Board of Health
Meeting Minutes
October 10, 2000

Present: Mary Jo Phelps, Ellen L. Foberg, Geoffrey N. Bagley and Melissa S. Quinn

The meeting was called to order at 7:02 PM.

Also present were Ruth Loomis, Ronald Jette, Daureen Petersen, Anne Foshay, Robin Reed, Mary Wondra, Glen Coye, Russell Jolly, Susan Wood, an unidentified man and Virginia Ray (Greenfield Recorder).

Ron Jette asked if the Board recalled why his lot on Old Cyrus Stage Road (Map 11, Lot 117) could not be developed. The Board looked in the files for that lot, and determined that a percolation test was done in 1985, but no construction was ever done. Mr. Jette (whose former home is located on the abutting lot) has built a shed on the lot in question, and has had a well drilled. He would like to convert the shed into a dwelling. He did state that there is seasonal water at the rear and on either side of the lot. He noted that the state requirement for distance from a septic system to seasonal water is 50 feet, but Board of Health regulation requires 100 feet. He asked if he could obtain a variance to this regulation, (proposed site of septic is 77 feet from seasonal water) and was told that he could not get a variance for new construction. Variances are only given for existing dwellings. He stated that his shed is already existing, but was reminded that it is not a dwelling, and to grant him a variance would not be fair to others that have had similar problems. It was suggested that he approach the owner of the neighboring property to see if he could acquire additional land. He asked if another percolation test would be needed, and was told that another test would be required because the old percolation test was done prior to the new Title 5 regulations.

Daureen Petersen came in to discuss required repairs to the septic system at her property on Zoar Road (Map 3, Lot 44). She asked if a Title 5 inspection might be done on a system that has not been used for six months. (Title 5 states that no more than six months may elapse from the time of transfer to the time of inspection, and that delay is only permitted due to inclement weather, as per 310 CMR 15.301 [1]). She denied that there was a backup of sewage into the house at the time of the original inspection, but it was pointed out that there were additional reasons for the system failure. She does not want to use Bob Leet's plan as she feels it is too "complicated, complex and expensive." She asked if she had yet another soils evaluation, she could still use the results of the original percolation test. Ms. Foberg said that it would be up to whatever PE or RS she hired if they were willing to accept someone else's percolation test results. It was noted that the same specific site would have to be used, and if another area were used, it would require a new percolation test. She asked if she would have to wait until the percolation season to do a new test or soils evaluation, and she was told that she did not need to wait since it is a repair to an existing system and not new construction.

Russell Jolly said that they have found the existing system at the Fagnoni property, which they have dug up. It is concrete, but shares a common wall with the house foundation, so no longer complies with Title 5 code. Susan Wood told that Board that she had talked to Larry Golonka at DEP and he told her to file a letter of complaint with DEP saying that "we've done everything we can do, and that's as far as we can do." She also talked to him today and he faxed her an exclusion from a Title 5 inspection. She gave Chairman Phelps an agreement saying that they will install a system designed by Peter Franz within two years, thus waiving Title 5 because they have already had a design done (310 CMR 15.301 (4) (b) by Mr. Franz. They also submitted an application for a disposal works construction permit for the Board's approval. Mr. Jolly said that the design by Mr. Franz is based on an old percolation test done in 1996. He further said that according to Title 5, a percolation test for a new system is two deep holes and two percolation holes, and for a repair only one percolation hole is required. Ms. Wood stated that any house with a sewage system in is considered a "repair". It was noted that until this meeting, the information given to the Board was that there was no existing system at the property. In fact, a Title 5 inspector hired by the property owner was unable to find any evidence of any system. Mr. Jolly admitted that this was so, and that until only a couple of days ago when the system was discovered (and confirmed by Mr. Bagley) "this is new information to all of us." Both Mr. Jolly and Mrs. Wood gave the Board their promise that they would install the upgraded system prior to occupying the dwelling. They stated that they would not be moving in until spring and not until the upgraded system is completed. Mr. Jolly said that the setback requirements are met, both from property lines and the brook. It was voted to grant approval for the application for a disposal works construction permit, with the understanding that the upgrade be completed no more than two years from transfer of title. Mr. Jolly said that they do not plan to wait two years and that Jim Williams will be doing the installation in the spring. Three copies were given to Mr. Jolly and Ms. Wood.

The Jolly/Woods left, as did Ms. Foshay, Ms. Reed, Mary Wondra, Glen Coye and the unidentified man.

It was noted that a check was received from Waste Management for recycling revenue in the sum of $268.00 to be deposited to the general fund.

The warrant for a special town meeting to be held on October 25 at 7 PM was reviewed and signed. Constable Chris Tower was called and came up to post the warrant.

Chairman Phelps reported that a pre-fab shed in the size desired for the transfer station is larger that is available, so she called Steve Crowningshield and he will give the Board a quote within two weeks.

A letter from Ronald Lavigne relative to the Carlow system was read. It was the unanimous consensus of the Board to require the addition of a distribution box in the system design, as well as a water test due to the close proximity of the well to both the existing system and the proposed upgrade.

Approval was granted for an application to construct a disposal construction permit for the Zak property. Peter Franz did the percolation test and system design. (Map 11, Lot 73) The percolation results were 14 minutes to the inch, and Chairman Phelps, Geoff, Sharon and Jim Williams also were in attendance. The existing tank will be used with the addition of a new distribution box and leach field.

Chairman Phelps reported that she and Ms. Foberg did a final inspection of the installation of a new septic tank at the Sullivan property on Cross Road (Map 11, Lot 20). It was a 1500-gallon concrete tank, 2 compartments. Everything appeared to be in order.

Septic pumping logs were received for the following from Houghton Sanitary:

Robert Clancy Old County Road	9/22/00 1000-gallon concrete tank, good condition
June Brown County Road	9/22/00 1250-gallon concrete tank, good condition

The meeting adjourned at 8:25 PM.

Respectfully submitted,
Melissa S. Quinn, Administrative Assistant

Approved:

Mary Jo Phelps

Ellen L. Foberg

Geoffrey N. Bagley