

Holland BOH

MEETING MINUTES FOR MARCH 12, 2015

Call to order at 7pm

Attendance KF, DK, DM and Ernest Mathieu (Title 5 Consultant for BOH plan reviews)

Minutes to review: none to review from 2/24/15 they will be reviewed at the next meeting.

**WAITER IN HALLWAY:**

Ron Seaberg -110 East Brimfield Road

Questions about nuisance:

Mr. Seaberg: "I would like to know if you have any knowledge of the standard about decibal rating in a residential area? And here is the situation:" There is a house next to me that was rented out. There are some young men living there.... And in the fall they started running ATV's up until about quarter to 11 at night. Run snowmobiles now. Mr. Seaberg has measured 91 decibals measured from 130 feet.

Noise complaint: 91 decibals from 130 feet

Zoning bylaws don't really specify for this circumstance (Residential)

Section 711 development and performance standards talks about projects but not nuisance noise created by a neighbor. Page 73, 711-9 There is a chart there. Measured at property line for construction noise but in 7am 10pm is 55 decibals after 10 it goes down to 45 decibals. But this noise is unacceptable

MGL 296/ use of off highway recreational vehicles says: nothing louder than 96 decibals when measured 20 inches from the machine. I get this level from 130 feet... and it's loud. Oliver Howlett owns the property.

Local police have been contacted.

State police have been contacted—he said disturbing the peace can be at anytime.

Mr. Seaberg has a bed and breakfast. Noise is unacceptable.

Mr. Seaberg has made several visits to state police.

Mr. Seaberg wants to know if we have a decibal level that is acceptable.

Asking the question what is the acceptable decibal range for residential areas. BOH will research this.

**OLD BUSINESS:**

17 Collette Drive: Joining the meeting are Mark Farrell-Registered Sanitarian and Doug Curving-property owner

Earnie Mathieu presents his findings from the plan review:

Earnie has questions about the plan: The plan shows this as an existing 3 bedroom house. On your assessors website it is listed as a 1 bedroom dwelling. So there is a discrepancy there. There could have been 2 bedrooms added on at some point in time and so if that happened that leach field should have been increased during those additions of those 2 bedrooms to compensate for that daily flow of that 110 gallons per bedroom. So if this is in fact a 1 bedroom dwelling and the existing system is designed for a 1 bedroom dwelling then this system being designed for a 3 bedroom dwelling is not a repair it is an upgrade. So it has to be treated like new construction. Which means there has to be 4 deep holes 2 perc tests and a reserve area. If this were to be approved and upgraded as a 3 existing bedroom and it were put for sale on the market, it would have to be put on the market (even though designed as a three bedroom) it would have to go on the market for what is legally on the assessors maps.

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DK: We don't know what's really on the assessors map. (To Doug Curving) Do you know? Are you aware what the assessors map?

DC: The assessors maps aren't always right. It's 3 bedroom house..... There are three bedrooms in the house. There has always been three bedrooms in the house. There is no change to the floor plan. Jack Keough knows that, he's been out to the property...he knows exactly what's going on.... There is no change too....

DK: See, and this was built before title 5.

DC: It predates all the records...

EM: Is the existing field designed for 3 bedrooms

MF: Well it was basically put in before there was any code probably

DK: This is a piece of really old property

DC: Like other places that are built. Old properties they predate.... So if assessors can't get in they just make an estimate or guesstimate of how many bedrooms are in there

DM: If it was ever upgraded from a one bedroom there is nothing in the file for any permits or construction. Everything in the file predates title 5.

DK: the problem is it's been taxed on a three bedroom....

KF: Alright guys C'mon here....

DM: Not according to this he hasn't...

DK: That's not the tax rate....

DC: (To Ernie Mathieu) Mark knows you..... What's your role in all this .. who are you.....

KF: He is an outside advisor to us

DC Oh..... ok..... alright.....

MF: So I look at the assessors, I look what's there..... (EM: Uh-huh) and I design for what's in the house (EM: Uh-huh) ya know because the assessors are not always correct if they don't have access to the house. An example, I have a camp I just bought in Sturbridge. The assessor listed it as one bedroom, it is clearly two bedrooms. (EM uh-huh) And I don't think they have ever been in there so they just make a reasonable estimation of the number of bedrooms in there. So that's why I wouldn't consider it an expansion. It is just designed to handle what's there already.

KF: Ok, I was looking at this Mark..... where is the old system?

MF: The old system is right behind the house.

EM: And does the old system just consist of just a cesspool or...?

MF: Steel tank and probably some tiny little trench coming off of it

EM: ok... You should be showing....

MF: yeah, I should be showing

EM: the existing leach field.....

MF: to be dug out.....

EM: in a dotted line sketch or however you want to show it.

Then the other question I have is that ... and this is from the assessors map..... you are showing wells, but not indicating what properties they are from.

MF: that's plot 14B 5.1

EM: Ok, I see that one

MF: 14B 4, 13C 2

EM: Ok

MF: And ...that's it. So got the names...Waters...they are the current owners.... Ostrander...

EM: Since the leach field is right here, what's the location of this well? This should be on there also....

MF: ..... That's vacant property. DC: (simultaneously) Vacant

EM: Oh that's vacant

DC: It was never a finished road, if you go back to the original maps in the 60's

EM: And are these still vacant?

DC: No

MF: They are over 100 feet

EM: Ok

MF: So by the time you get across the road and.....

DM: It is hard to tell..... it would be nice to have a larger distance shown on the plans

DC: talking simultaneously: The lake is down here....

EM: Well according to title 5 you are supposed to show every well within 150 feet

MF: Show or indicate

EM: show or indicate.... Within 150 feet of the SAS and within 50 feet of the tank. Ummm.... Is this well less than 50 feet to the proposed tank?

MF: Yes it is..... But we asked for a variance to that..... the proposed septic tank does not meet the required set back from a well, 50 feet required 25 provided now formerly Ostrander..... this property right here

EM: Now I don't know if it has been done yet, but all these abutters that you are asking variances from, this property line..... this abutter has to be notified....

MF: well we have notified them all. This is actually a road so there is.... It's a private road (EM: mmm hm) ....

Notified...notified.... Waters, Ostrander and Hale.....

DC: (talking over and through MF) We notified three people

EM: Have you gotten and feedback from them.... Whether they contest this?

DM: Ostrander.

DC: Ostrander I just talked to. Per Ken's direction I got a water test that I paid for for Mr. Ostrander. I have those results, I spoke with Mr. Ostrander on the phone today and he has no opposition.... His whole point in writing the letter was that he wanted more information.

DM: I spoke with him today too and that is not what he indicated.

MF: We notified him of the time and the place of the hearing and what the variances were, and ah.... he's the only one who.... He came to the initial meeting

DC: (to Manning) What time did you speak to him?

DM: I don't remember.... I don't remember.....

DC: (bullying) Afternoon? I talked to him it was late.....

DM: I DON'T REMEMBER

EM: I just want to remind the board members here that ....

DC(INTERUPTING EM...) He told me the last time he talked to you was two weeks ago before....

DM: I have...I've spoken to him today...

KF: (softly) let it go.....

EM: As Public Health officials when you review a septic plan you have to look at the best possible design that protects public health..... that has maximum protection from contamination of any nearby wells, of any bodies of nearby waters...lakes streams reservoirs..... and if this can be placed 50 feet from that well, and closer to this property line it would be better..... what are we looking at three feet here?

MF: 25 feet. We can move the tanks over, there is a driveway here. But they can certainly come over four more feet this direction

KF: That's 29 feet

MF: That is 29 feet. 50 is code....

DM: but doesn't that make this more of an angle?

MF: that doesn't matter

DM: ok it doesn't but straighter is better

EM: Does anyone have an idea how old that well is?

MF: We don't know how old it is, but it's a drilled well, and this is a drilled well, and this is a drilled well.

DC: (garbled.....).....well on my property?

MF: All the wells are drilled.

DC: Yes, right. And the well on 17 is (inaudible...)

EM: Now, if the board grants variances....allows this... and grants variances from these distances to the wells.... according to title 5 water testing is required for bacteria and for other components, at the owners expense.

DM: I thought so

MF: It's not required by title 5

DK: (..... Partially inaudible..... the sale...)

EM: But the board can require it.

MF: The board can require it, but title 5.....doesn't..... Title 5 per se doesn't it has a..... they can condition a local upgrade or variance..... But it' nothing.....

EM: But it wouldn't be in the best interest of the board NOT TO REQUIRE testing if you are going to give a variance to allow less than that 50 feet from the tanks and less than that 100 feet from the wells.

KF: So this is Ostrander, this one here right?

EM: Right. Because in doing a lot of outside consulting work whenever I did this and submitted a plan then showed wells requiring distances from setbacks from tanks to wells.....

DK INTERRUPTING EM: (inaudible because talking over) ...is this after the construction of new system.....

EM: PRIOR AND AFTER

DK: The thing about prior is that this system hasn't been used in 15 years. It's been vacant for 15 years, so my opposition to well testing on the front end is that it's not going to show anything. It's not going to be indicative. It's been inactive for 15 years it's not going to show anything.....

-----inaudible----- DC, DK MF all speaking at once

KF: What is the law?

EM: The law is..... I was involved working as a consultant designing a plan in Westfield. It was on Buck Pond. It was a structure that burned down, ok..... and I worked for the property owner who wanted to build a new structure and put a new septic system in. We went to the board to see what had to be done to satisfy title 5 and also to get approval. With this lot it was right along the pond.... The ruling was (and consulted with DEP) the ruling was that if it is a really small lot in order to have a repair, not an upgrade, in order to have a repair the house had to be constructed with the same amount of bedrooms as the prior existing house and the same foundation footprint and no larger. The tank and the leach field had to be 50 feet away from the wells.... the tanks had to be 50 feet away from the wells and th leaching field 100. If they were less, even though the house was burnt and it was abandoned, the board required prior testing to see if there were any other sources of contamination and then testing after the system was in, just as a safeguard Now what the homeowner wanted to do..... was being a small lot wanted to like everyone else build a bigger house. It was a 2 bedroom house so we ended up designing it for a two bedroom, because we didn't have room for the expansion for a larger flow. He wanted to build a three bedroom house with 2 options..... a larger footprint or the same footprint with three bedrooms. DEP and the board said whether you have the same footprint, the fact that you are increasing the flow from a 2 bedroom dwelling to a 3 bedroom dwelling, which is increasing the leaching field, this now falls under the same requirements as new construction.

2 Unidentified voices simultaneously.... RIGHT

EM: Now you need 4 deep holes, 2 perc tests. Two deep holes and a perc test for primary, and two deep holes and a perc test for a reserve area. They couldn't fit the house, the tanks, the system and the reserve area in that small lot. So we went with two bedrooms and kept everything the same size. And then again we got variances we were able to get the 50 foot distance from the tanks of the neighboring wells but there was one well.... That I believe 60 feet instead of 100 feet and the board required testing prior to the installation and after.

KF: Of all the wells involved

EM: Of all the wells involved. I'm just explaining a similar situation I was involved in and what DEP required me to do and what Westfield required me to do.

MF: that sounded to be like it was considered to be new construction, particularly if they expanded the number of bedrooms.

DC: You said the house burned down and they built on the same footprint.

EM: Right

DC: We're not doing that this was an ABANDONED..... it's being renovated...

EM: But I wanted to make light though is here's a house that was burnt down, the property was vacant for a while, no flow going to the system for months and months and months.....

MF: And they still required water testing... Right, yeah

EM :and the board still required prior well testing and after well testing

MF: Let me just ask you this Ernie, I understand that the board CAN require testing and lots of board do....

EM: Then here is my question, Why would the board be hesitant to require it because chances are if there has been no flow to this lot and the leach field has been stagnant for months or years or whatever chances are there is nothing wrong with the wells anyway.

MF: I'm sure there is nothing wrong with the wells.....right.

EM: And...and..... it would give people the impression to not want to do it is to maybe think there IS something wrong with it that you don't want to show up.

MF: I completely understand the logic and ah, it kinda makes the people feel better and a little more confident but our issue is..... To even come back after 6 months and do another test, I mean I can understand, but to require him to test everybody's well forever is not really fair because if his holding tank is not pumped and it leaks on top of the ground that could contaminate it... or any number of things, so just because.....ah..... he shouldn't be held liable for the condition of all these people's wells.

EM: mmm hm

DM: well then he shouldn't try to vary from them

EM: Well then let me ask everyone in this room a question... if you don't do any testing, and you give a permit, and the system goes in like it is, and these people start getting odors from the wells bad taste from the wells and they test them and they come up high in titrate and nitrogen concentration loaded with bacteria and they get lawyers and they sue the board and they sue the engineer saying that well you put this system in and you contaminated our well ....

DK (tries to interrupt)

EM: Wait a minute let me finish ok, how can you defend yourself and say it's not the system when if you did testing prior to the system and they were ok....

DK: (interrupts) I understand but....

EM: or NOT ok.... then you can say well they were contaminated before we did this, so you want to find out if they're contaminated before you do anything because, if you do something and then find out later they are contaminated the fingers are going to all point at everybody here. (3420)

DC: I just want to make one comment....

EM: Do you agree with that Mark?

DC: So that, so that to me sounds like a policy and way back when, you weren't a part of it Ernie, but months ago talked about setting a policy.... And that never happened..... to me that sounds like a policy..... that to me sounds like a policy..... If you want to set a policy set a policy....

(Several voices speaking all at once. .... inaudible.....)

MF: So you are saying test now and test once down the road

EM: And I'm saying I don't know what was done in review of other plans, but I would encourage this board and any board across the state that whenever they approve a system that requires a variance from a well, well tank separation, well SAS separation is that you, is that ACROSS THE BOARD YOU ALWAYS DO PRETESTING and

DK: (interrupts) But if you do a pretest and find out something is wrong....

EM: You can't be selective about that..... you gotta do it for every plan that you review and every situation that you review or don't do it at all and someday it will come back to bite you in the butt

DK: If it does come back, (DK interrupted EM who was still speaking: "I guarantee you.") say it comes back, isn't it the owner of the well's responsibility to determine where it's coming from? Because even though this man put a new septic system in, it doesn't mean that it is his system that is contaminating the well. We had a situation where we had a ....

EM: All they have to do is get a hydrologist to show what the direction of groundwater flow is, and if it's from here to their well..... you are going to have a hard time proving it is not their system.

DK: I understand, but you are gonna still have to prove that it is their system. So what you're saying is you are going to have to find a hydrologist to do that.

EM: I'm sure that a hydrologist can convince a judge that it's coming from, if that's the case, is the groundwater flow direction.....

DK: (interrupted EM) but I'm saying .....many inaudible voices (none of them female).... the well is bad, we shock it and make it good. That's what happens right? Ok.

EM: You can treat wells. There's a disinfection procedure.

DK: Right. You treat the well you disinfect it. Now, A year later the well is contaminated again. Ok. So whether or not you took that first test is irrelevant..... you found out it was bad, you shocked it and you made it good, and now the septic system..... let's say it is contaminating the well, and you're going to find that out because of a hydrologist, and if it isn't contaminating the well you're going to find that out as well because of a hydrologist, the fact that you took the initial well test is totally irrelevant because the old system has no implication here..... it's GONE, and the new system whether you took the first well test or not, may or may not be making the well bad. That's my point.... My point is that the initial test proves nothing.

MF: I do a lot of work in Holland... ..and these wells are reasonably constructed, but I can show you well after well neighbors that have substandard construction. They have shallow wells, cracked well tiles, I've looked at wells before just to determine if they are wells or septic tanks....popped it open.... I've seen dead mice in people's wells.

EM: Now Another thing if this is a town street, a private way.... If that's a private way is it paved or not paved.....

DC: It's woods..... it's woods. it's never developed it's not drivable.

KF: It's a trail, I would say.

EM: So with this property owner you need to , during construction do some safeguards to prevent any disruption of this property or this property line because you are 2 feet away from that leach field

DM One foot

EM: Or one foot. I was involved in this situation in Granby, where we asked for a 5 foot variance from a property line and we did get that variance, but when the system was being installed this property line and the property was downhill from where the system was going.

MF: So a neighbor lived there

EF: And we had rain and rain and rain..... so we had silt run on the property, and now the homeowner comes out....sues..... tries to sue the contractor, tries to sue the homeowner and there was an extensive clean up to be done by removing all the silt and not disturbing the natural loam and all that stuff, and then the entity that got the worst wrap was the BOH for approving it. You should've never approved that with a variance of two feet.

MF: The applicant should have notified the abutter by Certified mail

KF: Did you?

DM: Yes they did

Everyone talking at once..... (inaudible)

DK: ..... test all the wells and then test afterward one time

EM: Right. And the rule of thumb with Boards of Health and engineers is nothing less than a 5 foot variance to property lines. I have never seen in my time because of the....

DK: (LOUDLY INTERRUPTS ERNIE) We've done it around here because.. .

EM: .....because of the possibility of damaging the abutting property and causing legal issues

DK: But this is a property line on a road, is that it is what you're telling me

LOTS OF INAUDIBLE..... TOO MANY VOICES

KF: So if it's not the town of Holland, who owns it?

MF: It's just like who owns all the private roads in town? It's basically..... There just....

DK: There

MF: There. I mean basically this guy Barry would have owned it originally but all of these roads are private (4054)

DM: So every single person who has it in their deed owns it to half way.... Isn't that how it works?

MF: You could.... I have heard people say that but look at this here is the road here, so if Doug owns to halfway, this is his property here....

DM: If it's in the deed.....

MF: this that funky turn here so he has another 26... the road continues another 52 feet and another property line here and another 30 feet on this line here. And this is just probably and stops right here...

KF: This like a grantee .... You can use it for your own personal ....besides driving in and out .....

MF: Well you can't put a well in it. I mean people have done it, but...

EM: So enough of the setback with the property line. Now let's go back to the existing three bedroom dwelling which is in conflict with this (holds up assessors sheet showing the property is being assessed as only one bedroom) . If I were a BOH gent or a board member, I would say, get these two to jive have this say one and this say one, or have this say three and this say three, and then I'll approve it. I wouldn't approve it with them not jiving.

KF: It would be better for you anyway because then you can sell it as a three bedroom.

DC: The fact that assessors listings are..... have errors.....

EM; and that's a legal thing too. Because being an agent in Holyoke and reviewing plans this plan has to come in number of bedrooms has to match what's on my assessors maps. My assessors will tell you in Holyoke their maps are not wrong (42528)

KF: I know that. Now....what is the variance from the leach field to the foundation?

EM: 20

KF: I used the calipers last night and if this is proper scale and it comes out to 16 feet... I looked up the variance on that last night and there is no plus or minus. So there is this one here and this one here

DM: One of the questions I had all along was because all of the other houses on the street several of them maybe not all of them, I know 15 Collette drive next door is a tight tank Doug Curving tries to interrupt and speak over but it is inaudible) and my question is when something is requesting seven variances four of them from four different wells, if this doesn't meet the criteria for tight tank, what does?

EM: Now there were a lot of good points made out in this letter here that was written and signed by The Board, (DM: mmm hmmm) and I thought this was a great letter....and it seems like to me it seems to be the best way to go in the spirit of protecting public health and the wells would be with a tight tank with this. Since (pause) who knows what the casing is... and what shape that casing is...no one knows the age of it. Twenty five feet is relatively close. And often times tanks are installed without properly sealed seams.

MF: We can put two vacuum tested tanks in there....

EM: And then they want to sell it five years from now and then the septic installer says well it's leaking at the seams and we've got to go in there and seal it because the installer didn't seal it right

MF: You can order tanks that are pressure tested at the factory they bring them pre-sealed at the factory and they set them in place. JB Concrete out of CT they'll certify on the tank that it's water tight before they plop it in the ground. So I think that leaky tanks in the past I think all tanks leaked but I think today the manufacture of the tanks is drastically improved. The quality control is there.

EM: And I think all Boards of health should be looking at these things with open minds to say well how can we approve this plan to benefit the property owner the best without jeopardizing or potentially putting a possible risk or damaging any of the abutters wells. I wouldn't take away the safety of this well to grant a system like that. That's I mean ....

Another thing I would propose and suggest and recommend is that it would be in the best interest of the homeowner to say we will put you a new well 50 feet or 55 feet from the tanks, it will meet code...we don't have to test it.... And

DM: I hadn't thought of that.

DC: He already has a tight tank that is probably already in that spot.

KF: Oh yeah

MF: his own holding tank which is considered a septic tank under the code is probably less than 50 feet

EM: Well the tight tanks is more sound than the septic tanks

MF Ehhhh..... they are both the same as concrete tanks..... so whether it is a 1500 gallon tank or a 2000 gallon holding tank it's the same....

EM: Can you move the two tanks in here?

MF: You could put the tanks in there

KF(inaudible)

MF: there is a possibility that you could put tanks right in this area here

KF: but it 's got to be 20 feet

MF: 10 feet to a tank

EM: That's correct

MF: I put the tanks down here for ease of maintenance. Now what you do when you pump them is you come right here to Collette Drive to pump them, if you come up here then well it....well then it's not really suitable for heavy trucks

EM: Yes but then you wouldn't be 15 feet from his leach field

MF: With the tanks?

EM: Then they will be too close to this proposed leach field

MF: there is no sent back between a leach field and a septic tank. There is only a setback.....he might end up closer to his foundation there might be 5 feet

EM: Well there has to be a setback from the edge of the field so it can drain into the soil

MF: Well there is no setback, but I understand what you are saying...you don't want to put a wall right next to your leach field

EM: It would be like putting a concrete barrier wall around your system

MF: There is no setback in the code. So if you put them 10 feet down hill, there is nothing that says you can't

EM: Even though there is no setback it doesn't make any sense to put them against the field... I mean 5 feet I could live with that.

MF: I think this is the best place to put the tanks because they are accessible for pumping... we can get these tanks pressure tested... I think that is a reasonable requirement that he put tanks that are certified water tight CT. has a lot higher standards on their tanks.

EM: Now I heard the board say earlier that this well owner is concerned about his well being.....?

DM: Yes, yes that is the one. Ostrander.

DC: and I have been in touch with him and got the water test and have the results with me tonight

EM: So what answer are you going to give him when you tell him we are going to approve this with 23 feet.....

DM: This plan, this plan as submitted was already denied. They just....won't take no for an answer.... so they have not appealed it and they have not submitted another plan but clearly you have some options to submit another plan. This plan has been denied.

EM: I think there are excellent points and I wrote that this is a great letter. I think that there are excellent reasons legal reasons and citing the code for denying it.

LONG PAUSE

EM: You have to approve a plans with taking the health aspect regards into mind with both the owners proposal with his property and the abutters concerns with their wells too,

DM: And you said this was definitely in line for a tight tank as well...potentially.... unless they can come up with something that offers more protection

EM: You will never get my name on a letter granting this variance. For legal reasons I would be concerned about that. It's just my opinion.

MF: So you are concerned about his tanks being too close to the well?

EM: Right.

KF: What about the leach field?

MF: (Simultaneous) The tanks...if you put the tanks up top, would that make you more comfortable?

EM: Up top where Mark, show me what you mean.

DC: he means up top because the grade is higher here.

MF: This is higher in the back so he could put his tanks ah.... Up in here.....

KF: And what about this?

MF: Ahhhhhh well .... Ya know what I did... I aligned it with the contours and the contours run this way

EM: Would you be able to be 50 feet away from all the wells with the tanks over here?

MF: Yes

EM: Then I think that would.....

KF: With the tanks here...

MF: Well I think if we do that Ken, what we are doing is twisting the leach field now closer to his well. I'd rather keep it a foot from an unused road. So this is 65 feet.

KF: You are still constricted here.... I don't like that.... I don't like close to the house and I don't like this.

MF: Well this is making it closer to his well...

KF: You've got 65 feet here... Geometry... If you take that and that it will only move 2 or 3 feet

MF: It's the distance between here to there which is about 8-9 feet.

EM: I thought it was 60 feet to that well..... (inaudible) 50. ....(inaudible) 60 instead of 65



KF: Capiche? I'm trying to work with you...

MF: I understand

KF: I'm telling you.... We are here to protect the people.

DM: On the new plan.....

EM: The thing is ....who is going to answer if this area gets disrupted...

KF: Exactly....

EM: Who is going to answer for that?

KF: They tried to change my street from a private street to a .....

DK: INTERRUPTING AND SHOUTING "I'M TALKING WITH UH..."

KF: (softly) I'm speaking please.... Nobody actually owns this right now....nobody.. this street. My same thing, the town doesn't own it, the people don't own it .....

EM: But you can't have the attitude because there is no owners name on it you can't have the attitude that well it doesn't matter we can do whatever we want.... If we get a little silt on it or we damage it it doesn't matter....

DK: (LOUDLY BUTTING IN) I talked to Paul Joulet about this plan and the one foot to the road and he thought it was a local upgrade and he really wasn't very concerned with it.

KF: We're just talking about other people Dave...

DK: No one even drives down that road.....

DC: That is not even a road.....

EM: Who owns the property

KF: Barry owns the property.... ,

DM: It doesn't give us the right to muck it up...

KF: Barry owns that...because it is obviously Barry Drive, the Barry family must own this property here.

MF: it's just...it would be.... My understanding of them is it's the original developer but they have no interest in....nobody pays taxes on it.... Basically.....

KF: The TOWN doesn't let anybody pay taxes on it?

DC: It's just woods..... It was never even improved...

MF: It's probably the heirs of Barry but basically you are disturbing every time you drive on it you disturb the road right in here in order to get on your property

DM: (to Earnie) So if they were to submit another plan, are there things absent on this plan that should be present?

EM: I saw your letters and I thought you were all leaning toward a tight tank

DM: mmmm-hmmmm

EM: So I didn't even do the checklist which I did for the other plan. So if Mark is going to revise this what you need to do Mark is when this gets submitted to me I'm going to use this checklist, so you should go through it first to make sure there is no checkmarks that you can put in the no column. OK?

MF: Sure Can I keep this?

EM Yes, yeah that is the (Inadible--- 10-5 or title 5) form right from the Title 5 website, right from the DEP websight on mass.gov.

KF: OK?. So as it sits right now, we are staying with a tight tank and or give us another plan. I'm sorry but, like I say, we are looking out for the health of the town. And this particular area you may not be....you may not .....

MF: That's people's holding tanks

DC: That is the neighbor up the street .....

KF: I've had two....

DC: And I heard about it from the other neighbors when I came into the neighborhood and introduced myself to everybody..... that it's a couple doors up.

EM: And I'll just state that, Mark if you can put these tanks here and get away from this well and get your 50 plus distance or not less than 50 from all the other wells um... that 's going to be a system or a drawing that is going to protect public health a lot more than what I am looking at right now. And I think you agree with that.

MF: I don't agree with it, but I understand what you are saying and if ..... his objective is to get something in there that is going to work and work for the BOH so

KF: That's what it's got to be

MF: yeah, that's what it's got to be.

KF: I'm sorry...

MF: Don't apologize....

KF: We're working for the town.....

EM: And then again Mark, if you put a different pair of shoes on or.... There you had a well and a plan was before the board showing a new system 25 feet from your well, I'm sure you would be a little concerned about it too. Ok.

MF: You know Earnie... I've just seen.... I've worked in a bunch of towns.... I've designed over 3000 of these septic systems in the last 25 years and.... many of them have involved variances from leach fields to wells..... and if there were any sort of problem that was going to come up I would have been sucked into a court case.... Or ya know if somebody's well got contaminated.... And they felt it was the septic system I would certainly be involved in it...

KF: Well Mark, here is always a first time

MF: Well there is but...ya know what

KF: You know what I mean?

EM: Right But if you could eliminate that risk by moving the tanks here then go for that .... (Several speakes)

MF: I have no problem with moving the tanks...

KF: Come back to us...have another plan and we'll go for it.... Alright?

DC and MF: Ok, yup

KF: Thank you

DK: Have a nice evening.

EM: And um, that check (list) coincides with title 5

MF: Title 5 land preparation and plan specifications

EM: And everything that has to be on it.... That's basically the same thing.... Just make sure everything is on it.....

MF: ok

DC: does that, does that, wasn't there a plan that was brought up at the last meeting that only applies to um standard size lots.....

EM: And then again, Mark, even if you move the tanks over here.... You need to stop at the assessors office

MF: And get the house changed... We'll take care of that.....

EM And come in with the house saying three and this saying three, or this saying one and that saying one. They've got to match.

MF: Right. Ok.

KF: Alright.

DC: That's not my responsibility

MF: Well.....

DC: Whether the assessor does it or not..... ya know..... assessors ....

MF: (interrupting his own client Curving... but inaudible ) DC: Like it or not assessors.... KF: You gotta go to the assessors..... it's already been settled

SEVERAL SPEAKERS: Thank you, thank you

KF: Have a good evening.

DM: (To Mark) Do you want to stay a couple minutes?

DK: You're asking Mark to stay a little while?

DM: The other plan he (Ernie) reviewed, 7 Massaconnic, they are asking to raze the house and that triggers a different scenario.... It basically triggers the same problem ... Well not as this, but it is new construction so the recirculating bottomless sand filer has....you probably want to hear what he (Earnie) has to say about that.

DM: I will make a copy and send it to Earnie, or we can give it back to him,,,whatever you want to do because he wanted this back (referring to a copy of a plan)

EM:I will get it from you later

DM: Ok I will need to make a copy of this then...one of us will

EM: (To DC)I will give you my City card, but I will give you my personal cell on it OK?

DC: Sure

EM: And use this number ok? You will get me on my personal cell the one written in pencil. Do you want one too Mark?

MF: Sure  
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EM: Mark, on this one here it is just missing some things on the plan. Barry and I went through it.

MF: Barry?

EM Barry Sill.

MF: Who?

EM: Barry Sill

DM: He's from Westfield.

Too many voices...inaudible...

EM.... and he is an inspector for the Westfield BOH and I asked him to collaborate so he worked to gether with me. So, we have all the items, we have notes as to what needs to be added, no biggie...if you can fix all of these things then the board can issue you a disposal works construction permit

MF: they already gave it to us

DM: We are going to rescind, I make a motion to rescind the permit for 7 Massaconnic trail until corrections can be made. Do I have a second?

KF: second

EM: Can I... Can I ah... Can I just make a suggestion. He has a permit for that.... It would probably be easier, that instead of rescinding his permit having him fill out another application, giving another permit, What I would do is I would rescind the motion you just made ok, I would suggest making another motion, that after further review of the plan that you found additional errors, error oversights that were missed during the first review and issue a stop work order or a cease and desist on any construction until a revised plan. And that way there he is not getting stripped of his permit he is just being told you can't do nothing now, does that make more sense?

KF: Sure (other voices...yeah, ok)

DM: Ok..... Motion to rescind, withdrawn. I would like to make a motion to Um....let me see how to phrase it.....

EM Suggests: To issue a stop work order and a cease and desist on any construction of the septic system on 7 Massaconnic Trail until a revised plan is submitted and that this decision was made based on further review which found deficiencies on the plan that weren't observed during the initial review phase.

DM: Typed this suggested wording verbatim into the computer and makes the motion

(Discussion)

EM: And again, it seems like you have the room to do this, and since you are going to an increased flow to adding flow to the system, again to site new construction, you have two deep holes and two perc tests one of the things that you have to do.... That is in the report..... is you have to do, I am assuming Mark that the deep holes that you did, that are shown on the plan are where the SAS is...

MF: Yeah

EM: So since you are increasing the flow, you have to treat it as new construction. It is an upgrade, not a repair... Upgrades are treated like new construction, so you've got to do two more deep holes and perc test and then submit the plan showing the reserve area. With those two holes obviously on the reserve area. And then who witnesses the deep holes and the percs here?

DK: I've been witnessing....

EM: So you can set it up with the board

KF: I can do it any Friday..... if you'd like me to witness it

MF: What's that?

KF: I can do it any Friday if he can't

EM: and just submit the two deep holes and the perc test in addition to the one you already have with the plan

DM: Can I make a copy of that please..... I'll be right back""

EM: And then what I would suggest is one the revised plan is approved is issuing the homeowner a letter saying that the revised plan meets code and the stop work order and the cease and desist order is lifted and you can begin construction at your convenience.

KF: OK

EM: Ok you can make out all those revisions

MF: I looked at them quickly, I don't have the plan in front of me...

EM: They are no biggies

MF: No biggies. Thrust blocks? With one of them.... I have never put a thrust bloc in a forced main...

EM: We do that all the time

MF: Thrust blocks?

EM: yeah. And again, you are submitting it as a 3 bedroom and that is a two bedroom household.

But

KF: Didn't they just raze that house? I know they went to the zoning board to do it.

MF: I don't know I haven't been down there

EM: Well you don't have to change this because on your plan as we indicated you write on the little small house existing three bedrooms right, then on your proposed house ya know, proposed new dwelling 3 bedrooms

MF: right

EM: Show that exiting dwelling as two bedroom written right on the plan and then this doesn't have to change because you are showing that it is a two bedroom on the plan. Where on the previous one you are not showing any one bedroom house at all.....

DC: So there are a lot of discrepancies in Holyoke too"?

EM: yet we work them out though

DC: it's a constant thing, I'm a realtor and I see it all the time..... there are just errors.

EM: Just work together and work them out that's all.

DM: So the vote on 7 Massaconnic was I say yes,

KF, Yes,

DK Fine

(Motion to issue a stop work order and a cease and desist on any construction of the septic system on 7 Massaconnic Trail until a revised plan is submitted has passed unanimously)

EM: And those are just some written notes that we made here (hands them to Mark) take look at those. Some of those may duplicate what is checked on the list

MF: Yeah

DM: Those are copies anyway

MF: Ernie can I keep this?

EM: yeah

DM: Should I make a copy of that too?

EM: No you have one in there, you have it in the file that I gave you.

DM: OK

EM: There was 2 copies

DM: ok

DM: Thank you very much

EM: No problem If you want to discuss fees briefly I can do that before I go?

DM: It was in your proposal right?

EM: I'm talking about about your permit fees

DM: Yeah ok, yeah

Fee Schedule:

Under Advisement and will be reviewed again at next meeting.

Variance Procedure- Form to be created

Shepard Gate- Letter sent requesting Ms. Poirier to fill out her application and return the permits issued in error. When We receive her application and the wrong permits back we will send her her proper permit.

HAULER and INSTALLER- Applications sent, one more to send to Andy Cormier.

FORMS BEING LOADED ONTO WEBSITE: Many are already available on the website several more (already approved) will be sent to Janine for uploading.

REPORT ON DISASTER PREPAREDNESS: Meeting with Sara D. took place Monday at 5pm. Deliverables will be requested. Specifically a locking cabinet and locking file cabinets.

UPDATE ON TECHNICAL ASSISTANCE FROM MAHB- Email sent to Cheryl Sbarra today (3-12-15) awaiting email reply.

REPORT ON DUMP STICKERS: Will be printed when DK gets the schedule from Ray Korney. In addition Ray Korney has asked to increase the dump sticker fees from \$15/\$20 to \$20 and \$25. (Seniors is the lower fee.) DK made the motion to raise the fees for the brush dump to \$20 for seniors and \$25 for non seniors. 2nd by KF. Motion passed unanimously.

REPORT ON FOOD INSPECTIONS: Manning had to reschedule with McCool to the 9th. McCool had to reschedule with Manning for the 16th.

NEW BUSINESS:

Budget discussion TABLED

Articles for Warrant TABLED

CORRESPONDENCES: Opened and filed

NEXT MEETING THURSDAY MARCH 26th 7pm BOH OFFICE 2nd Floor TOWN HALL

MOTION TO ADJOURN 9:21pm by KF 2nd by DM (DK had to leave at 9pm) All in favor DM and KF.

MINUTES APPROVED

May 1st 2015

*[Handwritten signatures]*