Ms. Coffin stated that this issue Mr. O'Connor is speaking of is before engineered plans were required. Mr. O'Connor asked how can you design a plan and not have that plan stamped. Mr. Barlow reminded Mr. O'Connor that this took place before the Board of Health was requiring engineered plans. Mr. O'Connor stated that Ms. Coffin cannot do that. Mr. Barlow stated that we can and we did. Mr. O'Connor stated that it's in the Charter and the town bylaws that you cannot do any approvals in-house. Ms. Peterson interrupted and stated she is going to stay on point and only discuss what is on the agenda tonight only. Ms. Peterson stated that this will stay with the proposed one bedroom in the garage and nothing about what has been done before because that has been voted on by other boards at other meetings with other people etc. Ms. Peterson stated that if Mr. O'Connor has any issues with past approvals, he will need to bring them in front of a court of law. Ms. Peterson reiterated that tonight's discussion is about a bedroom for Mr. Duane's garage in a building and that there is a coastal bank, but by definition

only. Mr. O'Connor stated that Mr. Duane has already connected the sewer line to the garage and he has pictures of it. Mr. O'Connor submitted the pictures. Mr. O'Connor stated that the permit states no deck but the pictures shows a finished deck. Ms. Peterson stated that the plan does show the deck. Mr. O'Connor stated that the square footage does not include the deck. Mr. O'Connor stated that these plans would never pass the Zoning Board. Mr. Barlow stated that the Board of Health is not the Zoning Board and that is not the issue and to please stay on point. Mr. O'Connor stated that Mr. Duane bought the house in 2003 and felt he could go back and discuss past issues. Ms. Peterson stated that she understands Mr. O'Connor's frustration but these are things that had taken place many years ago so unfortunately all the things that Mr. O'Connor is talking about do not come into play this evening. Ms. Peterson stated that under the new Open Meeting Law, the board can only discuss what is on the agenda. Ms. Peterson asked what Mr. O'Connor's objections were to the proposal before the Board. Mr. O'Connor asked how Mr. Duane got a 5 bedroom system. Ms. Coffin stated that was what was installed 2002. Mr. O'Connor stated no that was not. Ms. Coffin stated that in 2002, Mark MacNally installed enough for 566 gallons so they put in 4 leaching chambers. Mr. O'Connor stated that that was never done. Ms. Peterson stated that the system had a final inspection. Mr. O'Connor stated that no, it was not. Ms. Peterson asked if Mr. O'Connor is stating that no one ever inspected that system. Mr. O'Connor stated that not at the time. Mr. O'Connor stated that Ms. Coffin inspected the system 6 years after Mr. Duane purchased the property. Ms. Peterson stated that Ms. Coffin did in fact inspect the system and it is a 5 bedroom system. Ms. Coffin stated that she has a note from 2003 stating tank and tees ok, D-Box ok, with risers and water tested, 4 chambers ok, CAC. Ms. Coffin stated that is what she wrote on the permit back in 2003. Mr. O'Connor stated that he knows as well as the Board that there was only a cesspool on the property that he added to. Mr. O'Connor stated that all the new components were installed 6 years later, after all the building was complete. Mr. O'Connor stated that it was Ms. Coffin that suggested he contact the state if he was not happy with it. Ms. Coffin stated that Mr. O'Connor's complaint was that the system was not vented. Ms. Peterson asked if they are now discussing something other then what is on the agenda. Ms. Coffin stated yes we are. Ms. Peterson told Mr. O'Connor he would now have to sit down and again explained that the board cannot discuss anything that is not currently on the agenda. **Mr. Barlow made a motion to grant a waiver to use the existing septic system at 51 Gilder Road to tie into the garage and add a bedroom. Mr. Uitti seconded. Ms. Coffin stated that the plans should also be referenced. Mr. Barlow added to his motion the plans received June 29, 2013 when the request came in and all the plans are stamped June 19, 2013. Mr. Barlow referenced that this is a 5 bedroom system and Mr. Duane is proposing to have 4 bedrooms. Mr. Barlow added that the Conservation Commission has assured the Board of Health that it's only a coastal bank by definition. Ms. Peterson stated that there is a letter submitted by Conservation, in the file that states what was told to the board this evening. Ms. Mastria seconded the amended motion. All in favor and the motion passes unanimously.**

4. **31 LITTLE BAY LANE – Eva Vekos – Request waiver regarding Chicken Coop Regulation and distance to property lines** - Ms. Peterson asked that Ms. Vekos explain why she is before the board. Ms. Peterson stated that the Board has have received a letter but would like more information. Ms. Vekos stated that she is before the Board of Health today because she has chickens and a small coop in the back of her yard. Ms. Vekos stated that she found out sometime in June that there was a complaint made and she does not know who made the complaint. Ms. Vekos stated that as soon as she received the letter from the Board of Health she notified the Health Inspector, Zack Seabury. Ms. Vekos stated that she has also been in contact with the Health Agent, Cynthia Coffin. Ms. Vekos stated that she prepared a letter and attached an explanation of where the coop is in relationship to the house and the property lines. Ms. Vekos said that she understands that the complaint is about not being in compliance with the setback of 50 feet to the property line. Ms. Vekos stated that she measured it herself and found to be 32 feet from the property line which is 18 feet short of the abutting property, which is owned by Mary Robert Carter. Ms. Vekos stated that Mr. Carter and their son are in the audience today and she also received a certified receipt that the Carters were notified of the meeting. Ms. Vekos stated that Mary Carter sent her a voice mail stating that she had no objection to the chickens or the coop. Ms. Vekos stated that the Carters are the only abutters that are affected in any way as far as the setback or the coop is concerned. Ms. Vekos stated that the Carters found out about the chickens a long time ago. Ms. Vekos stated that Robert Carter, the son, sent her an email stating he had no objection, which she forward to Ms. Coffin. Ms. Vekos stated that the next abutter is across the street, Helen Quaid, who gave her a letter stating she had no objection to the chickens or the coop and there is no inconvenience to her. Ms. Vekos stated that there are two other houses listed from the abutters list she obtained through the Bourne Assessor's Office. Ms. Vekos stated one is 0 Little Bay Lane and the other is 28 Little Bay Lane and they were both owned by Ed Dow and Mary Dow. Ms. Vekos stated that Ed Dow unfortunately passed away some time ago but that she did get a receipt back from Mrs. Dow. Ms. Vekos stated that she does not want to take up the board's time and recite everything that is in the letter she submitted but would like the document to become part of the record if possible. Ms. Vekos stated that the letter does detail the benefits of having chickens. Ms. Peterson asked Mr. Seabury to discuss the complaint he received. Mr. Seabury stated that it was an anonymous complaint. Mr. Seabury stated that at first the complaint was about dogs running onto their property. Mr. Seabury stated then a complaint came in about the garden in the front yard. Mr. Seabury explained to the complainant that there was nothing he could do about the garden being in the front yard. Mr. Seabury stated that as a result of that, the complaint came in regarding the chickens. Mr. Seabury stated that he did go to the property. He was not able to go to the coop because it was in the rear yard but he could see from the street that the coop was very close to the abutting property line. Mr. Seabury stated that he did not know who complained. Mr. Seabury stated that as a follow-up he reviewed the existing regulation and wrote the letter to Ms. Vekos.

Mr. Andrews asked what the specific complaint is about the chickens. Mr. Seabury stated that Ms. Vekos was not following the regulations regarding variances. Mr. Seabury stated that the coop is too close to the property line. Mr. Barlow asked if there are any roosters. Ms. Vekos stated that yes, there are roosters. Ms. Vekos stated that the chickens were just born in February so it was too early to tell what was going to be a chicken and what would be a rooster. Ms. Vekos stated she has identified which ones are roosters and there are a few but she plans on moving them to a friend's farm up in Maine. Ms. Vekos stated that this will take place the end of the month or the first of August. Mr. Barlow stated that he is only asking because generally when the board hears complaints regarding chickens, it's not about the hens but about roosters crowing. Mr. Barlow stated that it is true that some roosters only crow in the morning but there are some that will crow all day. Mr. Barlow stated that he is unclear as to what the real issue is but if there are roosters, that is probably the real issue. Mr. Vekos stated that she has theories of what the real issues are. Ms. Vekos stated that she already knows of a complaint about how she is gardening out in the front yard and the dogs are under voice control and always tied up. Ms. Vekos stated that yesterday, Mr. Dow Jr. came to her house and in a very intimidating and rude manner, and told her not to show up at this evening's meeting. Ms. Vekos stated that she was told by Mr. Dow Jr. that if even one person came to object, the Board of Health would not consider her request and she felt incredibly uncomfortable. Ms. Vekos stated that she is not sure if Mr. Dow Jr. has any standing to object. Ms. Vekos stated that Mr. Dow Jr. is not on the abutter list and he is not a home owner as far as she is aware. Ms. Peterson asked if anyone was in the audience regarding this matter. Mr. Dow Jr. stated that he lives diagonally from the Vekos property. Ms. Peterson asked if he is on the abutters list. Mr. Dow Jr. stated that he is not and does not understand why. Ms. Coffin stated that the Board of Health only notifies abutting properties from side to side and front to back. Mr. Dow Jr. stated that he is within ear shot of the crowing. Mr. Dow Jr. stated that the roosters start at 5:15 in the morning and he works nights. Mr. Dow Jr. stated that Ms. Vekos's property is right at the water. Mr. Dow Jr. stated that there is a chicken coop there with a big fence where the chickens have free run. Mr. Dow Jr. stated that when it rains, the water washes the chicken waste right down the embankment and into the water. Mr. Dow Jr. stated that some of the residents here like to do clamming. Mr. Dow Jr. stated that the regulation talks about a 250 foot setback to the high water mark and he is not sure if that bank is part of the 250 foot setback, so that will be up to the board to decide if this run off is safe. Mr. Dow Jr. stated that he feels a chicken coop affects the property values. Mr. Dow Jr. stated he is ok with whatever you want to do with your own property but when it affects other people, then there is problem. Ms. Vekos stated that the 250 foot setback that Mr. Dow Jr. is referring to, she understands to be drinking water. Ms. Vekos stated that her coop in no way affects any drinking water source. Ms. Vekos stated that as far as the roosters crowing, she takes steps avoid disturbing anyone and locks them in the coop at night at dusk. They are completely sealed up except for the little windows. Ms. Vekos stated that way when they crow at night or in the morning, it is very hard to hear them. Ms. Vekos stated that she does not

let the roosters out until around 7:00 am. Ms. Vekos stated that one of the primary issues that she would like to remind the board is that the abutters that are affected as far as the setback is concerned are present at tonight's meeting. Ms. Peterson asked if anyone else from the audience would like to speak. Mrs. Dow stated that she is an abutter to this property. Mrs. Dow stated that she is not feeling well and would like her son-in-law to speak to the board on her behalf. Mr. Witzell, Mrs. Dow's son-in-law, stated that they really did not know of the issues until after Mrs. Dow received the letter. Mr. Witzell stated that he started investigating and found a number of interesting factors. Mr. Witzell stated the chicken coop is not to scale on the plot plan. Mr. Witzell stated that there is no mention of a fence. Mr. Witzell stated that he did not do any actual measurements but would estimate that the run for the chickens around the coop is probably 20 to 25 feet. Mr. Witzell stated that the run itself extends to within a couple of feet of the embankment that goes down to the water. Mr. Witzell stated that it also is very close to a drainage easement in the back between the Vekos yard and the Carter's yard. Mr. Witzell stated that according to the Bourne Poultry Regulations, coops and runs must be 50 feet minimum from property lines and 100 feet minimum from any dwelling. Mr. Witzell stated that according to the plot plan, it is only 90 feet from the back of the house to the edge of the embankment. Mr. Witzell stated that the lot is way too small to raise poultry. Ms. Peterson stated that the reason the Board of Health sits here is to allow people to ask for variances to the regulations. Mr. Witzell stated that he does understand that. Ms. Coffin asked if the 100 foot setback that Mr. Witzell is referring to is to the abutter's house. Mr. Witzell answered no; it is to Ms. Veko's own house. Ms. Coffin stated the 100 foot setback is more to protect the abutters and not the poultry owner. Ms. Coffin explained that if a property owner wants a horse and has it 10 feet from their own house that is their desire and generally the Board is more concerned about the setback to an abutter's house. Mr. Witzell stated that he can't tell how far it is from the Carter's house or his Mother-in-Law's house but according to the regulation, poultry shall not be permitted to roam unrestricted outside the building run or enclosure. He stated that he has seen the chickens running all over the yard. Mr. Witzell stated that the regulation also states that a ventilated, water tight storage facility constructed of concrete or other durable material shall be so located as to promote removal of manure from the premises. Mr. Witzell stated that the nitrogen from the chicken manure, which stated in the letter as a positive, actually creates a major ecological problem in the bay. According to the Buzzards Bay Coalition, nitrogen pollution is growing, resulting in suffocation of the bay. Mr. Witzell stated that in Little Buttermilk Bay, both commercial and residential shell fishing has been encouraged for years. Nitrogen pollution, according to the Coalition, kills not only shell fish but eel grass as well, which many of the shell fish, such as scallops, depend. Mr. Witzell stated that the pollution from the chicken waste is getting into the bay as run-off, as well as through the sandy soil. Mr. Witzell stated that the soil in that area is very sandy and anything will flow through it. It's been known that the water drains down through the sandy soil and into the bay and the nitrogen from the chicken manure will continue to leach into the bay and negatively affect the ecology of the bay.

Ms. Peterson asked if anyone else in the audience would like to speak. Mr. Carter, an abutter, stated that he just wants to show support. Mr. Carter stated that he and his family have discussed this and has no issues with this. Ms. Brosnan, who is also a neighbor here, stated that she too is in support of the variances. Ms. Brosnan stated that she has done some studies on environmental issues and actually worked with the town on some issues and what she can tell is that the chickens are not what are causing the problem in the bay. Ms. Brosnan stated that there are geese, swans and septic systems, nitrogen chemicals on lawns etc. that are causing the problem. Ms. Brosnan stated that the chickens are not to blame. Mr. Witzell stated if there are chickens in close proximity to the bay, the manure will leach nitrogen which will cause problems. Mr. Barlow stated that he really does not want to deal with this issue but the fact is he has lived on Little Buttermilk Bay his whole life. Mr. Barlow stated that a few chickens have nothing to do with the nitrogen loading in Buttermilk Bay. Mr. Barlow stated that you could put a chicken farm there and it would not change what is happening here now. Mr. Barlow stated that there is no evidence to support what Mr. Witzell is stating. Mr. Barlow stated that he has lived here even before Little Bay Lane existed. Mr. Barlow stated that before the houses were built, there were birds, deer, rabbits and probably a few chickens. Mr. Barlow stated that he lived on the cranberry bog and he always had chickens. Mr. Barlow stated that there are horses in this neighborhood which produce a lot more manure than the chickens. Mr. Barlow stated that he can understand the issue with the roosters, which can be a big issue. Mr. Barlow stated that if the Board of Health is going to deal with this issue then it should only be about the roosters. Mr. Barlow stated that the hens do not produce any more waste than the seagulls or the geese or people fertilizing their lawn. Mr. Mulvey stated that he is not an abutter and his house is two houses away and really did not intend to speak this evening. Mr. Mulvey stated that he is friendly with Ms. Vekos but he does have to rise to oppose the raising of the chickens in this residential area of senior citizens for a number of reasons. Mr. Mulvey stated there are two points he would like to make. One is that although Mr. Carter is an abutter, he does not reside here and is only here a few days off and on any given year over the last 20 years. Mr. Mulvey stated that the house is largely vacant. Mr. Mulvey stated that Mr. Carter is an abutter by ownership but not really by occupancy so he will have to disregard his opinion on this particular matter. Mr. Mulvey stated that his concern here is nitrogen pollution and he knows that Captain Barlow and Mr. Barlow's family has been here way before this development was even considered but things have changed. Mr. Mulvey stated that these are relatively small lots. Mr. Mulvey stated that the roosters have definitely been a problem. Mr. Mulvey stated that this is really not subsistence farming, it's a hobby. Ms. Peterson stated that is Mr. Mulvey's opinion and an opinion cannot render any decisions. Ms. Peterson stated that it could be a hobby, it may be substance for the family to survive, but that is not the issue. Mr. Mulvey stated that he will accept Ms. Peterson's ruling on that but it is a fact nevertheless. Mr. Mulvey stated that now there are these chickens and by his estimate they are within 10 feet of a coastal bank which is a steep coastal bank, and at the bottom of this coastal bank there are

numerous areas where you can see seeping going across the sand area or the gravel area and going directly into shellfish beds. Mr. Mulvey stated that this is a problem. Mr. Mulvey stated fertilized lawns are a growing problem. Ms. Peterson stated that we cannot talk about fertilized lawns this evening. Mr. Mulvey stated that he is trying to minimize any position that fertilizer of lawns is a factor here. Mr. Mulvey stated that is a separate issue that the town is trying to deal with. Mr. Mulvey stated that we do have an issue with poultry. Mr. Mulvey stated that there are approximately 30 chickens and their output is definitely going to have an impact being that close to a coastal bank. Mr. Mulvey stated that upon the Vekos' purchasing the property, the septic system had to be moved from the area now that is housing the poultry to the other side of the house on the street. Mr. Mulvey stated that this is just not appropriate in the area and a variance should not be granted. Ms. Peterson stated that she takes one exception with what Mr. Mulvey has to say and she stated that the Carters are direct abutters. Ms. Peterson stated that it does not matter if they are there for a day or 300 days. Ms. Peterson asked if Mr. Seabury has done a site visit. Mr. Seabury stated only from the road. Mr. Andrews stated that he did a drive through the neighborhood. Ms. Peterson stated that in this case, she feels a site visit is needed. Ms. Peterson stated that by that time, Ms. Vekos can give an exact date as to when the roosters are going. Ms. Peterson suggests that this item be continued until the next meeting dated August 14, 2013. Ms. Vekos stated that she is confused as to whether the board is going to vote that she can have chickens or not. Ms. Peterson stated that she is requesting a variance of 13 feet. Mr. Galinski, fiancé' of Ms. Vekos stated that this is all very exhausting. Mr. Galinski stated that if the residents have an issue, come across the street and say something. Mr. Galinski stated they are not a hard pair to find. Mr. Galinski stated if it is the 18 feet, then give him the 18 feet otherwise he can move it to another part of the property. Mr. Galinski stated that if the problem is the roosters then tell them. Mr. Galinski stated that the roosters are going to be removed. Mr. Galinski stated that this is crazy to waste the board's time for some chickens and a hen house. Mr. Barlow stated that, in his opinion, the roosters are the real issue. Ms. Peterson stated that unfortunately the Board of Health is now involved. Mr. Galinski stated that maybe between this meeting and the next meeting someone will walk over and say something to him and straighten this all out. Mr. Dow Jr. stated he did have a discussion with Mr. Galinski about the rooster over one year ago. Mr. Dow Jr. stated that Mr. Galinski assured him that there would be no roosters. Mr. Dow Jr. stated that was two years ago he was listening to roosters. Mr. Dow Jr. stated that the only reason the roosters are not there now is because a fox got to them. Mr. Dow Jr. stated that he did go across the street last night and spoke to Ms. Vekos and was chased out by the dog that is not on a leash as Ms. Vekos claims. He stated that Ms. Vekos does not follow the rules. Mr. Dow Jr. stated that he did not start this fight nor did he want to involve the Board of Health because it is simple, if you are doing something that affects your neighbor, then don't do it. Ms. Coffin stated that she understands that the board wants to continue this but feels this is pretty black and white just from looking at it that there is an issue with the setback here. Ms. Coffin stated it is her suggestion but the board will

probably still continue this. Ms. Coffin stated that the Board of Health is going to have to address roosters in residential areas. Ms. Coffin stated the Board of Health is going to have to amend its regulation to probably not allow roosters in residential areas. Ms. Peterson stated to put that on the agenda for September or October. Mr. Andrews stated that the Board of Health needs to slowly look at all its regulations as times change. Ms. Coffin stated noise is not specifically in the regulation but it does need to be addressed for the future. Ms. Coffin stated that there is potentially a valid point regarding the proximity to the coastal bank. Ms. Coffin stated that the setbacks in the existing regulation are to a drinking water source. Ms. Coffin stated that it is tributary to reservoirs to drinking water which is the 250 foot setback. Ms. Coffin stated that it might not be a bad idea to move that fence a little further away from the bank or do something like a berm or something that prevents a direct runoff from the property. Ms. Coffin stated that she does not know what the site visit is going to accomplish. Mr. Andrews stated that he would like to be able to go on the property and see the situation as opposed to just doing a drive by. Ms. Coffin stated that her recommendation is to build a barrier or something where the fence is, even if it means to move it a little bit. Ms. Coffin stated that she feels they should be restricted from having roosters and in the future the Board of Health needs to restrict roosters from residential areas. Ms. Coffin stated that a horse must have a manure management plan and so should the chicken regulation to avoid piles of chicken waste. Ms. Coffin stated that there should be something in writing on how the chicken waste will be managed. This will address a lot of the concerns. Ms. Vekos stated that the conversation is now going way off of the agenda. Ms. Vekos stated that the complaint in the letter was about the setback. Ms. Vekos stated that is was not about the run off or all these things that are now being discussed. Ms. Peterson stated that this is what a hearing creates. Ms. Peterson stated that the board had no idea that all the neighbors were going to show up for and against the variance. Ms. Peterson stated that if no one showed up, and only the people that the property abutted were here and they were for it, then Ms. Vekos would probably have walked out of the meeting with the variance. Ms. Peterson stated that unfortunately that was not the case. Ms. Peterson stated that she was very surprised to see so many people attend a Board of Health meeting on this one item. Ms. Peterson stated that everyone deserves a fair shake so the board is going to do a site visit which will be planned for sometime in August. The next meeting is not until August 14, 2013. Ms. Peterson asked if a Saturday is convenient for the board members to do a site visit. Ms. Mastria asked if all the board members had to go out together. Ms. Peterson answered that the board does not like to put the applicant out and try to do it within one hour. The board scheduled July 27 at 9:00 am for the site visit. Ms. Peterson asked if the date and time were acceptable to Ms. Vekos. Ms. Vekos stated that she will be available but she does not know what will get accomplished at the site visit. Ms. Peterson stated that the board would like to do a site visit so they understand what everyone else sees as an issue. Ms Peterson stated that when the board members go onto the property, they will not answer any questions nor will they ask any questions. Ms. Peterson stated that they just want to see the site, see the

proximity of the houses and have the Health Inspector, Zack Seabury on site along with the Health Agent, Cynthia Coffin. Mr. Mulvey stated that without going into great detail, perhaps the board should consider whether there is one board member who should recuse themselves because of an involvement in raising poultry in a residential area. Mr. Andrews stated that he no longer has chickens. **Mr. Andrews made a motion to do a site visit at 31 Little Bay Lane at 9:00 am on July 27, 2013. Mr. Andrews added to his motion that the applicant has withdrawn this request with the understanding to return before the board on August 14, 2013 and they do not need to notify their abutters. Mr. Uitti seconded the motion. All in favor.**

- 5. REORGANIZE BOARD – Mr. Barlow made a motion to keep Ms. Peterson as Chairman. Ms. Mastria seconded the motion. All in favor. Ms. Peterson abstained. Mr. Uitti made a motion to keep Mr. Andrews as Vice-Chairman. Mr. Barlow seconded the motion. All in favor. Mr. Andrews Abstained. Ms Peterson made a motion to keep Mr. Uitti as secretary. Mr. Andrews seconded the motion. All in favor.**
- 6. APPROVE MINUTES DATED JUNE 12, 2013 – Ms. Collett stated that there are no minutes to approve at this time. No action taken.**

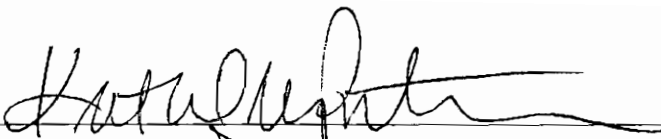
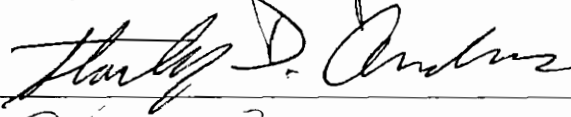
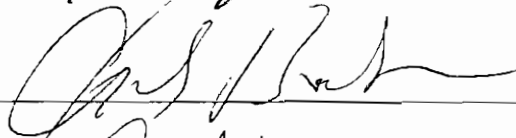
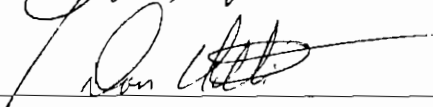

Mr. Andrews made a motion to adjourn. Mr. Uitti seconded. It was unanimous. The meeting adjourned at 8:20 P.M.

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