



Public Meeting

October 2, 2003

Members Present: Mark Baker, Cynthia Gast, Duane Gregory, Ken Janson, and David McLean.

Members Absent: None

Health Agents: Jane Evans Raasch

Health Inspector: Patricia Pajaron

The meeting was called to order at 6:40 p.m.

AGENDA

Public Comments

There were none.

New Business

516 Commercial Street - Sewer Hook up Request

Existing cesspools on this property are in a state of failure. The property is owned by the Fine Arts Work Center (FAWC). The request is to allow hook-up to the sewer system. The property has already undergone a technical review by the Waste Water Team.

Motion: Cynthia Gast made a motion to approve the request by recommending to the Water & Sewer Board that the failed system is "critical" and should be hooked into the sewer system. Duane Gregory seconded the motion and it was approved 5-0-0.

3 Nickerson Avenue - Sewer Hook up Request

(Ken Janson, an abutter, stepped down on this case.) Jean Hurwitz, the owner, said she is directly across the street from the Hans Hoffman house. She recently found out that her system (a cesspool) has failed. Jane Evans Raasch and Wayne Perry did a site inspection to the very

small backyard area, and both recommend the property as critical. If it were replaced it would have to be a mounded system.

Motion: David McLean moved to recommend to the Water and Sewer Board that this property be allowed to hook up to the sewer system as their need is critical. Cynthia Gast seconded the motion and it passed 4-0-0.

659 Commercial Street - Request to Opt Out of the Sewer

Benjamin E. Zehnder, Esq. Of the Veara law firm presented the case to the Board. He said the 1996 Title 5 they have on the 4-bedroom property is relatively new and the owners are willing to give away their allotted gallonage to someone else in the sewer hook-up process. The owners of the water-side property are Teri M. Motley & Julia W. Gilmore (Ms. Motley was in attendance). Mr. Zehnder was told that a property can't give away gallonage.

After some discussion, it was determined that this property was assigned a red dot/immediate hook-up status a year and a half ago, and what the owners really want is a delay in hook-up – the red dot delay status. Wayne said he might think about allowing a delay which would mean that the betterment would not be due until the actual hook-up; the flip side is that the delay may mean the owners might not be eligible for the 20-year interest free loan.

With the Board's approval, Wayne asked to table the case until the next meeting of the BoH that will take place on October 16th to allow time for a system inspection. Jane has precedent setting concerns.

50R (now 52 Point St.) Point Street - Dan Petrucci Building Plan Review

Dan Petrucci hired an architect who designed changes that Dan wanted made; the architect had a copy of all BoH regulations as they refer to buildings. Unfortunately the design did not meet the Board's interpretation of the regulations. The opening into a previous bedroom that was being turned into a "dining room" was only four feet and it was thought that this opening could be filled in with a door allowing it to be used, once again, as a bedroom – which in this re-design would mean adding an additional bedroom (and therefore side-stepping Growth Management). Duane Gregory and Ken Janson would prefer a 6 ft opening that would be in keeping with past BoH rulings in such matters.

Mark said the BoH needs to review the bedroom regulations to make them more clear. But a suggestion was made that if the architect put in see-through shelves on either side of the 4 foot opening to allow for 6 feet of visibility into the dining room, that such an opening would meet the non-privacy concern of the BoH.

2ND by David
Motion: Duane Gregory made a motion to allow the Health Agent to sign off on 52 Point Street if the following changes are made:

- 1. A 6 foot opening is made in the dining room, OR,**
- 2. The shelving units currently shown on the plan are open to the living room (designed as a see-through wall) to address privacy concerns.**

Ken Janson seconded the motion and it passed 5-0-0.

Any other business that shall properly come before the Board

76 Bradford Street – Ken Martin is the owner of this property that abuts The Crowne Pointe property. His property has suffered much shaking from the sinking of the sheeting at 78 Bradford Street by Mike Winkler (who was in attendance) that was necessary to allow a new foundation to be constructed at that property. He has two cesspools on his property, one for gray water from the kitchen sink and the laundry and one for all other septic waste. The former cesspool had endured a partial collapse due to the construction next door. Mr. Martin asked to repair the failed septic (as in quick fix) and that seemed feasible to the Board after Jimmy Roderick, the septic installer/hauler who would do the work, assured the Board that the repair was very doable.

Motion: Mark Baker made a motion to allow Mr. Martin to repair the damaged cesspool with the condition that he agrees to a consent order that states that upon the sale or transfer of his property, the property must be hooked up to the sewer (if it's available) or a new Title 5 must be installed. This quick fix/consent order agreement is due to the extenuating circumstances caused by an abutting property. Ken Janson seconded the motion and it passed 5-0-0.

The Ship's Bell: 586 Commercial St. – (Duane Gregory stepped down from hearing this case.) This is Eric Dray's property and Eric was at the meeting to remind the BoH that he had come before the Board in June at which time the BoH had strongly advised a recommendation to the W&S Board that this property be allowed to hook into the sewer system. Subsequently in September, septic system #1 on the property has failed. Jane did an inspection of the condo property to confirm the failure and on September 30th issued a letter to Eric stating the Board's policy that if one septic fails on a property, then all septic systems on that property have to upgrade. Jane's letter says by December 31st of this year, the property has to hook into the sewer system or must have a BoH-approved Title 5 system installed.

Eric Dray is requesting that the BoH approve a quick fix now in anticipation of being allowed to hook in to the sewer. Jane's concern is that the East end may be at capacity for Phase I and Phase II is not a guarantee and could be some years down the road. Wayne Perry believes that Phase II will have to happen sooner rather than later as in his words, "There's no way to avoid it."

Ken Janson suggested that the property come back before the BoH before 12/31/03 when they know their sewer hook-in status. Mark Baker said the problem with that is that sales of condos on this property are pending, and their septic system dilemma is holding up financing. Jane suggested that a sewer escrow agreement might be the way to help the property as it would allow for funding for mortgages.

Motion: Mark Baker made a motion to amend the BoH recommendation to the Water & Sewer Board for the property's sewer hook-up from "strongly advised" to "critical" due to

the failure of the current septic system. Further, should the Phase I sewer hook-up not become available to the property, then the property has the right to come before the BoH to request an extension on the December 31st deadline for Title 5 installation or to allow the property to enter into a Sewer Escrow Agreement for Phase II if such a possibility exists at that time. Finally, a temporary quick fix will be allowed for the failed system at this time. Ken Janson seconded the motion and it passed 4-0-0.

Local Septic Hauler Dumping at Town Septic Station Discussion – Mark reminded the BoH of the discussion that occurred during the joint Public Hearing with the W&S Board.

Motion: Mark Baker made a motion that the BoH requests the Board of Selectmen to direct the DPW, the Sewer/Waste Water Team and any other pertinent departments or agencies to investigate the feasibility of allowing the local septic haulers to dump at the Wastewater Treatment Facility, so long as the study of this option is at no expense to the Town. This information is requested so that the BoH will have all the potential facts to weigh the options concerning a potential public health issue. Vote was 4-in favor, 1-opposed (CG), none abstaining.

Shamrock Motel: 49 Bradford Street – This property has a failed system and the only fix is for them to remove the old system and put in a totally new one (much like the A&P/Grand Union situation). But the new system would require a variance to groundwater that the old code system did not require. The property would have to come before the BoH to be granted such a variance.

Elena Hall's property – Jane & Wayne did a walk through since the assessor was never able to gain access to determine the correct number of bedrooms. They did the inspection and determined that the property has 5 bedrooms, not the 8 that the owner believes she has.

Approval of Minutes: Meeting Minutes of 9/18/03

Ken Janson made a motion to approve the minutes; Duane Gregory seconded it, and it passed 5-0-0.

Health Agent's and Health Inspector's Reports

Jane had made all her reports already.

Patricia will be addressing George Bryant's property again. The fence along Angel Food is once again piling up!

Board Members' Statements

Duane Gregory is troubled by Dan Petrucci's case. She suggested that the Board fix all its regulations concerning specific definitions for: lofts, bedrooms etc. Jane promised to do some investigatory work on definitions from other towns.

Cynthia Gast: "Regarding the A&P – when is the septic system construction supposed to happen? They went before the ConCom and they were all hopped to put it through the sewer." She wants to make sure that the septic is installed or that sewerage is addressed for the market. Jane assured here that now that the market had finally presented to ConCom, the repair would be imminent.

David McLean said that clerks at the Old Pilgrim Variety are once again smoking in that store. Pat promised to follow up.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,
Evelyn Gaudiano
Evelyn Rogers Gaudiano

Approved by _____ on October 9, 2003.
Mark W. Baker, Chair