

Board of Health Hearing
May 12, 2012

Meeting opened at 8:37am

Present: Noreen Suriner, Chair; Alan Vint; Mitch Feldmesser
Duane Pease, Administrative Assistant; Jackie Duda, Health Agent

Also in attendance were James and Fay Hudson and Terry Crean.

Board of Health (BOH) Hearing held at the request of James and Fay Hudson in response to a letter sent by the Town's Health Agent regarding the March 18th order requiring an approved septic system and potable water at their property located on Skyline Trail.

Jackie reviewed the 3/18/12 order she sent to the Hudson's and said she first investigated the property as a result of a September phone call she received from an abutter. The caller had concerns about an outhouse that was located very close to his property line. She visited the property on 9/12/11 and then came back to the Town Hall to review the BOH files. There was no indication in the files that the property had a septic system or well installed.

On 10/17/11 she brought these concerns to the BOH. The concerns were discussed and it had to be determined if the BOH were to allow "privies". At that time the Board voted not to allow privies.

On 3/8/12 the Order Letter was sent to the Hudson's.

Mr. Hudson gave a history of the property he purchased in '04 from the prior owners that had the property since the '70's. He is using the property in the same manner as the prior owners, he appreciates the outdoors and is only able to use the property every 6 weeks or so. It is not used from December to April. He has done no alterations to the building but did admit to building the outhouse. He feels the definition of "dwelling" comes down to the words in the Town's code. Since they do not live there, it is not a residence and he should not have to comply with the sanitary codes in the Order sent to him. His wife, Fay, said the building is basically a wooden tent that they stay in once in a while and not for very long at one time.

Jackie said she understood what they used it for but they still had to comply with the sanitary codes.

Mitch noted the building was not constructed for living but for storage of equipment but that is not an issue for the BOH but for the Building Commissioner.

Alan said the BOH continues to get complaints and they are reviewing all situations and the Hudson's are not being singled out. Good judgment and common sense have to be used on all situations.

Fay Hudson felt they should not be held accountable for something they did not know.

The Hudson's said they bring in bottled water when they stay at the site and do have a composting toilet installed in the building. Composting toilets are acceptable under Title V. They do have a shower and sink in the building and the grey water is discharged into ground by the footings.

Jackie said that a grey water septic system is required and would require a much smaller leach field than a normal septic system.

Terry Crean said it was unfortunate he was working in Alaska 22 years ago when the structure was built; he came back for a visit and saw footings but thought nothing of it at the time. Mr. Davis, the prior owner, was storing his equipment in Gazda's barn and wanted a storage building on his property as he was developing a tree farm. Little by little the barn morphed into what it is now. Terry felt the Hudson's purchase changed the property from Agriculture to Recreation and now camping with ATV's.

Fay Hudson said the property is registered as 61B and the use has not changed.

Alan motioned to have the "privy" removed within 60 days; Noreen 2nd.

There was general discussion regarding the conditions of the Order, solar composting and property line set-backs.

Motion was passed on 3-0 vote.

Jackie said she can modify or delay the orders in the letter or the Board can vote to modify or delay.

Alan motioned to accept the Health Agent's findings and order and continue the hearing to a later date subject to review by the building Commissioner. Noreen 2nd.

Fay Hudson said she was a little confused by the motion and Alan advised she should call the Building Commissioner.

Vote was 3-0 in favor on the motion.

Terry Crean questioned when the Hudson's come up and sleep in the dwelling it is being co-mingled with camping and they are living under the camping by-law and he is not sensing any time limit on camping.

Alan motioned to adjourn, Noreen 2nd, vote was 3-0 and meeting adjourned at 9:40am.

Minutes respectively submitted by

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Noreen Suriner, Chair

Alan Vint

Mitch Feldmesser

