

BOH Meeting Minutes 2/6/19 (6:00pm)

Present were: Agent Bernardo, Chairman Maxim, and Members Spratt and Poillucci (arrived late). Chairman called the meeting to order. LakeCam was not present to record.

**137 Main St** – Jon Pink from Azor Land Sciences, Inc. was present to discuss variance requests. The abutter from 139 Main was notified since the well was previously shared with 137. Mr. Pink said that they were requesting a variance from well distances. They were able to get 100' from the neighboring wells; however, they were only able to get 70' from the locus well. They are also requesting an increase in the maximum depth of components from 36" to 52". Agent Bernardo said the well had previously been tested and came back as contaminated. The Board of Health had sent out letters to retest the well, but the owner never complied. There was a discussion regarding the site. Chairman Maxim said the well will need to be tested prior to the septic permit being issued. The existing cesspool will be pumped and filled in (decommissioned) per Title V. Chairman Maxim also noted that plans are coming in with the ground water elevation from the highest part of the system. The ground water elevation is being taken from the lowest point outside of the system. There was a discussion regarding mottling.

Upon a motion made by Member Spratt, Chairman Maxim stepped down to second, it was:

Voted: to approve the plan for the septic system upgrade at 137 Main St. contingent upon a passing water test.

Two in favor (Member Poillucci not present)

**10 Fourth Ave** - Darren Michaelis from Foresight Engineering was present for discussion regarding a septic upgrade from the existing cesspool. The property has an existing two bedroom deed restricted home that the owner is planning on tying into the year round water system. The new septic design has abutting properties with wells that will be closer than 100'. The nearest deep well will be 80' and the other will be 75'. Chairman Maxim said that with upgrading from seasonal water there are adopted regulations to be followed to make a property year round. Agent Bernardo said to covert from a seasonal to year round property the homeowner must show they have year round water, and a Title V inspection may be required. There was a discussion regarding well distances and placement of the system.

Upon a motion made by Member Spratt, Chairman Maxim stepped down to second, it was:

Voted: to approve the septic system upgrade at 10 Fourth Ave. with the two variances and a two bedroom deed restriction.

Two in favor (Member Poillucci not present)

**7 Rustic Drive** – Nyles Zager from Zenith Consulting Engineers was present for discussion. The owner would like to raze the existing house which will require a permit from the Zoning Board of Appeals. They are proposing a new well and an upgraded septic system; the old well will be decommissioned. The lot is 7,500sf which is smaller than the requirement of 20,000sf per regulation. They are asking for a variance from this regulation since it property currently has a

well and septic. There was a discussion regarding the site and placement of the system. Elias and Jeanine Constantine (abutters) were present and asked if the system could be moved further away from their shallow well. Mr. Constantine also questioned if there was always water there. Peter Fuller, owner of 7 Rustic Drive, was also present for discussion. Mr. Fuller said in the late 1950's his father drilled a point well (about 20-25ft). The point is a dry point and the screens are plugged. Mr. Fuller's mother lives nearby and used it as a day cottage; she didn't want to be bothered with driving a stainless steel spiral down to get the water back. Mr. Fuller said his parents bought the property back in 1954 or 1955 and he has inherited the property. Agent Bernardo said he believed in the 1940's when the house was built it was a cesspool with no utilities. When the Fuller's purchased it, the point went in. The Fuller's used the property seasonally. Mr. Fuller said there was a point there when his parents purchased the property, but it had closed up. Chairman Maxim said that the property would be considered a year round property since it has water year round and there was no reference on the deed to "seasonal". Mr. Constantine asked if this would be considered new construction. Mr. Zager said it would be considered an upgrade or repair. Since it is an existing two bedroom home, in order to upgrade you would have to keep it as a two bedroom home. Mr. Constantine asked if upgrades are usually in the same footprint. Chairman Maxim said he had read Mr. Constantine's letter and that a lot of that will need to go to the ZBA. All the setbacks and locations for the house will be done with the ZBA under a special permit since it's a non-conforming lot. Mr. Zager said they are waiting for a decision from the Board of Health before they go to the ZBA. There was discussion regarding the site and placement of the septic and well. Chairman Maxim said that it is consistent with other approved plans with variances. It isn't out of the ordinary. With the adjustments that can be made, the distance to the neighbors well will be between 78-80' rather than 65'. A variance will be needed for the property line. There was a discussion regarding a water test for the abutting well. (Member Poillucci joined the meeting during the discussion)

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

Voted: to approve the septic upgrade at 7 Rustic Ave. with the variance for the square footage of the lot, the adjustment of the variance to the abutters well (Constantine- 2 Ivy Lane) to 78', and property line variance for 5' from Pleasant St. and 10' from the Gomes property line, and variance to the locus well (83'), and a two bedroom deed restriction. The abutters will decide within 7 days, if they would like their well tested. Unanimous in favor.

**25 Parkhurst Drive** - Nyles Zager from Zenith Consulting Engineers was present to discuss variance and local upgrade approval requests. The proposal is to upgrade the failed system with a two compartment septic tank exiting the same area and going out to the front. They were able to get 125' from the pond. There was a discussion regarding the location being on the pond or canal. They are looking for 5 variances/local upgrade approvals. The first is a reduction from 400' to 100' for the leaching area from a surface water supply. The second is for a reduction from 400' to 100' from the septic tank to a surface water supply. The local upgrade approvals requested includes: reduction of the setback between the proposed SAS and surface water supply from 400' to 100', use of a sieve analysis, reduction of the number of deep

holes from 2 to 1. Mr. Zager said the number of bedrooms documented in a walk through as 5. It had always been documented as a 4 bedroom home. The owner is willing to go back down to a 4 bedroom home. There was a discussion about the number of bedrooms. Agent Bernardo said that during a Title 5 seminar that afternoon, one of the speakers from DEP said that the local Boards of Health can grant waivers or variances from surface water supplies down to 200' or tributaries down to 100', anything less than that needs approval from DEP. Agent Bernardo said the question is whether that is a tributary or a surface water supply. Chairman Maxim said there are different opinions. Some engineers will keep it as a public water supply to be on the safe side. He was always under the impression it was a tributary to a water supply. This project is on the canal, not on the pond. Mr. Zager said he would have no problem changing the plan and request letter to a "tributary". He said Jamie Bissonnette went to DEP and spoke with Brett Rowe regarding the Cedar Drive project and if they were to come within 200', how would that work. Mr. Rowe said there was no provision, no application, no fee, there is nothing that DEP can approve for this. They put it in the local Board's hands completely. The only thing they want approval over is State and Federal properties. Chairman Maxim asked Agent Bernardo if he could get clarification from Brett Rowe, see if it is a tributary, and see if that is what they are looking for in the future. Chairman Maxim said he felt comfortable approving the plan. It's over 100' from a tributary. Member Poillucci said he thought Mr. Zager should update the plan as a tributary and let the Board approve it. Chairman Maxim asked Agent Bernardo to clarify what is considered a tributary in this area.

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

Voted: to approve the variances based on the plan being changed to say "tributary" with the upgrades and variances as proposed.

Unanimous approval.

**18 Nelson Shore Rd** – Request to occupy a temporary mobile home. Brad and Jessica Van Zandt were present for discussion. Ms. Van Zant said they have placed a temporary trailer that is currently unoccupied so they can renovate it. They do have a permit to renovate, but not to occupy. The well is being tested for RA226 and RA228. Chairman Maxim asked if they currently have a building permit. They currently have a foundation only permit and will put in the foundation in the spring. Chairman Maxim said the Board does have regulations approved in 1986 on mobile homes for this scenario. You have six months, and you can extend for six months if you have a roof and weather tight within the first six months. You need an approved well and septic. Chairman Maxim said prior to a permit, you need your foundation in per the regulation. There is also a bond mentioned in the regulation. Ms. Van Zant said she had spoken with Nate Darling and he had given them something with no mention of the foundation or the bond. Agent Bernardo mentioned the housing code regulations 430 – no temporary housing may be used except without written permission from the Board of Health. Ms. Van Zandt said the Board of Selectmen told them as long as they had a building permit, the foundation didn't have to be in. The well has been installed and they are asking to install a temporary 550 gallon Tight Tank. There was a discussion regarding setbacks. The regulation states that the foundation must be installed prior to the issuance of a permit for a temporary residence. Chairman Maxim thought a variance could possibly be approved. Agent Bernardo

said that the owners were looking to put in the foundation in the spring, which would put them over the six months for the permit. They are also still waiting for the results of the well test for RA 226 and RA228. Member Poillucci said he thought they could approve it subject to the water test coming back passing. Chairman Maxim said maybe by then they would have someone to install the foundation. He also said he would probably not vote to extend the temporary housing permit if they hadn't done the foundation. Member Poillucci agreed that if the foundation was in and framed and the roof was on, he would extend the permit, but if nothing is there, he would not vote to extend. He said he was fine with giving the permit after the Health Agent receives a clean water test, and that would start the six months. Chairman Maxim added that the foundation must be going in immediately. If the Gross Alpha testing does not pass, a treatment system will need to be added to the trailer. Agent Bernardo explained that typically temporary trailers are only permitted after a fire. The well and septic can be hooked up to the trailer and the system is pumped as needed. There was a discussion regarding temporary trailers within the town. Chairman Maxim said if Agent Bernardo inspected the tank, and it's more than 50' from the well he would be fine with it. Everything that is tied in would need to be inspected. There was a discussion about tank location. The homeowner asked if the tank needed to be an actual septic tank or could it be a liquid holding tank. Chairman Maxim said it would need to be a septic tank, that they make a plastic holding septic tank with a gasket. A high water alarm that would be wired to the temporary house would be needed. The tank size at 550 would require too much pumping, it was suggested by the Board that 1500 gallons (to also provide a reserve) with an alarm would be better.

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

Voted: to approve the temporary trailer with a change to a 1500 gallon tank with an alarm at the inlet. The six months will start as soon as they give Agent Bernardo an approved final water test.

Unanimous approval

**130 County St & 9 Carrie St.** – follow up and update on housing inspection. Agent Bernardo said at 130 County, the occupant was living there with a lot of rubbish. They have moved out, and a housing inspection was done. The owner has been notified that no one is to reside in the house until another inspection is done. Agent Bernardo said for 9 Carrie St, a complaint was made by someone who said he was the acting landlord, of no heat and no water. The owner of the house has passed away. Member Poillucci said with no heat and no water, you condemn the house. When Agent Bernardo was there on Friday, there was a plumber there and they were going to reconnect the water and propane was delivered. Smoke detectors and carbon monoxide detectors were to be installed. Agent Bernardo said he received a call saying there was heat and water, when he tried to call the tenant back he had to leave messages. He went to the house and knocked on the door, there was no answer. He can't get in contact with the tenant. Member Poillucci said to condemn the house. Agent Bernardo said that they are going that route but the individual that was residing there would need special assistance because of their physical abilities. He has called a State agency to help with this and place the person. Agent Bernardo said he will proceed with the acting landlord as he is fully responsible and the property may be vacated or condemned. He also stated that this house is on the seasonal

water supply and it's rented. He wanted the Board's opinion, if he follows up on a housing complaint and then finds out its seasonal water, what should be done. Member Poillucci said the cistern is illegal and it's being rented. Chairman Maxim said, if we get a complaint or observe it, we respond to it. We know there are some tanks out there and we don't want to go looking, but if its brought to our attention. Agent Bernardo said he would contact the acting landlord and tell him it's a seasonal property that can't be rented in the winter. Chairman Maxim said per our rental regulation it needs a Title V and water test. Agent Bernardo said he can cite the acting landlord and post the property, but he's waiting for that agency to help him with placement.

**Fast Food Establishments with proper trash disposal** - Member Poillucci said he felt the Board should require a drive-thru (food establishment) to have a trash barrel. There was a discussion about trash barrels at drive-thrus. Agent Bernardo will find out if there are any regulations currently, and if not he will draft some regulations and a public meeting will be posted.

**Follow up from Emergency Dispensing Site with Assembly Drill conducted 2/4/19** – Agent Bernardo said he would like to get better signs for the next drill as well as the vests. There are currently about 20 people on the team. There was a discussion about drills.

**Review and approve Board of Health meeting minutes from November 10, 2018 as typed –**

Upon a motion by Member Spratt, Chairman Maxim stepped down to second, it was,  
Voted: to approve the meeting minutes from November 10, 2018 as typed.  
Two in favor, 1 abstention (Member Poillucci was not present at the meeting).

**Review and approve Board of Health meeting minutes from January 16, 2019 as typed –**

Upon a motion by Member Poillucci, seconded by Member Spratt, it was:  
Voted: to approve the meeting minutes from January 16, 2019 as typed.  
Unanimous approval

**Review and approve Board of Health meeting minutes from January 23, 2019 as typed –**

Upon a motion by Member Spratt, Chairman Maxim stepped down to second, it was:  
Voted: to approve the meeting minutes from January 23, 2019 as typed.  
Two in favor, 1 abstention (Member Poillucci was not present at the meeting)

**Tight Tank Inspections** – a reminder letter will be sent out to homeowners with Tight Tanks that annual inspections must be done in March, April, or May.

**Adjournment –**

Upon a motion by Member Poillucci, Chairman Maxim stepped down to second, it was:  
Voted to adjourn  
Two in favor, 1 abstention (Member Spratt had left the meeting).