

# BOH meeting minutes December 20, 2016

Present were: Chairman Robert P. , Member Derek M., Member Chris S., & Agent Lawrence P.

Chairman called meeting to order at 6:10 pm

1<sup>st</sup> item - Review & Approval of 2017 permits and renewals

Maxim made motion to approve the 26 listed food establishment licenses, Spratt seconded, unanimous approval.

Maxim then made motion to approve the 4 miscellaneous licenses (2 hog farms, 1 transport garbage over town ways, 1 for twin coach estates mobile home park) seconded by Spratt, unanimous in favor.

Maxim then made another motion to approve 9 septage pumpers as listed, seconded by Spratt, unanimous in favor.

Maxim made motion to approve 29 Stable permits as listed, seconded by Spratt, unanimous in favor.

Maxim made motion to approve 6 boarding licenses as listed, seconded by Spratt, unanimous in favor.

Maxim made motion to approve 9 tobacco licenses, seconded by Spratt, unanimous in favor.

Maxim made motion to approve 5 trash haulers licenses, seconded by Spratt, unanimous in favor.

Meeting minutes from 12/6/16, Maxim made motion to approve as typed by Lawrence Perry, Spratt seconded, unanimous in favor.

Chairman Poillucci then stepped down from chairman status & moved to other side of table to address the board. Robert Poillucci stated that he had his engineer (Prime) submit 3 sets of septic systems/plans for his proposed subdivision Justine's Way, more than 45 days ago, to the BOH & that he had just today spoke with DEP who said there were now constructively approved & that he can go to the clerks office or go to board tonite for approval because no action had been taken for 45 days. Agent Perry said that some action had been taken but the plans/permits have not yet been approved or denied. The reason being there was the question of whether Perry could approve/deny (as may be considered a conflict of interest for Perry to do) & so Perry had previously conferred with Nate Darling who had asked an opinion of town counsel. Since town counsel had not gotten back to Mr. Darling after the past few weeks, he had advised Perry to request an extension (on the 45 days deadline) to Prime from their client Poillucci. Perry agreed with Darling & asked for the extension via email to Prime, but Prime has not yet responded, & Poillucci stated he did not want to grant the extension & wanted them constructively approved or Board to review & approve as DEP had advised, tonite at meeting. Member Maxim asked if they could approve & Agent Perry said he did not know of a reason why they couldn't. Perry went on to say that he was previously told he would have to file disclosure forms if he were to review/approve & originally had filled them out but then decided to wait to see what town counsel told Nate Darling. Perry added that the cover letter that came in with the plans said that 2 of the 3 lots did not have

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enough test holes & they were requesting the additional test holes be done later. Perry said he believed only one of the lots did not show enough test holes (even though letter said two didn't), but that he had witnessed the test holes & typically the agent has the discretion to approve a less amount of test holes (than the required 4 per lot for new construction) if they were consistent with the others done throughout the subdivision, and had discussed this with Tristan at Prime a few weeks ago after plans first came in. Maxim & Spratt then spent some time reviewing the plans for Justine's Way Lots 8, 9, & 10 (near Fullers Shores).

Perry then mentioned they had received a complaint about 29 Fuller Shores (completely unrelated to the proposed subdivision at Justine's Way) for an outdoor furnace that is allegedly burning garbage. Spratt suggested the Fire Department could fine them. Perry stated that the complainant may be coming in to make a formal complaint. Perry said he believed that the furnace had been permitted years ago before the strict setbacks were in effect and therefore it would be difficult to enforce issues there now since it was existing.

Spratt & Maxim then both stamped & signed those 3 sets of plans (Justine's Way). Maxim stated for the record that he had not done anything on this property, whereas it was Logan who did the excavation there. Maxim then made motion to approve these 3 plans (lots 8, 9, & 10) for Justine's Way since the plans have been in office for 45 days, and the BOH is still seeking clarification for who should/could approve. Spratt seconded the motion, and Maxim and Spratt unanimously approved. Maxim said he would discuss with Nate tomorrow to clarify what to do in future with respect to any additional similar issues. Agent Perry said if anymore like this come in again, he would put on first available agenda.

Bob P. then stepped back up into the Chairman role (at 6:37 pm) and board discussed next meeting dates. Member Spratt no longer has a conflict with Wednesdays. Maxim motioned to change the meetings to the first and third Wednesdays. It was further clarified that the next meeting will be January 4, 2017 and January 18, after that. There was a brief discussion about whether anyone had the 10 required days for abutter notifications at this time (to meet deadline for next meeting with all the upcoming holidays) and whether it was 10 *calendar* days or 10 *business* days. Perry would notify engineers of the change/meeting day/dates and it would be up to them to make sure their abutters are notified if necessary, and to choose which meeting they wish to be on.

Chairman brought up the proposed water mains in Clark Shores and a (approximately) 300 page binder the BOH was copied on regarding this proposed project in case anyone wanted to review. Chairman said the question is going to be, "if someone does not want to hook up, can a private entity *make* them hook up?" There was a brief discussion on how the water mains would really help the situation down there with respect to making improvements for both septic systems and housing and the associated values of the properties.

Maxim made motion to adjourn at 6:46 pm.

Accepted as typed 1/4/17LP
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