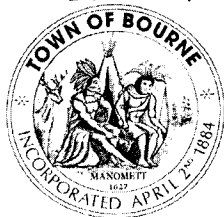


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TOWN CLERK'S OFFICE  
BOURNE, MASS



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 February 11, 2015

**Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice-Chairman; Galon Barlow**

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

1. **Pocasset Mobile Home Park – Chuck Sabatt – Update**—Attorney Sabatt stated that he has secured the funding for the Wastewater Treatment Plant that was ordered by the Superior Court. BSC Engineering has completed its plans for a new DEP permit for the WWTP. BSC has subcontracted with Woodard and Curran and Mr. Carlson, of that firm, is the engineer who designed the original WWTP for the Park. The field plans should be completed within the next few days. These will then be filed with the DEP. DEP has stated that they will give this project expedited review. Attorney Sabatt expects the amended permit by mid-March. The permit will be for 119 sites. The building plans for the actual treatment plant should be finished within the next two months. Then the project will be put out to bid. He expects construction of the treatment plant to begin sometime in the spring with the entire project taking about a year. In terms of the existing system, Attorney Sabatt stated that he has spoken with Bill Gilpin, who inspects the existing septic system weekly. Mr. Gilpin has stated that things seem to be doing okay and that the added leaching is functioning well at this time. Ms. Coffin stated that the older pits are pretty much full except for one which is dry. Attorney Sabatt stated that he has instructed Peter Valeri, who does the plowing at the Park, to plow an access road to the leaching area so that Mr. Gilpin can get out to do his inspections. He is not sure if the pumping truck will be able to get there. There have an occasional back up or two but things have been addressed quickly and they do not appear to be major issues. There was one the other day and there was one on January 5<sup>th</sup>. The lines were cleared and this seemed to resolve the problem. Ms. Peterson asked Ms. Coffin if the office was being made aware of the problems and Ms. Coffin confirmed that Rudy Valladeras emails her when there is an issue. Attorney Sabatt stated that things usually seem to happen on a

weekend. They did get Ready Rooter one weekend when Mr. Valeri was unavailable, so they do have a backup responder. The plowing has been taken place regularly. Ms. Peterson asked how the WWTP operation would be funded after the Plant is completed. Attorney Sabatt stated that it would have to be funded through the income stream. He believes that the rental income should take care of the operation. He believes that the costs should be about \$3,000 per month to maintain the plant. He believes that it can be done without debt service. Ms. Peterson asked about the water issue and Attorney Sabatt said that this is still a nagging problem. He has not been able to fund the water system replacement. He tried to get that through the courts but the judge did not feel it was within her scope to address this issue. The judge did give money for the roads to be replaced because they would have to be removed and replaced to get the sewer lines in. The 3 year old estimate was almost \$650,000 for the water system. Attorney Sabatt stated that he is working on analyzing borrowing money for the upgrade of the water system. He has the authority to obtain a mortgage. He is going to talk to a few local lenders. He can present records to a lender and they can analyze the Park's ability to meet the debt service. He said that he might be able to talk to the family to post all of the money or contribute to it to reduce the debt service. It is definitely a problem but he is working to get funding. He know that the water system needs to be replaced. Ms. Peterson stated that the plant can't operate without a dependable water service. She knows that Attorney Sabatt tried to work with the judge to make her understand that both systems need to be addressed. Ms. Coffin asked if the money that the court allowed include the cost for all the piping from the trailers to the plant and Attorney Sabatt answered that it did. Ms. Coffin then asked whether an argument could be made that the cost for the water system could be part of the money for the sewer system since the water system will be disrupted by all the work to put the sewer lines in. Ms. Peterson stated that Attorney Sabatt did try to argue this in front of the judge but only the sewer and roads were included in the decision. Attorney Sabatt said that even his engineer said that without water from a working water system, the plant won't operate anyway. He said that he has about 2.7 million and that this money will not be enough for the treatment plant and sewer lines, and the roads, and the water system. Ms. Peterson asked if he could amend the decision with the judge. She suggested that Ms. Coffin could go up to speak with the judge with Attorney Sabatt. Attorney Sabatt stated that the judgment was finalized in the summer of 2013. He believes that it is beyond the one year time frame to ask for an amendment. He will look into ways to possibly go back before the judge to get an increased judgment. Ms. Coffin said that the argument needs to be made that in order to tie the sewer lines into the existing trailers, the existing water lines are going to be destroyed and will need to be replaced. One can't be done without the other. Ms. Coffin asked whether the new design for the plant will result in a smaller plant since it is for a smaller number of trailers than the original design. Attorney Sabatt that the plant will be smaller but expandable so perhaps that

could reduce the costs. Mr. Andrews stated that there has been about a 22% increase in construction costs. Ms. Peterson said that she is still concerned about the condition of the trailers and the ability for the remaining renters to carry the costs of the operation. Attorney Sabatt stated that he has been told that the existing zoning bylaw for a manufactured homes park will not allow the moving of a new trailer on a site unless the site is a minimum of 4,000 square feet. There are also setback requirements too. There is also something in the bylaw which states that there will be no trailer within 200 feet of a road and he is assuming that this refers to a public road. Any unit that fronts Barlows Landing Road is gone once it is removed. He stated that he has tried to create space of 4,000 square feet for use in the future. He has stated that there are some of the trailers that have been renovated and are in good shape. The Board members all agreed that the water system issue needs to be addressed. Attorney Sabatt stated that when the water system was redone everyone would have a separate water meet. This would go a long way to reduce water uses. Attorney Sabatt stated that last year the fees for water were almost \$19,000. **No action was necessary by the Board and Ms. Peterson thanked Attorney Sabatt for the update.**

2. **75 Eel Pond Rd** – Nicholas P. Dufresne of Thomson Farland, Inc. for Stephen Paulus – Request waiver to use the existing septic system for proposed demo and rebuild – Mr. Dufresne stated that the existing dwelling is a single family three bedroom home. The applicant is proposing to demolish the existing structure and construct a new three bedroom dwelling. The existing septic system does not meet the 150 foot setback to the top of coastal bank. He is therefore asking for a waiver to continue the use of the existing septic system for the new house to be constructed. The house will be moved further from the resource area and closer to the road. The existing system was installed in 2010. Ms. Coffin stated that the system has not been inspected but consists of a 1000 gallon tank and two 500 g leaching chambers, for a three bedroom home. Mr. Andrews stated that the plan indicates that a new 1500 gallon septic tank will be installed. Ms. Coffin stated that the system meets the 150 foot setback to the actual resource. At the time of the upgrade the septic plan did not indicate that there was a coastal bank. Ms. Peterson questioned the number of bedrooms in the house since the Assessor's card states that there is only one bedroom in the dwelling. Mr. Dufresne said that the Assessor's must have not been in the house. Mr. Andrews asked if there were plans for the existing architectural and Mr. Dufresne said no. Mr. Andrews and Ms. Peterson both stated that the Board needs to know how many bedrooms are in the existing house. Ms. Coffin suggested that if the Board wanted to approve the project they could do so with the condition that Assessor's go out and verify that the existing house has three bedrooms. Mr. Andrews said that he would like Ms. Coffin to go out and look at the house. Ms. Coffin said that was fine. The Board needs to know what the true situation is. Ms. Coffin said that if the Board decides that the resource is over 150 feet away and that the bank is just a bank by

definition there shouldn't be a real issue even if the house was going from one bedroom to three bedrooms as an actual variance would not be necessary. The 150 foot setback to the resource would be met. Ms. Peterson said that she does not have a problem granting the waiver if the existing house has three bedroom. **Mr. Andrews made a motion to grant the waiver for the continued use of the existing septic system at 75 Eel Pond Rd for a proposed demo and rebuild. The architectural records are those dated received by the Board of Health on January 20, 2015. The site plan of record was also received January 20, 2015. The condition of the approval is that Ms. Coffin do a site visit and confirm that the existing house is a three bedroom dwelling. Mr. Barlow seconded the motion. It was a unanimous vote to approve.** Mr. Dufresne asked whether he would have to come back before the Board for an additional hearing if the house was not three bedrooms and Ms. Peterson answered that he would. Ms. Peterson asked if the Board wanted to have a three bedroom deed restriction on the dwelling and the Board members said that would be a good idea. **Mr. Barlow made a motion to amend the approval by adding that a condition of a three bedroom deed restriction be placed on the property. Mr. Andrews seconded the motion. It was a unanimous vote.**

3. **Approve minutes from January 14, 2015.** Mr. Andrews made a motion to approve the minutes. Ms. Peterson seconded the motion. It was a unanimous vote to approve.

Mr. Andrews made a motion to adjourn. Mr. Barlow seconded the motion. The meeting adjourned at 7:28 PM.

Taped by Lisa Collett and typed by Cynthia A. Coffin, Health Agent

Kathleen Peterson \_\_\_\_\_

Stanley Andrews \_\_\_\_\_

Galon Barlow \_\_\_\_\_

Don Uitti \_\_\_\_\_

Kelly Mastria \_\_\_\_\_

cc Board of Selectmen/Town Clerk