

BOH meeting minutes January 18, 2017 -

Present were: Agent Perry, Members Maxim & Spratt, & Chairman Poillucci. Chairman called the meeting to order at 6:00 pm. LakeCAM was present to record meeting.

135 Staples Shore Road Jason Youngquist was present for Outback Engineering. Jason stated they were proposing a tight tank to replace a cesspool. Chairman asked for clarification of the lot size & it was confirmed that there are actually 2 lots, the second being across (not directly) the street where a garage is, that accounts for the much larger acreage (confirmed by assessors than what was shown on plan since combined in common ownership), but the outback plan only showed only the 1 lot where the existing house, cesspool & shared well are presently located. Chairman asked why they are not proposing system on lot across the street. Jason said that there would still be numerous variances, and that a tight tank would be better environmentally for the Pond, which should be allowed when full compliance with the code is not possible. Chairman asked Agent Perry if that was how he interpreted the code as Perry's notes had said different. Perry brought copy of the code over and stated that 15.260(8) was pretty clear that the local authority (BOH) may allow a tight tank at a "seasonal use" facility to replace a failed system, and prior to issuance of the certificate of compliance, a "seasonal" deed restriction must be recorded at the registry of deeds, which is how he and the board had been interpreting over the past few years. Jason said that he interprets 15.260(1) to say a tight tank may be granted when no other feasible system can be installed in "full compliance with title V" (without variances) and that they are not required to have a seasonal deed restriction, and it's best for environment. Perry says the intent of the code is for seasonal use as a last resort, with a seasonal restriction. Youngquist said no, it's for when you cannot put in any system without variances with full compliance and they (State) is saying they would rather have a tight tank than a system with variances. Perry said if that was the case, then *everyone* on shorefront properties would have to put in tight tanks as that is the best thing for the environment, and otherwise they would need variances to install any leaching type system. Member Maxim mentioned that there were a couple other tight tanks in town that were not restricted seasonally, so this would not be the first. Chairman said "not that I agree with Larry often, but, I had it explained differently (from what Jason was saying) to me at a seminar". Spratt said "feasibility" was the key word, not "full compliance". Youngquist said there is nothing more environmentally friendly than a tight tank & if they are sitting on a surface water supply, then they should be putting in tight tank. Perry said if this tank was used at this 3 bedroom house, 7 days a week, 365 days a year, it would cost over \$17,000 a year in pumping costs, assuming 330 gallons per day, which is not feasible for year round use for anyone. Typically because of that cost, there have been a lot of violations in all towns with tight tanks which is why they are a last resort & regulated as such with inspections, watertightness testing and other restrictions. Maxim said regardless if it is a tight tank or pump chamber they need to be made tight and can't leak. Chairman said that future violations was not the issue as you can't regulate all the illegal things people do down the road, but wants it clarified with DEP & wants to know whose interpretation is correct, before he votes on it, & if he has the authority to do it. The Chairman said it was his belief that if there was not anyplace to put a system, they were for a last resort, but if DEP says you (Jason) are correct I don't have a problem with it. Maxim, said a vast majority would not want a tight tank, but if it eliminates a big mound, & we are the approving authority,

we can approve, but he did not necessarily agree with the inspection schedule, which is 4 times a year, and we should review that sometime. Chairman said, how about we continue for 2 weeks, to get DEP clarification & Jason said "sounds good". Spratt made a motion to continue 135 Staples shore road for 2 weeks until next meeting February 1st, Maxim seconded, unanimous approval. Perry said he believed the board can do it, but that Jason's interpretation was not the *intent* of the code. Chairman said he still wants to know what DEP's interpretation is.

56 Harcourt Avenue Jon Pink submitted the abutter notification receipt (Robert Keller #58) and stated he was there for an after the fact variance to property line as system ended up cocked a little on one end on side slope. Chairman asked if AZOR had staked out first but Jon said no (he was hired just for as-built) and the system was "nicely done" (by Jim Romero) and not affecting anything. SAS was supposed to 10' from property line as designed, but ended up only 7' from abutters property (at one end) as shown on as-built plan by AZOR. Chairman asked if anyone was present for discussion for 56 Harcourt, but there was none. Maxim made motion to approve the after the fact variance as requested for 56 Harcourt, seconded by Spratt, unanimous in favor.

10 Beechtree Drive

12 Beechtree Drive

Jason Youngquist for Outback Engineering was present for his client Paul Turner to discuss timeline and associated engineering signoff for radionuclides testing for Ledgewood Drive.

renewal of 2017 license & permit renewals

Maxim made motion to approve Hiller Disposal, Inc. as a trash hauler in 2017 as typed by Fran Lawrence. Member Spratt seconded the motion. Maxim and Spratt voted to approve while Chairman abstained.

There was brief discussion about the school's upcoming pool opening (after refurbishing) and associated pre-operation inspection by Kevin Bernardo. The Chairman had advised Kevin to perform said inspection while he was there for cafeteria inspections. Kevin said he had been in touch with the school contact (Bob Sousa) and will be meeting him there this week, Bernardo will be contacting Bob Sousa tomorrow to confirm inspection. Agent Perry asked the Board if they wished to waive the fee for the school. Member Maxim made motion to waive the permit fee for the Lakeville-Freetown Regional School swimming pool, Spratt seconded, unanimous in favor.

Maxim made a motion to approve the meeting minutes from 1/4/17, Spratt seconded, there was no discussion, unanimous in favor.

Kevin Bernardo was present to discuss the tobacco fee increase. Bernardo stated that it was discussed (and agreed at a posted hearing on May 18th) to change the fee from \$25 to \$30 to coincide with the cost of compliance inspections with Marilyn Edge, but never specifically voted. The Chairman wanted the record to reflect that this was just a housekeeping item and this was previously done at a proper

hearing. Member Maxim made an motion to increase the tobacco fee from \$25 to \$30 effective 2018, seconded by Spratt, and to post in the paper, unanimous vote in favor.

There was a short discussion about replacing the public health nurse since the contract would be up within the month. Agent Perry stated he had received one resume which he forwarded to Nate and could forward to the Board members for review. Member Maxim asked if they needed to post/advertise the position before hiring. Perry said he would check with Nate and Rita tomorrow to verify the hiring/contract process. Bernardo recommended that he or Agent Perry be present to introduce the new public health nurse to the Body Art establishment owner at her first site visit to which to ease the transition with a formal introduction by an agent of the Board.

Chairman asked Agent Perry to check with DEP to clarify the tight tank regulations intent (with respect to previous discussion with Jason from Outback Engineering) and the Board authority to approve such without seasonal deed restriction. Agent Perry said he believed the Board had the authority to grant variances for such although the intent of the regulations were as a last resort only with a seasonal deed restriction under local upgrade approval.

Robert Poillucci then stepped down as Chairman to address the Board as an applicant who wasn't happy with the duration of his new lots applications (the Board had approved at last meeting) and was going to write a letter about which to insure that this does not happen again. Member Maxim said I don't think we have yet to clarify what direction we are going in the future on it and he was going to talk to Nate because it needs to get clarified. Poillucci said, if you talk to Nate, there's more than what we heard at the meeting that night about what held it up. Poillucci also said that this is not the forum, it's not on the agenda, I'm just letting you know I'm going to send in that letter and we can deal with it.

Maxim made a motion to adjourn, Spratt seconded it, unanimous to adjourn.

Approved as typed 2/15/17 LP
