

BOH Meeting Minutes 10/18/2017

Members present: Members Maxim & Spratt, & Chairman Poillucci. Chairman called the meeting to order at 6:00pm. LakeCam was not present to record.

24 Pilgrim Rd - Meet with Assonet Realty, LLC for a request for extension of previously approved septic plan. Abutters were notified. The owner is requesting a 1- year extension for the septic plan. Agent Bernardo said that the approved septic plan is good for 1- year and an extension may be allowed. New construction would be 3-years. The owner said this is not new construction. Chairman Poillucci said that before the year is up, a homeowner can come in and request another year. Agent Bernardo said per regulations you can allow one extension after the year. This plan will be two years in December. Chairman Poillucci asked if the new owners will repair the system before December. She believed the new owners would be doing the repair right away. No abutters were present for the discussion. Chairman Poillucci said he thought an extension could only be requested on a good permit. This permit has been void for eight months. Agent Bernardo checked the regulations, "Existing properties with plan application permit approvals for repairs and upgrades, must be completed within 1-year of the Agent or Board's approval. After the deadline, if a C.O.C. has not been issued, the applicant may be required to submit a whole new package with the intent of being that the plan and the existing conditions have to be reaffirmed as current by a certified engineer, sanitarian, or land surveyor. And any changes shown or noted on the revised proposed plans, to be re-reviewed as necessary by the Board of Health Agent or the Board". Agent Bernardo said 26 Pilgrim just put in a new system. We would need to see where the components are in relation to the proposed system. On the plan it says 26 Pilgrim 'proposed' septic, but that's actually there now. We don't know if anything else has changed. Chairman Poillucci asked if that is the system he put in. Agent Bernardo said it was. Chairman Poillucci said he should recuse himself. He said he no longer owns it and he would add input to the conversation, but would not vote. He said the well stayed in the same spot so any setbacks from the well wouldn't be an issue and there are no setbacks from the septic. Agent Bernardo said the Board can ask for a whole new package, or to reaffirm that nothing has changed to this plan. Member Maxim said the regulation says you can issue one extension but there are no dates as to when, it just says you can. Agent Bernardo said it says "existing properties with plan application permit approvals for repairs and upgrades must be completed within 1-year of the Agent's or Board's approval". Chairman Poillucci said he knew they could give an extension, but it was before the permit expired. He said he thought they could extend it to December, but the people buying the house would need to know it was only good for a couple of months. The potential buyers are buying if there are approved plans. It will be the buyer's responsibility to install the system. There was a discussion regarding the regulations and 1-year extensions. Nyles Zager from Zenith was able to add to the discussion. He said the extension is a town regulation and has nothing to do with the State. The State has no restrictions on extensions. He said he went back and looked at this site and nothing had changed. He said he was involved in 26 and 24 Pilgrim, he said he went

back and looked at all the research and there was nothing abutting that was on record that had changed. It was his opinion that the Board can extend, if they stamped the new plan today, it would be good for 1-year and then you could get another extension. He said they could do that if it would make the Board more comfortable. Chairman Poillucci said he just didn't want someone buying the house to not get the septic in within 2 months and then they're out of luck. He said he'd rather have a new plan stamped and then they have one year. He said they wouldn't have to pay for a review, since they wouldn't be reviewing anything. Nyles said that is a Board decision, that there is a \$75 revision fee, but the Board can waive that since nothing has changed. Nyles said he has no problem getting a new plan. Member Maxim said they could approve that as the same plan submitted with a different date and it would be good for 1-year.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve the septic plan for 24 Pilgrim Road and waive the \$75 fee for a new plan resubmittal (nothing has changed on the plan, just a new date) and it will be good for 1-year.

Two in favor, one abstention (Chairman Poillucci)

18 Fuller Shores - Nyles Zager from Zenith Consulting was present for discussion. He said this plan had already been approved. It was brought to their attention that there were a couple extra catch basins within the vicinity of septic system. Because it is a tributary to a water supply, they needed to be noted on the plan because of the variances. They are present to add variances to the catch basins. No abutters were present.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve the additional variance (variance from 310CMR 15.211 of Title V which requires the soil absorption system to be at least 100' from an open surface or subsurface drain which discharges to a surface water supply or tributary. A reduction from 100' to 30' is requested).

Unanimous approval.

97 Lakeside Ave - Jon Pink from Azor Land Sciences was present to discuss variances. This is a septic repair with limited space. On raised systems they cut down the remove and replace to within 2-3' rather than 5' all around to save space and expense. Member Maxim asked if they were keeping the retaining wall at 2' all the way. Jon said 3' on the other end where the d-box is to give it a little more maneuverability. Five variances from the town and 1 from the State are requested. Member Maxim questioned the retaining wall, to be designed by others. Who will be designing the retaining wall? He said it will depend on Kevin, he thought this one would stand on its own, if it were a JR Precast type wall. This wall is 2'7". Member Spratt asked if the tank was 7' off a doghouse or bulkhead. Jon said it was a bulkhead. Member Maxim asked where they were getting the reduction of 20' to 18' from the bulkhead. Jon said it was. Member Maxim said the other question was the variance down to 2' from the water table.

Chairman Poillucci asked if it was a Presby. Member Maxim said it was an Advanced Presby. Agent Bernardo said you can get a reduction, on a conventional system, you can't ask for a setback to surface water supplies, wells, wetlands. On an advanced treatment you may. Chairman Poillucci asked if a Presby system gives you 1' automatically. Jon said a regular Presby gives you 2'. Agent Bernardo said he doesn't have any setbacks to wells or surface water supply or wetlands. Member Maxim asked if they did a perc on this or a sieve. Jon said this was a perc. Agent Bernardo said it was a no increase in flow. He wasn't asking for any other variance to wetlands, wells. Just one to the foundation, and ones for the tank because they're in the mottling. The only question would be Kevin certifying the type of retaining wall and installation.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve 97 Lakeside Ave with 5 local upgrade requests and 1 State variance and no increase in flow (due to reduction to water table), and retaining wall to be reviewed by Health Agent at time of installation and approved.

Unanimous approval.

3 South Ave - Tom Morris was present to discuss variances for a repair in Clark Shores. Abutters were notified. Currently there is a cesspool in the front where the tank is going. Tom said this is a tight lot that required a sieve, they didn't get any material, and it was all fill and then they were in the water when they hit the natural material. The wetland is an isolated patch behind all the houses. It is 1' or less from the wetlands to the block retaining wall; it's going to be the small versa lock blocks. It's only 2' high. Chairman Poillucci asked if they had Conservation approval. Tom said he believes so. Agent Bernardo said he ran it by Nancy. Chairman Poillucci asked if Clark Shores owned the roads or if the homeowners owned to the middle of the road. Tom said he thought Clark Shores owned them. He said they asked for the variance to install the septic component under the right of way. Chairman Poillucci asked if Clark Shores was notified. Tom said he didn't think they were notified. Chairman Poillucci said anything they decide on or if they approve it will have to be subject to Clark Shores being notified. Tom said they are asking for a handful of setback variances: the tank to the property line, the system to the abutting well, the system to the wetlands, the system to the right of way, the system to the surface water, only 1 deep hole in the system, and one on the other side of the road. Member Maxim asked if they did the buoyancy calculations. The buoyancy calculations were found on page three of the septic plans and reviewed by the Board. It was explained that they didn't get any mottles up high where it would be expected. They used the pond elevation which was above the estimated water as the water table. The pond elevation was 53.4. There was a discussion regarding the tank being monolithic or H-20. Agent Bernardo said he would check again with Conservation regarding the H-20 tank. There was a discussion regarding venting of the system and wetlands.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve 3 South Ave septic repair with the following changes: requiring a 2000 gallon two chamber monolithic, two compartment tank to be H-20, and requiring a high vent to be installed out of the d-box out at the field and not used out of the house,

location to be determined at time of installation, Clark Shores is to be notified of the road to be crossed, and the nine variances requested. A two-bedroom deed restriction no increase in flow is to be recorded.

Unanimous approval.

315 Pond Lane - Dan Mulloy from Site Design was present to discuss variances. One abutter was notified for the well set back to the property line. This is an Advanced Presby system, which allows it down to 2'. Ground water is at 24", a perc test was not done, and it was too wet. A sieve analysis was done instead. The perc rate based on the sieve analysis is 60 minutes per inch. Dan said it's a big system and they pushed it back as far as they could. There are multiple local upgrade approvals they are looking for. The most relevant is the proximity to an abutter's well. They are also requesting upgrade approvals for setback to the crawl space to the tank. Chairman Poillucci said his problem is that before they said it was a 3 bedroom septic, now they're saying it's a 4 bedroom septic. Dan said there was some discussion about it a while ago, back when Larry was here. He had done a walkthrough of the house; he made a determination at that point what the bedroom count was. Historically, from when it was built that's the bedroom count that's been in the house. Chairman Poillucci said it originally was a 3 bedroom septic and someone added a bedroom over the years. Agent Bernardo said on a conventional system you can't ask for setbacks to the surface water, wetlands and water table, on advanced systems you may. The concern is with increase in flow. Agent Bernardo said there is one other concern, the dwelling is serviced by a public water supply, but there is a well also. He asked what they were going to do with the current well, will it be abandoned or become irrigation well. Dan said, it will be abandoned or become irrigation, it cannot be used for drinking water, and it's not an option. Member Maxim asked where the water line was coming in. Dan said it will need to be relocated; it's coming in right through the middle. It will be moved down to the side and they will sleeve it. They will be installing the Presby on a slope, which is allowed. There was a discussion about the plan and elevations. There was a discussion regarding the tanks. They are H-10, there was a question on buoyancy, and they aren't going to pop out of the ground, they're not going to float. They can be switched to monolithic, but H-20 would increase the cost. Member Maxim said the water is at 2'. Chairman Poillucci said the seams are going to be in the water. There was a discussion about elevations and tanks. Member Maxim said there isn't 12' of separation. Agent Bernardo said he had mentioned that in an email and it was to be noted on the plan. The homeowner said that the configuration of the house has been the same since 1968. He said he thought that when Brant Haworth filled out the application for the system, it was a quick repair. They took the cesspool and put an outflow pipe into a 500 gallon tank. Member Spratt said that would explain the 3 manholes on the plan. Member Maxim said there is no way they can get around the increase in flow. Stephen McGraw explained the third manhole cover was merely a mooring that became imbedded in the ground. There was a discussion about the bedrooms and increase in flow. Member Maxim said that they were not allowed to increase flow with variances by State. Agent Bernardo explained we need to go back to the most recent record that we have. It was documented that it was too small originally and they were going to increase it to the third bedroom, with a tight lot already. The good thing is the public water

supply, because you don't have to worry about Nitrogen loading. Dan said he's never had this situation, based on the testimony of the homeowner it's had 4 bedrooms since it was built, prior to this paperwork even existing. At some point an upgrade was done, it was too small, they put in 3, but nothing in the house physically changed. There is owner testimony saying it's the same house since it was built, which has 4. Chairman Poillucci said it was probably a 2 bedroom and they upgraded it to 3. Agent Bernardo said if you look at the application, it says existing was too small, and they're looking to upgrade. It's only 300 gallons (before Title V), and you need 330. The owners have already signed the deed restriction. Member Maxim said they're really restricted by Title V what your allowed with all these variances on a pond. Dan said they were not increasing flow. Chairman Poillucci explained that they get this situation a lot where someone has a 2 bedroom system, but it's a 3 bedroom. We have to go by the records that we have. The application was signed by an engineer that it has 3 bedrooms. Member Maxim said there is a grey area when we have a cesspool and we have nothing on file. But with this we have something on file, so if DEP comes to us and says why did you do that. It says right here it's a 3 bedroom. We're not allowed to increase. Unless they can come back with something that says this has always been a 4 bedroom, we're increasing flow. Agent Bernardo said he checked with the building department and couldn't find anything. He printed out what the assessor has, but we're not allowed to go by that. Dan asked that the matter be continued to see if they have any other information that states otherwise.

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to continue to the next meeting or any subsequent meeting.

Unanimous approval

Review and approve Board of Health Meeting Minutes from August 15, 2017 as typed –

Upon a motion made by Member Maxim, seconded by Chairman Poillucci it was:

Voted: to approve the Board of Health Meeting Minutes from August 15, 2017 as typed.

Two in favor (one abstention- Member Spratt)

Review and approve Board of Health Meeting Minutes from September 20, 2017 as typed -

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve the Board of Health Meeting Minutes from September 20, 2017 as typed.

Two in favor (one abstention- Chairman Poillucci)

Review and approve Board of Health Meeting Minutes from October 4, 2017 as typed –

Upon a motion made by Member Maxim, seconded by Member Spratt it was:

Voted: to approve the Board of Health meeting Minutes from October 4, 2017 as typed.

Unanimous approval

Clark Shores Water - Agent Bernardo said he spoke with Rosemary Walsh she said the deadline for bids for the water project is October 25th. She would to come in front of the Board (either her or the engineer) to discuss the project. We get a lot of questions. She wanted to come in and discuss what she knows about the project and relay it to us. She also mentioned what the Board feels is the time frame for people to upgrade their systems. Member Maxim said it would be good time to get something from Charlie and have a hearing and say something on camera that if we're going to agree it's an increase in flow. Chairman Poillucci said the Charlie already said that it would be an increase in flow. We will need something in writing. This meeting will be informational from their engineer, but we're going to tell people that if you use the house year round, you're going to need at Title V and if it doesn't pass, you're going to need a new septic system within 2 years. There was a discussion about possibly getting Charlie Kanecki to come down for a meeting. Member Spratt said there was Federal money available in the form of a grant to tie in to the water system for those 62 and older, for those younger a 1% loan that can be applied for. Agent Bernardo said there would be a sum of money added to the Betterment fund at the special town meeting. Chairman Poillucci asked Agent Bernardo to find out if they would be turning off all seasonal water. Once the new lines are in, are they still going to offer people seasonal water? He said the Board would still like them to offer seasonal water. He said if they can shut water off for seasonal people, they can leave those people alone, they won't have to do a Title V. The people that do have water year round will need to do a Title V and if it doesn't pass, they will need to upgrade within 2 years. Chairman Poillucci asked Agent Bernardo to find out what will happen to the people that don't tie in. If they shut the water off for good, we will need to condemn the houses. There was a discussion regarding seasonal water.

Adjournment –

Upon a motion made by Member Maxim, seconded by Member Spratt, it was:
Voted to adjourn the meeting
Unanimous approval