

**Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 122 fax (413) 623-6036**

Meeting Minutes for January 5, 2022

Board Members Present: Gale Labelle, Robert Ronzio

Board Member via Zoom: none

Board Member Absent: Laurel Burgwardt

Clerk of Committee: Tess Lundberg

Public Present: Neil Jackson, Craig Willis

Public via Zoom: David Colpitts

Items will be kept in the order of the agenda for easier reference.

1. **Call to order-** Ms. LaBelle calls the meeting to order at 5:05 PM. Ms. LaBelle introduces the Board members present and reads the rules of the meeting.
2. **Board to approve meeting minutes for December 1, 2021 and December 8, 2021.** Mr. Ronzio requests that additional information be included in the 12/1/21 minutes. Ms. LaBelle requests a correction required on 12/8/21 minutes.

3. 799 King Richard Dr- Pacini- Hearing to Condemn-

1. Ms. LaBelle calls the hearing is called to order at 5:07 PM.
2. All individuals who wish to speak concerning this matter shall provide their name and relationship to the property.
3. The Board Chair calls on the Health Agent to provide an overview of what has occurred.
Health Agent statement
 - A. The dwelling was inspected on February 12th. and an order issued to repair on February 21, 2021.
 - B. The Building Commissioner issued a stop work order on February 17, 2021 for lack of a building permit.
 - Item # 1. The lack of a 2nd egress
 2. Lack of proper balusters
 3. Lack and improper lighting
 4. Lack of handrails and proper stairways inside building
 5. Lack of heat in lower level bedroom area.
 6. New windows and doors in lower level not weather tight
 7. Electrical panel is open and exposed to occupant.
 - C. On July 28, 2021 a Court agreement was issued 21CV0395 which in part read:
 1. The Landlord agrees to pull a building permit, to perform repairs cited by the Plaintiff, as soon as possible.
 - . The Landlord agrees to complete repairs to the code violations cited by the Plaintiff within 90 days of this agreement.
 - D. As of this date: January 5, 2022 No Building Permit has been issued or work completed.

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The following persons appeared and presented testimony and evidence:

Charles Kaniecki, Health Agent

Landlord's statements: none

Occupant's statements: none

Other's statement: none

4. The Board then closes open part of the hearing at 5:10 PM.

5. After discussion the Board will takes a formal vote to:

a. with draw the orders

b. modify the orders

c. issue an order of condemnation

Mr. Ronzio makes a motion to issue an order of condemnation for 799 King Richard Drive. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passed.**

6. Based upon the testimony and evidence presented to the Board, including written testimony and documents submitted prior to the hearing, the Board finds these dwellings are unfit for Human Habitation, a Public Nuisance and home accident for the following reasons:

Item # 1 The lack of a 2nd egress

2. Lack of proper balusters

3. Lack and improper lighting

4. Lack of handrails and proper stairways inside building

5. Lack of heat in lower level bedroom area.

6. New windows and doors in lower level not weather tight

7. Electrical panel is open and exposed to occupant.

Based upon the findings set forth above, the Board hereby ORDERS the following:

The dwellings known as 799 King Richard Drive, Becket Massachusetts is hereby CONDEMNED under Mass. General Laws Chapter 111 section 127B.

The Owner(s) shall:

a. This dwelling shall be vacated immediately.

b. Secure said dwelling so no unauthorized entry can be obtained.

c. You will not allow any persons to dwelling in said dwellings or camp on this property, until such time as the Board of Health approves of this habitation.

d. You shall allow the Health Agent or Board Members, and any agency they requires access to this entire dwelling, at their request.

e. You shall have all violations of Chapter II of the State Sanitary code, as discovered, repaired within the next 120 days. No later than June 15, 2022.

FAILURE to comply with the provisions of this order shall result in assessment of a fine in the amount of \$10.00 to \$500.00 for each day of non-compliance.

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You are advised: 105 CMR 410.831 (F) IF ONE YEAR AFTER THE ISSUANCE OF AN ORDER TO SECURE COMPLIANCE WITH THE MINIMUM STANDARDS SET FORTH IN 105 CMR 410.000 HAS NOT BEEN EFFECTED, THEN THE BOARD OF HEALTH MAY CAUSE THE DWELLING OR PORTION THEREOF TO BE DEMOLISHED OR REMOVED AT YOUR EXPENSE.

Any person aggrieved by this Final Decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the Commonwealth.
SO ORDERED ON THIS 5 DAY OF January 2022

7. The Board Votes to close the hearing to condemn. Mr. Ronzio makes a motion to close the hearing. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor.
Motion passed.

4. Reports from Ed Fahey/Charlie Kaniecki:

- a. **58 Depot** – Mr. Kaniecki reports he was there on 11/23/2021, the Attorney General is moving forward with receivership and he is waiting for the paperwork. Continued .
- b. **43 Pleasant St**– Mr. Kaniecki reports there are repairs in progress. Continued.
- c. **50 Beach** – Mr. Kaniecki states the Attorney General is doing a title search. Mr. Kaniecki states he signed off an affidavit to appoint a receivership and filed it with the Attorney General on 12/30/2021. Continued.
- f . **44 Pleasant**- – Mr. Kaniecki states he met in an Executive Session with the Select Board and therefore he is not at liberty to discuss the meeting. Continued.
- g. **0 King Richard Drive 216.285, 216.287, 216.288 Maggi**- pending 1)stamped survey plan of the lot 2)detail of the construction of the retaining wall 3)better quality print of plan. Mr. Jackson presents physical copies of the revised plan that was submitted to Mr. Fahey earlier today. Mr. Jackson also presents a survey. Mr. Fahey states there is a note on the plan requiring a reduction in the well setback. Mr. Jackson states the note should have been removed when the plan was revised. Mr. Ronzio states the survey does not show the location of the proposed house or septic system, the survey should be superimposed on the septic design plan. Mr. Ronzio asks if the plan is asking for any reduction in separation from groundwater. Mr. Jackson states no variances are being requested. Mr. Ronzio asks about the direction water will be diverted from the existing culvert. Mr. Jackson states the water will be diverted to the well side. Mr. Ronzio asks if the plan has been approved by Conservation Commission. Mr. Jackson states the homeowner is working with the Conservation Commission. Mr. Ronzio asks for Mr. Fahey's opinion.

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Mr. Fahey states it appears that they have addressed the issue of details on the design of the retaining wall, and he suggests that the board approve contingent on Conservation Commission approvals.

Ms. LaBelle asks if any members of the public have any questions.

Mr. Colpitts asks that the revised plans be clarified since they were not available prior to the meeting. Mr. Ronzio states there is an engineer stamp on the septic design, and a separate survey done by a licensed surveyor that is not superimposed on the septic design. Mr. Ronzio states the well is now 30 feet setback from the property line. Mr. Ronzio states the revised plan now shows the well and half of the house on lot 1, half the house and half the septic on lot 2, and half the septic on lot 3. Mr. Ronzio states the applicant will have to go to the Conservation Commission to determine which way water will be diverted from the culvert, that is not a Board of Health decision. Mr. Ronzio states if the Board of Health approves the design it would be contingent on the Conservation Commission approval.

Mr. Colpitts asks the name of the engineer on the septic design.

Mr. Ronzio states the land survey was done by Huntley and Huntley, the septic design was stamped by Paul Campagna on 1/5/2022.

Mr. Jackson states he can send a copy of the septic design to Mr. Colpitts via email.

Mr. Ronzio states the applicant needs to provide an updated plan with the LUA comments removed.

Mr. Jackson states he will send a copy of the surveyor plan and a revised copy of the septic plan that removes the LUA/well comments and adds information on the fill to be used on the retaining walls.

Ms. Labelle makes a motion to approve the septic design for the Maggi property at 0 King Richard Drive, contingent on the plan being resubmitted with removal of the LUA comments, contingent on Conservation Commission approvals, and requiring another review by the Board of Health if any modifications are required by the Conservation Commission. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes.**

h. **693 King Richard Drive-** Site visit done on 12/7/21. Board determined that they needed a plan done by the engineer and indicated the location of the well would be questioned. Continued.

i. **36 Washington St-** trash/debris complaint- continued from December 2021. Ms. Labelle states that the property owner's son was told by Laurel Burgwardt that the property needed to be cleaned up. Continued.

j. **88 King Arthur-** Certified mail order to perform perc test by 1/31/2022 sent 12/10/2021. Letter rec'd from Kim Lake on 12/24/2021- requesting more time to deal with septic

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problem. Mr. Ronzio asks Mr. Fahey if there was any ponding created by the septic system. Mr. Fahey states according to Laurel Burgwardt, who witnessed the failed Title 5, there was no odor and no ponding. Mr. Ronzio and Ms. Labelle agree to extend the order until March 31, 2022. Mr. Fahey will compose a letter extending the deadline.

k. **50 Dawn Drive-** – continued Kaniecki update

l. **309 Woodmere-** Ciancarelli- septic design. Mr. Ronzio makes a motion to approve the septic design at 309 Woodmere. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelle votes in favor. **Motion passes.**

m. **Pine Dale Circle-** trash/debris complaint. Mr. Fahey states he requested Mr. Kaniecki to inspect the property. Mr. Kaniecki states the property has a lot of debris that needs to be cleaned up. Mr. Kaniecki will write out enforcement orders.

n. **138 Greenwater-** septic design. Mr. Fahey states the plan is requesting a LUA for the setback to the neighbors well, which requires the abutter be notified. Mr. Ronzio states the certified mail sent by Berkshire Engineering to the neighbor does not require a return receipt, and the well should be tested prior and for 2 years after the install. Mr. Fahey states the neighbors and the property owners should come to the Board of Health meeting to discuss the situation and agree to the water testing requirements.. Ms. Lundberg will send a certified mail with return receipt requested , with a copy of the Berkshire Engineering letter, to the neighbor and the property owner, notifying them that the meeting will be held to discuss the LUA request and water testing.

o. **439 Leonhardt Rd-** septic design. Mr. Fahey states the design is an Eljen system and they are requesting a 2 foot separation from groundwater. Mr. Ronzio objects to the two foot separation from groundwater. Mr. Ronzio makes a motion to approve the design with a one foot reduction in the separation from groundwater. Ms. Labelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelles votes in favor. **Motion passes.**

5. COC sign-offs:

- a. **37 Mitchell Rd-** pending Form 3 – signed by Ms. Labelle
- b. **193 Black Arrow Way-** Form 3- signed by Ms. Labelle. Copies provided to Craig Willis.

6. Title V inspections:

- a. Received reports
 - 1. **42 Berkshire Rd-** Carmel- pass
 - 2. **35 Arrowhead Lane-** Bravo- fail
 - 3. **389 Benton Hill Road-** Cormier/Halstead - fail
 - 4. **2727 Jacobs Ladder Rd-** Conboy- pass
 - 5. **1027 Fred Snow Rd-** Lang - pass

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- 6. 52 Brook Lane- Gauthier- pass**
- 7. 161 Captain Whitney Way- Krawet- pass**

- b. Pending reports**
- 1. 40 Dragon Way-**

7. Percolation tests:

- a. Received reports**
- 1. 0 Johnson Rd 215.248 Foushee-**
- 2. 509 Quarry Rd-**

- b. Pending reports**
- 1. 0 Birch Lane- 211.161 Martling – no fee paid. Witness fee has been requested 11/19 & 12/13. Message sent 12/29/21 failure to pay this fee by 1/5/2022 will result in suspension of privileges for Zack Trucking & Excavating/Al Joyner.**
- 2. 177 East Shore Road- no fee pd. Email sent 1/5/22 to Adam Mazzatini/Foresight Land Services and property owner Ken Boudreau "Soil Perc Witness Fee for 177 East Shore Rd in Becket was requested on 11/22/21, 12/13/21, and 12/29/21. Payment has not been received. All services to Foresight Land will be placed on hold until payment of the past due Soil Perc witness fee is received.**
- 3. 0 County Rd 401.8.2- Ethridge-**
- 4. 278 Main St- Manoogian**
- 5. 1505 County Rd- Walters-**

8. Full Circle Applications Received:

- a. Food Service Establishments:**
- 1. Club at Shaw Pond- Mountain Grove Association- pending certifications for 1) Food Manager Certification 2) Allergen Certification and 3) Choke Saver Certification.**
- 2. Becket Washington School- - pending certifications for 1) Food Manager Certification 2) Allergen Certification and 3) Choke Saver Certification.**
- 3. Bonny Rigg Hill Camping Club- - pending certifications for 1) Food Manager Certification 2) Allergen Certification and 3) Choke Saver Certification.**

b. Lodging

- 1. The Becket Hotel- pending Workmen's Comp Policy Declaration page**
- 2. Bonny Rigg Hill Camping Club- pending Workmen's Comp Policy Declaration page**

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c. Septic Haulers/Installers

1. Solid Waste Hauler

a. Casella Waste - approved

2. Hauler Permits

a. Sanitary Septic - approved

b. Berkshire Pittsfield Septic - approved

c. Mount Everett Landscaping & Construction- approved

3. Installer Permits BCBOHA certificates current

A. Chris Williams Excavating- clarified BCBOHA certificate needs to be updated.

Continued.

d. Well

1.309 Woodmere- Ciancarelli- Mr. Ronzio makes a motion to approve the well permit at 309 Woodmere. Ms LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelle votes in favor. **Motion passes.**

e. Public or Semi-Public Pool Spa

1. Bonny Rigg Hill Camping Club- pending Workmen's Comp Policy Declaration

9. New Business

a. **43 Brook Lane-** Lis Kelley states she has the property under agreement to purchase as is. Ms. Kelley states she has a copy of the unapproved septic design by Peter Franz dated 9/6/2015. Ms. Kelley states she had shown the plan to White Engineering, who raised a question about obtaining a variance for the wells which are within 93 feet of the existing system. Ms. Kelley asks if she will be able to put a septic system in.

Mr. Fahey states your engineer would be a consultant and would give an opinion if the plan is workable. Mr. Fahey states the board cannot tell you if a system can go in until they see the design.

Ms. Kelley asks if there is a chance that the system could not be done.

Mr. Fahey states that Brett White is an experienced engineer but there is no guarantee.

Mr. Ronzio states the well should be tested before any further work is done.

Ms. Kelley states it is a shared well.

Mr. Ronzio states Becket well regulations require that the well be tested.

10. Old Business:

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a. **233 Gention Hollow Rd**- Inspection scheduled 11/22/21. Mr. Fahey states Mr. Kaniecki will update at a future board meeting. Continued.

11. Public Input - none

12. Budget

A. Refund \$225 for cancelled Soil Perc Witness application by Bill Allen, 389 Benton Hill Rd . Approved.

13. Correspondence

14. Any other business to come before the Board

a. **61 Porcupine Court**- The Board updated Mr. Kaniecki on the decisions made at the December board meeting. Mr. Ronzio stated that he wants Mr. Kaniecki or Mr. Fahey to be present when the property owner digs up the septic system to cap the pipe to the SAS. Mr. Fahey requests that the minutes of the meeting be sent to him. Mr. Fahey will compose a letter to the property owner.

b. **23 Lady of the Lake** - Mr. Kaniecki states the property has a lot of debris that needs to be cleaned up. Mr. Kaniecki will write out enforcement orders.

c. **2442 Main St**- Mr. Kaniecki reports he is waiting to the court to allow an auction of the property

d. **1066 Benton Hill Road**- a septic design was received after the deadline for the January 5, 2022 agenda. Mr. Fahey questioned the number of bedrooms in the home, as the septic design and the soil percolation tests list different numbers. Mr. Ronzio asks if Mr. Fahey would send a letter to the property owner to clarify. Mr. Fahey agrees and requests that Ms. Lundberg send him the contact information.

e. Board discusses issue of septic installer Connor Fleury install at 173 King Richard Drive. Mr. Ronzio makes a motion that Mr. Fleury's septic installer permit for 2022 only be renewed if the has another permitted septic installer present to supervise his next job. Ms. Labelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelle votes in favor. **Motion passes.**

f. **0 Quarry Rd**- Mr. Ronzio asks Mr. Fahey if he has seen septic design plans for 0 Quarry Rd. Mr. Fahey states he has not seen any plans. Ms. Lundberg states there has been no application received for s DSCP. Mr. Ronzio states the site plan needs to go to Conservation Commission before coming to the Board of Health. Mr. Ronzio states based on the site plan submitted to the Planning Board, the proposed building is on top of the soil percolation test pits. Mr. Ronzio states they may need to perform another soil percolation test to resolve.

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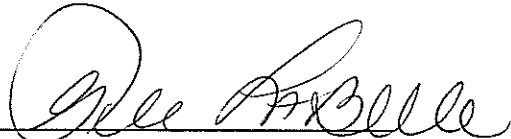
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15. Adjournment: Next Board meeting will be on February 2, 2022 at 5:00 PM.

Mr. Ronzio makes a motion to adjourn. Ms. Labelle seconds the motion. Mr. Ronzio votes in favor. Ms. Labelle votes in favor. **Motion passes.**

Meeting is adjourned at 7:18 PM.

Meeting Minutes reviewed and approved on February 2, 2022 by:



Gale LaBelle, Chairperson



Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk