

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

Meeting Minutes or February 2, 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: Linda Baron, Christine Burrow, Brian Heath, Ryan Ray

Public via Zoom: Bill Allen, David Colpitts, Ed Fahey, Amy Hayes, Lisa Kelly, Gary Levene, Mike Kulig, Thomas Leue, Marcus Millet, Matthew Puntin, Mike Sorentino, Ofer Zaarur

Public via phone: Lenny Daigneault, Jeanette Mindle

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 4:59 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, December 8, 2021 and January 5, 2022.

Ms. Labelle makes a motion to approve the minutes of December 1, 2021. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes.**

Ms. Labelle makes a motion to approve the minutes of December 8, 2021. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes.**

Ms. Labelle makes a motion to approve the minutes of January 5, 2022. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes.**

3. **23 Lady of the Lake-** Ms. LaBelle invites Lenny Daigneault to address the board. Mr. Daigneault states he has received the order from the Board of Health to clean up the debris in his yard. Mr. Daigneault asks if he could have an extension on the deadline due to winter conditions and if there are any grants available that would pay for a dumpster. Ms. LaBelle states she will look into the grants but she does not think any are available. Mr. Ronzio states given the winter conditions the request for an extension is feasible. Ms. LaBelle asks Mr. Daigneault how long he expects for an extension. Mr. Daigneault states "a couple weeks". Mr. Ronzio states the board will extend the deadline for cleaning up the debris and trash until May 31, 2022.

4. Reports from Ed Fahey/Charlie Kaniecki:

a. **58 Depot** -AG office is preparing to file a court action to appoint a Receiver. Continued.

b. **43 Pleasant St-** Continued.

c. **50 Beach** AG office notice Seek to Appoint Receiver. Continued.

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

Meeting Minutes or February 2, 2022

- d. 44 Pleasant-** Executive session with Select Board occurred. Continued.
- e. 799 King Richard Dr-** posted order to condemn 1/19/2022. Continued.
- f. 693 King Richard Drive-** Pending revised plan including well location. Continued.
- g. 36 Washington St-** trash/debris complaint . Mr. Fahey states he believes Ms. Burgwardt spoke to Ms. Mindle. Mr. Fahey will re-inspect in the Spring. Continued.
- h. 88 King Arthur-** Fahey is working on a letter for the requested extended deadline for soil perc test. Ms. LaBelle makes a motion to extend the deadline until May 31, 2022. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes.**
- i.50 Dawn Drive-** continued
- j. 33 Pine Dale Circle-** certified Order of Enforcement sent 1/12/22 –continued.
- k. 23 Pinedale Circle** certified Order of Enforcement sent 1/12/22 – continued.
- l. 138 Greenwater-** DSCP application, Ms. LaBelle invites Mr. Kulig to address the board. Mr. Kulig states this is a modest lot with an existing house, soil percs were done in 2020, and there are a number of setbacks to work around. Mr. Kulig states he tried to design the best case for the various setbacks, resulting in a 50 foot setback from the wetlands and a 65 foot setback from the neighbor's well. Mr. Ronzio states the abutter has submitted a letter to the board expressing concerns about potential contamination of their well. Mr. Kulig acknowledges that the design is close to the abutter's well but if contamination occurs there are other possible sources, not just this system. Mr. Fahey states it is important to remember the proposed system should produce cleaner effluent than the existing system, as such will be a big improvement over the existing system, and they are not adding any additional bedrooms to the home. Ms. LaBelle asks to clarify the variances being requested. Mr. Kulig states they are requesting a variance in setbacks to the owner's well, and the neighbor's well. Mr. Ronzio states he would recommend a baseline well water test prior to the install, then retesting at 1 and 2 years later. Ms. LaBelle invites Mr. Levene to speak. Mr. Levene states that testing would work and ultimately he would leave this to the board, if there are no other alternatives to the design he would accept it. Ms. LaBelle makes a motion to approve the septic design with the variance to the well setbacks with the provision that at the expense of the property owner at 138 Greenwater 1)the owner and the abutter's wells we be tested prior to the install, 2) the abutter's well will be tested one year after the install, and 3) the abutter's well will be tested 2 years after the install. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes**
- m. 1066 Benton Hill Rd--** DSCP application –Mr. Fahey states question of the bedroom count at the residence has been resolved, no variances are requested. Mr. Allen states the Conservation Commission reviewed the plan and requested that native shrubs be planted on the seasonal stream at the rear of the property, which has not impact on the septic design. Ms. LaBelle makes a motion to approve the septic design plan for 1066 Benton Hill

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

Meeting Minutes or February 2, 2022

Rd. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor.

Motion passes

n. 389 Benton Hill Rd-- DSCP application – Ms. LaBelle invites Matthew Puntin to address the board. Mr. Puntin states the plan is an upgrade for a failed system on a 3 bedroom house. Mr. Puntin states a soil percolation test was attempted in December but failed due to high groundwater. Mr. Puntin states he took a soil sample, which came back as sandy soil. Mr. Puntin states that the lot is irregularly shaped and the subsequent property line survey revealed that the soil sample was not taken within the boundaries. Mr. Puntin states he discussed the situation with Mr. Fahey, and he is asking the board to approve the plan with the provision that the engineer will go to the site and verify the soils prior to construction, and with a variance in the separation from groundwater. The board examines the proposed plan and Ms. LaBelle asks Mr. Puntin to confirm the type of system. Mr. Puntin states it is a Presby system. Mr. Fahey recommends the board approves the plan with the contingency that the installer, engineer and health inspector dig some deep holes at the site to determine there is no ledge present. Ms. LaBelle states the board will not approve the requested variance in separation from groundwater. Ms LaBelle makes a motion to approve the septic design for 389 Benton Hill Road with no variance for the separation from groundwater, with the requirement that the engineer, installer and health agent conduct a deep hole test to determine there is no ledge present and verify the soils in the SAS conform to the soils sample taken outside the property line. Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes**

5. Percolation tests:

a. 0 Plumb Rd 407.10 Kinsman- The board discusses the soil percolation test results with Mr. Allen.

6. Full Circle Applications Received:

a. Food Service Establishments:

1. **Berkshire Berries-** certificates received, permit pending kitchen inspection.
2. **Club at Shaw Pond- Mountain Grove Association-** pending certifications
3. **Becket Washington School -**pending certifications
4. **Bonny Rigg Hill Camping Club-** pending certifications
5. **Camp Becket YMCA-** pending certifications
6. **Camp Becket Chimney Corners YMCA** pending certifications
7. **Camp Watitoh-** pending certifications

b. Lodging

1. **The Becket Hotel-** pending Workmen's Compensation policy for 2022

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

Meeting Minutes or February 2, 2022

2. **Bonny Rigg Hill Camping Club**-pending Workmen's Compensation policy for 2022
3. **Canterbury Farm**- informal discussion for permit requirements. Ms. LaBelle invites Linda Bacon to address the board. Ms. Bacon states she was sent information regarding renewing the lodging permit. Ms. Bacon states she is no longer providing food service or renting the entire house. Ms. Bacon states she has looked at the Massachusetts state laws and asks which type of license she would fall under. Ms. LaBelle states the board will research the regulations and contact Ms. Bacon with the answer.

c. Septic Haulers/Installers

1. Hauler Permits

- a. **Lafond Septic Services LLC**- Ms. LaBelle makes a motion to approve the Septic Hauler permit for Lafond Septic Services. . Mr. Ronzio seconds the motion. Ms. Labelle votes in favor. Mr. Ronzio votes in favor. **Motion passes**

d. Bathing Beach

1. Camp Watitoh- continued

e. Public or Semi-Public Pool Spa

1. **Bonny Rigg Hill Camping Club**- pending Workmen's Compensation policy for 2022

7. New Business: The board discusses masks requirements.

8. Old Business:

- a. **100 Family Court**- Ms. LaBelle invites Ryan Ray and Brian Heath to address the board. Mr. Ray states his company was hired to look at the existing septic system after a previous contractor, Mr. Rooter, did repairs without obtaining permits. Mr. Ray states the owner of the property is pursuing legal action against Mr. Rooter on the basis that there were no permits obtained, no reviews of the proposed repairs, and no inspections of the completed work. Mr. Ray states that Mr. Rooter installed a 1,000 gallon tank, which collapsed. Mr. Ray stated the second tank installed had pumps that were not installed correctly. Mr. Ray states that Mr. Rooter does not have a septic system installer permit in Becket. Mr. Ronzio asks what prompted the repairs to the system. Mr. Heath states the original pump in the system had issues. Mr. Heath states he was the contractor installing a stone patio at the home. Mr. Heath states that Mr. Rooter had been used by the property owner before for leaks and plumbing issues. Mr. Heath states that he asked Mr. Rooter several times if he had obtained permits for the repair work. Mr. Ray states they would like a letter from the Board of Health stating that no permits were pulled for the septic repairs, no inspections

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

Meeting Minutes or February 2, 2022

were done which would have shown that the installation was incorrect. Ms. LaBelle asks Mr Heath to provide an email address and the board will compose a letter.

b. 233 Gentian Hollow Rd- continued

9. Public Input

a. Ms. LaBelle invites Christine Burrows to speak. Ms Burrows states she is a potential buyer of the property at 208 Benton Hill Road. Ms. Burrows states the septic construction permit was issued in the name of Michael McKeon and asks if that permit is transferable to her. Mr. Ronzio asks if she has closed on the property yet. Ms. Burrows states she has not closed on the property. Ms. LaBelle states if Ms. Burrows provides a copy of the copy of the stamped Registry of Deeds document transferring the property to her, her name can be added to the existing septic construction permit.

b. 43 Brook Lane- Ms. LaBelle invites Lisa Kelly to address the board. Ms. Kellu states after discussion with the Board of Health last month she contacted a designing engineer for septic systems. Ms. Kelly states the engineer told the the system could be costly, and that they might possibly do a tight tank that would be subject to a deed restriction of 6 month seasonal use only. Ms. Kelly states she was told by another party that the deed restriction would only apply to new construction, and would not apply to this property because there is an existing house. Mr. Fahey states he will research it but he thinks it may be correct that a deed restriction would apply only to new construction. Ms. LaBelle states the board prefers that a septic system be installed, if at all possible, rather than a tight tank. Ms. LaBelle states a tight tank should be used only in cases where the soil percolation is not adequate.

c. 0 King Richard Drive 216.285- Mr. Colpitts asks if the board had received stamped engineer plans on the revised design. Mr. Ronzio states we have 2 plans on file. Mr. Ronzio states he has had conversations with the chairperson of the Conservation Commission indicating the applicant may shift the location of the house to set back from buffer zones, which may require the design to come back to the Board of Health for re-approval.

d. Lead Paint- Mr. Ronzio discusses the need to address lead paint in short term rentals as well as long term rentals.

10. Budget

a. FY23 Alliance Inspectional Services Contract – Ms. LaBelle states she has signed off the FY 23 contract and will be asking the town to increase the Board of Health budget to accommodate the increased costs over FY 22.

11. Correspondence - none

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

Meeting Minutes or February 2, 2022

12. Any other business to come before the Board

a. 30 Washington/36 Washington- Ms. LaBelle invites Jeanette Mindle to address the board. Ms. Mindle states she sent water samples to the board and was never told what happened to them. Mr. Ronzio states there was an insufficient amount of water and it was not in a sterilized container. Ms. Mindle states the neighboring septic system is draining into her backyard. Mr. Ronzio states Mr. Fahey has been there twice to inspect the conditions and asks Mr. Fahey to speak. Mr. Fahey states the first time he went to the property there was a small puddle approximately 12 inches across and ¼ inch deep, and there was no evidence supporting that it came from the neighbor's septic system. Mr. Fahey states the second time he went to the property there was no water present. Mr. Fahey states he had told Ms. Mindle to call when there appeared to be water present and he would re-inspect. Ms. Mindle states that she cannot get back there to the rear of the property. Ms. LaBelle asks Mr. Fahey what else could be causing the water. Mr. Fahey states it could be surface water that is redirected by grading, but it did not appear to be the result of a system failure. Ms. Mindle states when the septic system was installed it was put on her property and she wants to know why the run off was not put into the culvert. Mr. Fahey states the claim that the septic field is draining into her property is resolved, there is no evidence that is the case. Mr. Fahey states the claim that the septic system was installed on her property could be determined by having a professional survey done. Ms. Mindle states "I told him when he installed it, it was on my property". Ms. Mindle states she thinks the problem is they didn't file a survey and "what you have up there is not legal". The board reviews the paperwork in the files. Ms. LaBelle asks when was the system installed. Mr. Ronzio states that plan was done by Hill Engineering in 2017. Ms. Mindle asks where is the original plan from 2009 or 2010? Ms. LaBelle states she and Mr. Ronzio will review the complete files and schedule a meeting with Ms. Mindle and Mr. Fahey. Ms. Mindle asks where did the books go that had the records, nobody can find it. Mr. Ronzio states the books may be in the assessor's Office. Ms. Mindle states that they couldn't find it. Mr. Ronzio states he went through the files, looking at records going back to the 1900's. Mr. Ronzio states the problem is there is a section of the survey maps missing, however that is at the state level and the Town of Becket has nothing to do with it. Mr. Ronzio states if you have a boundary survey dispute that is between you and your neighbor. Mr. Ronzio states to resolve it you would need a professional land surveyor. Ms. Mindle states she had the surveyor out 4 times and he had it all wrong, and he refused to re-measure. Ms. LaBelle asks why the surveyor refused. Ms. Mindle states she does not know why. Ms. LaBelle states she and Mr. Ronzio will review the complete files and schedule a meeting with Ms. Mindle and Mr. Fahey.

b. 29 Chester Rd- The Becket Hotel- owner requests to speak to board – Ms. LaBelle invite Ofer Zaarur to speak to the board. Mr. Zaarur states the case has gone to court and there are some open issues preventing the COC from being issued so installer could be paid. Mr. Ronzio asks Mr. Fahey about any open issues. Mr. Fahey states his understanding was the open tank issue was resolved, the grading was corrected, and the SAS was being mowed and kept free of woody growth.

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

Meeting Minutes or February 2, 2022

Mr. Zaarur states there is a leak caused by a problem with the seal on the risers, which allows rainwater to enter the tank and causes the pumps to work harder. Ms. LaBelle asks Mr. Fahey if the leaking risers would be an issue. Mr. Fahey states yes, the risers should be repaired. Mr. Millet, the septic installer, states the issue is he has not been paid fully and he will repair the risers when he is paid. Mr. Fahey asks if the engineer, Thomas Leue has submitted a COC. Mr. Leue states he submitted a Form 3 that was signed off by the installer and himself. Mr. Fahey states he recommends that the COC be issued only after the leaking risers are repaired. Mr. Fahey states that Mr. Zaarur should not be opening the covers. Mr. Zaarur states he is measuring the pump operations by the kilowatt hours. Mr. Ronzio states the non-payment of the contractor is a court issue, not an issue for the Board of Health. Mr. Ronzio states he will not sign off a COC until the springtime when he can see the conditions of the SAS field. Ms. LaBelle tells Mr. Zaarur he needs to repair the leaks and pay the contractor. Mr. Ronzio questions if the hotel should be allowed to stay open without a COC. Mr. Fahey states it is up to the board to decide if the hotel can stay open with or without a COC. Ms. Labelle states the board will continue this until the April 6, 2022 meeting, if the situation is not resolved the board will pull the lodging permit for the Hotel.

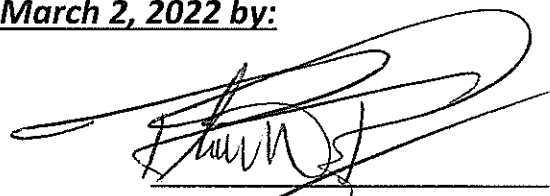
13. Adjournment: Next Board meeting will be on March 2, 2022 at 5:00 PM.

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

Meeting is adjourned at 8:05 PM.

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


Gale LaBelle, Chairperson


Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk