

BOH Meeting Minutes 1/16/19 (6:00pm)

Present were: Agent Bernardo, Chairman Maxim, and Members Spratt and Poillucci. Chairman called the meeting to order. LakeCam was present to record.

23 Twin Oaks Rd – Continued discussion regarding setback requests for proposed carport. David Fredette, the engineer on the project, and Paula Houle, the homeowner were present. Agent Bernardo spoke to a representative from DEP, according to the proposed plan, DEP felt it was a permanent structure. They also said, if the proposed plan had come before them, they would have denied the plan. They added that an aluminum structure would be more sufficient. Mr. Fredette read from Title V regulations stating the following: *“Septic tanks shall be accessible for inspection and maintenance. No structures shall be located directly upon or above the septic tank access location which interfere with performance, access, inspection, pumping or repair”*. He said this carport will not interfere with performance, access, inspection, or pumping. The only thing that will need to be done to repair is to make the roof removable. Member Poillucci said he wasn't in favor of the plan before Agent Bernardo spoke to DEP. Chairman Maxim added that he looked into the building code and it states that a permanent structure is anything that is cemented into the ground. Mr. Fredette agreed it was a permanent structure, but stated that if DEP said no structures can be placed on or above he would have no argument, but they added with no interference with performance or access. Chairman Maxim said they would grant variances for repairs when there are no other options. Member Spratt asked if the homeowner looked into the cost of extending the driveway and moving the carport back rather than retro-fitting the carport so the roof comes off. There was a discussion regarding the project. There was no discussion from the audience. Member Poillucci didn't think it's a good idea personally.

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

Voted: to deny the application based DEP stating the Board does not have the authority to grant approval.

Unanimous approval

211 Cedar Drive – meet with Zenith Consulting Engineers, LLC to discuss variance requests and local upgrade approvals. Nyles Zager was present from Zenith Consulting Engineers. There was a discussion regarding the perc test. Due to the proposed site of the new septic system, a new well is being requested in order to maintain the 100' setback. Mr. Zager is requesting a local upgrade approval requiring a 4' separation to high groundwater down to 3 feet. Member Poillucci asked if this was going to be a raised system or if it would be in the ground. Mr. Zager said it will be raised, but not on the high end, just to catch the grade. There will be no impact to the neighbors with storm water. Agent Bernardo spoke to DEP regarding this proposed plan. He explained that DEP said Boards of Health may grant these reductions to surface water supplies or wells with the condition of I/A technology. Agent Bernardo referenced two projects (Pond Lane and Oak Street) that requested variances that installed advanced treatment

systems. There was a discussion regarding the project. Mr. Zager will try to make adjustments to the design and try to eliminate the need for the variance.

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

Voted: if the system can be moved 1' so the variance isn't needed, the Board will approve the plan.

Unanimous approval

207-209 County St - Nyles Zager from Zenith Consulting Engineers and Walter Faria, attorney for the owners, were present for discussion. The property is two lots with two existing houses (one on each lot). Both the septic system and well have been shared between the two houses. The owner filed a petition with the ZBA and received a variance to knock down one of the existing houses and construct a new house. The issue is the septic system. Both properties are owned by the same person, with a restrictive covenant limiting the total number of bedrooms to five. What the owner wants to do is have something in place for when he sells one of the lots indicating it's a shared system. Member Poillucci said DEP allows shared systems. Mr. Faria said that DEP would ask for some surety bond, but since both lots are owned by the same person would the Board be willing to waive the surety bond. A covenant would be drafted stating that if they transferred one lot, it would trigger the Board to ask for some type of bond or escrow account to ensure the system could be repaired. Chairman Maxim said he is looking to get this done now; it's a shared system on two lots regardless. The covenant should be set up as well as the easement. Mr. Zager said that they will still notify abutters and there will be set back issues. Both houses will be too close to the system (located on the property line). They were concerned with the surety aspect of this project. Mr. Zager said if Mr. Moriarty (owner) put \$30,000 into surety, it's basically \$30,000 for himself. He felt that they should come up with an agreement whether it is a deed restriction or something else. Member Poillucci said that maybe a recording with the registry of deeds that the property cannot be sold without a reasonable sum being put into an account. Mr. Faria suggested an escrow could be set up with the town as a beneficiary would be the cheapest way. Chairman Maxim said that also a shared system needs to be inspected every 3 years under Title V, even though it's the same owners. Member Poillucci said he would like to check with town counsel what would be the best way to do it. Chairman Maxim said the shared well will need to be addressed too. Mr. Faria said both the septic and well could be addressed in the same document.

13 Cottage Lane - the homeowner, Traci Arruda, was present for discussion. She is asking for a variance for the proposed garage. The project was previously before the ZBA with a 2.6' variance from the septic tank. The applicant is now proposing a 5.2' variance. There was a brief discussion regarding the project.

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

Voted: to approve the variance of 5'

Unanimous approval

67 Main St - Dave Rose was present for discussion. He purchased the property at 67 Main St. back in the spring. He also currently owns 69 Main St. He stated that the building at 67 Main is in disrepair and his plan is to tear it down in the next few years. He has opened a small used car lot on the property. His future plan is to tear down the existing building and put up a commercial building with some rentals and a small showroom for a small used car lot. He would like the Board to give him some time to replace the septic system once he comes up with a plan for a new building. There was a discussion regarding the site. Member Poillucci said that the usage is minimal with a business rather than a family living there. He didn't have a problem with giving the owner some time to upgrade with some conditions. The Board agreed that two years from the purchase date would be the maximum time they could give for an upgrade and the system must be pumped every 6 months.

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

Voted: to allow until 5/3/2020 to upgrade, pumping records must be sent in and system must be pumped every 6 months. If the upgrade isn't done by 5/3/2020, the Board will condemn the property and no further variances or extensions will be given.

Unanimous approval

Approval of Meeting Minutes from December 19, 2018 as typed –

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

Voted: to approve the meeting minutes from December 19, 2018 as typed.

Unanimous approval

Approval of Meeting Minutes from January 2, 2019 as typed –

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

Voted: to approve the meeting minutes from January 2, 2019 as typed.

Unanimous approval

Adjournment –

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

Voted: to adjourn

Unanimous approval