



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

Meeting Minutes for May 1, 2019

Board Members Present: Gale LaBelle, I. David Krawet and Laurel Burgwardt

Board Members Absent: None

Health Agent: Jayne Smith

Administrative Assistant: Jessica Perotti

Public Present: A.J. Pietrantone, Monika Brunnschweiler, Chris + Edie Smith, Damian Rogers, Sandra Sayward and David Robinson

Call to order

Gale LaBelle calls the meeting to order at 5:09 PM. Ms. LaBelle reads the rules of the meeting and makes sure all in attendance have signed in to the meeting.

Board to review meeting minutes for April 3, 2019

This is tabled to the next meeting.

The Board decides to first address the items on the agenda for those in attendance.

Reports from Health Agent, Jayne Smith:

- a. **DSCPS: 375 Long Bow Lane East, waiting for fee to be paid:** tabled. **29 Chester Road:** Ms. Smith lets the Board know that she has reviewed the plan submitted for the motel. Ms. Smith points out the system is proposed to be installed more than fifty feet (50') away from where the percolation (perc) tests were done. The location also seems to be in the right of way of **Massachusetts Department of Transportation (Mass DOT)**. Ms. Smith says some very important things to keep in mind about this area is: snow piles, drainage and access to the system. Ms. Smith is doubtful that Mass DOT will allow this being so close to their right-of-way. The property line is unclear and the utility poles are not included on the survey. Ms. Smith's recommendations to the engineer, Tom Leue:
 - **Easements:** the electrical poles and property lines in regards to Route 20 need to be confirmed. Grading from the septic system cannot infringe on the state highway. A state access permit will also be needed if they will be doing an installation right next to the road.
 - **Tanks:** Tanks are located four feet (4') below standing water and more than three feet (3') below existing grade. The bottom of the septic tanks, based on the plan, are ten feet (10') below existing contours and will need several LUAs (local upgrade approvals) for inlets and outlets being below the water table. The tank configuration does not meet 310 CMR 15.00 and a variance will be needed in order for the two (2) 1500 gallon tanks to be placed in series. Otherwise, a



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3000 gallon tank must be installed to comply with Title V. *Ms. Smith does not recommend two (2) 1500 gallon tanks.*

- **Water Supply:** The water supply for the second building needs to be established. It is unknown if there is an existing water supply, septic and leach field to the second building. It needs to be defined if the water will be coming from the well of the motel. It needs to be shown that the water supply is also protected.
- **Private Water Supply:** Ms. Smith questions if the addition of the visitor's center would impact the status of the water supply, making it public again. It has been reported that guests have been staying at the motel and the water has not been tested. Under the previous ownership, the motel was reassessed and one (1) of the rooms was taken out making it a private water supply. If the current owner were to add a visitors center, that would add at least two (2) more people drawing off of the water supply reverting it back to a **public water supply (PWS)**.

Bottom line, Ms. Smith does not recommend approval on the submitted septic plan.

Ms. Perotti informs the Board of a call that came in to the office regarding the motel. It was reported that there are people staying at the motel and that it was full to capacity on at least one (1) occasion. Ms. Smith recommends to the Board that water tests should be done right away if there are people staying at the motel. Following a brief discussion, Ms. Smith suggests that the Board send a letter to Mr. Zaarur to let him know water tests are needed and a lodging permit needs to be submitted. Ms. Smith says court action may be needed. Ms. LaBelle says that water tests need to be done with results to the office within ten (10) days. Ms. Smith says a lodging permit also needs to be submitted. The Board is worried about people staying there without knowing the water quality. Ms. Smith says it may need to be condemned if there is no proof of potable water. Mr. Krawet **makes a motion** to have the septic system installed by August of this year, water testing to be done with results to the office within ten (10) days, and a lodging permit needs to be submitted immediately providing the water is good. There is a brief discussion. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes.**

b. Title V inspections:

- i. **27 Shore Road:** Ms. Smith reports that Charlie Kaniecki witnessed this Title V inspection conducted by Brian Pranka. Following the inspection, Mr. Kaniecki reported that it would need further evaluation by the Board of Health. There is a brief discussion regarding the inspection. The Board



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determines that a service contract is required for this type of septic system because it uses alternative technologies. They decide that once a service contract is in place, the inspection would be considered as a passing inspection. Mr. Krawet **makes a motion** to accept this Title V inspection with the stipulation that a service contract is provided. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. Ms. Smith will provide the letter to the Board.

- ii. **2305 Jacob's Ladder Road:** Ms. Smith says this inspection was done by Billy Kie and witnessed by Laurel Burgwardt. Ms. Burgwardt reports that it passed. Ms. Perotti asks for a copy of her witness report. Ms. Burgwardt says she does not have a witness report.
- iii. **119 Algeria Road:** Jesse Giardina conducted this inspection that was witnessed by Laurel Burgwardt. Ms. Burgwardt says that the inspection passed. Ms. Burgwardt did not have a witness report for this inspection.
- iv. **163 Mystic Isle Way:** Paul Willis conducted this inspection witnessed by Laurel Burgwardt. Ms. Burgwardt says this was a passing inspection but does not have a witness report to submit.
- v. **180 Gentian Hollow:** Ms. Burgwardt says this inspection passed. Ms. Burgwardt was unable to remember who conducted the inspection and does not have a witness report to submit for it.
- vi. **36 Forest Lane:** Ms. Burgwardt says this was a fail due to the water sample failing. Ms. Smith says this well needs to be retested and should be tested for sodium too. Sodium needs to be tested for because if there is chlorine in the water, the sodium levels also change. Passing water tests have not yet been received for this Title V inspection so it will remain a fail until then.

c. Housing:

- i. **3071 Main Street:** Ms. Smith reports that most repairs have been made but there is still a leak coming from the upstairs bathroom that needs to be addressed. The cause of the leak is bad caulking on the outside of the tub where the hardware goes into the wall. They sprayed the fixtures and sure enough, water went right down the wall. The caulking was done over and the tenant has been asked to report any further leaking. Ms. Smith also reports that the tenant is concerned about mold. Ms. Smith received some pictures from the tenant which showed water stains, white and black marks. Ms. Smith says that mold is not defined well in the housing code. Mold is only mentioned as an evidence of chronic dampness. Ms. Smith explains they enforce mold by requiring repairs or



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replacement of areas effected by chronic dampness. This includes water staining and mold. She asks the Board for their interpretation since the tenant is so concerned about health effects from mold. Ms. Smith asks Ms. Burgwardt if she would like to go out on another inspection since she would have more latitude being a Board member. Ms. Burgwardt agrees to go out on an inspection here. Ms. Smith says the leaking area will need to be tested again to make sure it has been repaired properly. She says the tub may also need to be replaced.

- ii. **50 Dawn Drive:** Ms. LaBelle reminds the Board that this house was inspected because the ambulance and fire departments were there on a call and reported the house to be in bad condition. An inspection was done on the property yesterday by Charlie Kaniecki. Ms. LaBelle spoke with Elder Services and discovered there wasn't much that could be done with the services they provide. Ms. LaBelle says she is looking for other services that could be offered to the homeowner to help their situation.
- iii. **61 Porcupine Court:** Ms. Smith says a letter was issued to this property owner requiring a Title V inspection or that the system be crushed and a new system installed. After having discussions with the property owner, Ms. Smith got the impression that they would like to fix the place up to use in the future but they don't want to do an inspection of the system at this time. There is a brief discussion about crushing the system. The Board recognizes Sandy Sayward. Ms. Sayward reminds the Board she is the homeowner's mother. She confirms she is aware her son is trying to fix the house up to use as a summer home. It is her understanding her husband and son will be looking for the system to do a Title V inspection. Ms. Smith feels that the order issued seems like it is going to be ignored. She reminds Ms. Sayward that an inspection should have been done when it was purchased. Because the Board received a complaint about this property not having an inspection, it needs to be addressed. Ms. Smith gave the property owner the option of coming up with an alternate proposal for the Board to consider but he has not submitted one. If the order is ignored, he will be taken to housing court. There is a brief discussion regarding how to schedule an inspection. Ms. Sayward says it is unclear where the system is located and asks if there is a design of the system on file. Ms. Perotti says she will pull the file, scan and send her the plan via email. Ms. Smith recommends the Board take court action should the property owner not comply with the order.



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- iv. **2442 Main Street:** Ms. LaBelle reports that this property will be going into the receivership program.
 - v. **329 Little John Drive:** Ms. Smith reminds the Board that this was a complaint that came in from the homeowner. The septic was bad, the well was bad and there wasn't any central heat. The house was condemned and the homeowner has walked away from it. The bank has secured and taken ownership of the property. If nothing is done within six (6) months, the bank will then be required to make the necessary repairs. If they choose not to make the repairs, the property can be entered into the receivership program to fix it.
 - vi. **323 Wells Road:** Ms. Smith says a complaint was received that the septic tank at 323 Wells Road was leaking into a neighboring yard. Ms. Smith went to the property to inspect. She reviewed a previous Title V inspection done at 323 Wells Road and confirmed the leakage area is also where the septic system is located. She was also able to confirm that the system is undersized and has had previous issues. A letter was sent to the property owner that a Title V inspection needs to be done. Ms. Perotti reports that the inspection was scheduled for yesterday with Al Joyner to be witnessed by Laurel Burgwardt. Ms. Burgwardt reports that the inspection failed and that the next step would be to have a percolation (perc) test done. She reports that the homeowner had new lines put in and plumbing work was being done. Ms. Burgwardt did not provide a witness report for this inspection. Ms. Smith says the Board could look at this next month and can take action if no steps are made to get the septic up to code.
 - vii. **169 High Street:** Tabled.
- d. **Full Circle:**
- i. **Requirement needed for all applications: map/lot numbers:** Ms. Smith agrees that map and lot numbers need to be included on all applications. Ms. Smith says she will consult with Full Circle to make sure those are required for all applications.
 - ii. **Beach Permit renewals: Indian Lakes, issued:** Ms. Perotti reports this beach permit was renewed and issued.
 - 1. **Possible problem with renewals, new applications may need to be submitted:** Ms. Smith says there may be a problem renewing beach permits this year but there may be a way to renew them from the staff side. It will be a trial and error as they are renewed.



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iii. **Camps, applications received:**

1. **Camp Becket**
2. **Becket Day Camp**
3. **Chimney Corners Camp YMCA**
4. **Camp Watitoh:** Ms. Smith reports that she has been sending information out to all of the camps regarding the new policies. The four (4) camps listed are the only camps that have submitted applications. New camp policies and procedures will also need to be created and submitted regarding the new camp regulations. All new information will need to be submitted before the permits can be issued. Ms. Smith says she is still waiting on a lot of information from the camps.

iv. **Food Service Establishments, applications received:**

1. **Papa Bob's:** Ms. Smith says the fee is still outstanding on this application.
2. **The Wild Honey Pie:** Ms. Smith says they would like to host a three (3) day event at Camp Lenox. They accidentally applied for year round permitting which can be corrected. Ms. Smith will be reaching out to her regarding her required certifications.
3. **Camp Watitoh:** Ms. Smith confirms they have submitted their food service application and seem to be in good shape for that. Ms. Smith asks the Board if she can review and issue the permits to the camps and food service establishments once she confirms all certifications are in order. There is a brief discussion. Ms. LaBelle **makes a motion** to allow Jayne Smith to review and issue permits for the recreational camps and food service establishments. Ms. Burgwardt **seconds the motion**. Mr. Krawet adds that the Board reserves the right to take the approving authority away. Ms. LaBelle and Ms. Burgwardt agree. Hearing no further discussion, Ms. LaBelle calls for a vote. All in favor. **Motion passes.**
4. **Berkshire Fishing Club:** Ms. Smith will be reviewing this application for approval.
5. **Dream Away Lodge:** Ms. Smith will be reviewing this application for approval.

- v. **Mobile Food application received from Brunnschweiler, to operate at Jacob's Pillow on their Community Day- June 8, 2019:** The Board recognizes Monika Brunnschweiler. Ms. Brunnschweiler reports she may



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be working out of a kitchen at Jacob's Pillow instead of a food truck. She says she will be preparing an acai sorbet with fresh fruit on top. Ms. Brunnschweiler explains she will be buying already made sorbet and preparing the fruit herself. Ms. Smith says that Ms. Brunnschweiler already has her allergen awareness and food handler certifications. She is also registered to attend the Temporary Food Permit training course at Papa Bob's next week. Ms. Smith says the question before the Board is if they will require her to have a Food Manager's certification or if the Food Handler and Allergen Awareness certifications will be sufficient. Ms. Smith also clarifies that the mobile food truck application was filled out instead of the temporary food permit and that it needs to be corrected. Ms. LaBelle asks the Board if they have any questions. Ms. Burgwardt **makes a motion** to grant the one (1) day permit. Mr. Krawet **seconds the motion**. All in favor. **Motion passes.**

vi. **Beaver Emergency, applications received from:**

1. **36 Sir Galahad Drive: beavers taking trees down near home, possible property damage:** Ms. Perotti reports that the homeowners are worried that the trees the beavers are taking down near their house will fall on their house. Ms. Smith says she will start the conversation regarding this situation and include the Board on the email to get some further clarification before issuing the permit.

vii. **Septic Haulers: Wind River Environmental, LLC; Hudson, NY: submitted pumping record but is not registered in Becket:** Ms. Smith suggests the Board send a letter or email to let them know of the registration requirement.

viii. **Solid Waste Haulers: Stericycle, Inc.; Woonsocket, RI: submitted application but has not submitted payment:** Ms. Smith again suggests the Board send a letter or email requesting payment.

- e. **2299 Main Street, Robinson Farm: written proposal to be submitted for a farm stand inquiry:** The Board recognizes David Robinson. Mr. Robinson lets the Board know he submitted a plan of what he would like to do at his farm for the Board to review. Mr. Robinson would like to have a farm stand to sell ice cream in addition to flowers and other things grown or raised on the farm. Mr. Robinson has changed his proposal from serving soft ice cream to serving hard scoop ice cream to save on the extra water flow to the septic system. Ms. Smith says she wrote to Daniel Kurpaska from **Massachusetts Department of Environmental Protection (MassDEP)** for further guidance. Mr. Kurpaska agreed that the condition of the system would need to be determined. Mr. Kurpaska



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also agrees that it may be considered an increase in flow if the system is already maxed out. Ms. Smith says it is assumed that the septic system was built for a four (4) bedroom house. Mr. Robinson says that he remembers when the system was installed and he believes it was built larger than it needed to be. There is a brief discussion about the possible variations of what might be allowed depending on the condition of the septic system. The number of rooms that would be considered bedrooms is also discussed. Ms. Smith confirms that the definition of a bedroom for the purposes Title V code is: seventy (70) square feet, seven foot (7') ceiling with the ability to provide privacy. The matter of the food operation also plays a role in the septic system.

The Board reviews the plan submitted by Mr. Robinson. Ms. Smith asks the Board if she can discuss the food portion of Mr. Robinson's proposal. Ms. Smith explains why a hard scoop ice cream operation uses less water than a soft serve operation. Mr. Robinson explains he will be selling Good Humor brand ice cream. He will have a large freezer and the ice cream comes in large tubs to scoop out. The scoops will be kept in a container with water and is rinsed off. Ms. LaBelle thinks the container should have a constant flow of water going through it. Mr. Robinson says it will be on a trickle system. Ms. Smith notes that a sink is proposed to be installed in the bathroom along with a sink for the food operation. Ms. Smith concludes that Mr. Robinson is seeking permission to run lines from the septic to the building providing that the system can withstand the extra flow. Ms. LaBelle asks Ms. Smith if he should have a Title V inspection. Ms. Smith says it is the Board's decision. Ms. Burgwardt says a Title V should be done first since it hasn't been checked in a long time. Ms. Smith says she will support the Board's decision. Mr. Krawet agrees the system should be checked. He feels the Board needs to know the system is operational in order to approve anything new being introduced to it. Mr. Robinson is concerned about doing this inspection now with the ground being so wet. Ms. Smith asks the Board if an official Title V needs to be done or if someone should just go out and check the system. Ms. LaBelle and Ms. Burgwardt both agree the system needs to be checked. Mr. Robinson assures the Board it is a large system with a large leach field with plenty of room to expand if necessary. Ms. Burgwardt **makes a motion** that a mock Title V be done on Mr. Robinson's septic system. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**. Ms. Smith asks the Board if they would consider having a special meeting to approve Mr. Robinson's proposal providing the Title V inspection goes well. Ms. Smith says a written proposal is still needed before the Board can give an approval. Ms. LaBelle **makes a motion** to give Jayne Smith and Laurel Burgwardt permission to move Mr. Robinson's proposal along as things develop so he doesn't have to wait for the next meeting. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.



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Old Business

- a. 683 King Richard Drive, Map/Lot: 215/174: holding tank approved in 2016; informal discussion regarding 6 month deed restriction:** Ms. Perotti notes the approval was issued in 2017. Ms. Smith says this was approved a couple years ago and when it came time to construct it, the six (6) month deed restriction was inquired about only to discover it had not yet been placed. Ms. Smith explains why deed restrictions are placed on tight tanks and the allowances offered for a full time versus a part time resident. Ms. Smith asks Mr. Smith to explain what their question is about the deed restriction. Mr. Smith confirms they are part time residents but are concerned that if they were to sell it, they may have a hard time with the restriction since the next homeowner may want to live there full time. Mr. Smith says he's got someone that will pump it out. Ms. Smith says that she will need to see more information about the lot and system before she can make a recommendation. Ms. LaBelle confirms they will have to look at the plan again to see if the restriction can be lifted. Ms. Smith recommends they contact the engineer to write a letter on their behalf explaining why the restriction could be lifted.
- b. 24 Western Avenue: name change on well permit issued 4/3/2019, installer to be determined:** Ms. Perotti explains that the current homeowners asked if the previous homeowners name on the permit could be changed to theirs. The Board agrees that the name could be changed once their installer is determined.

New Business

- a. Christopher Swindlehurst requests a tight tank to be installed at his residence:** Ms. Perotti explains she was not in the office when this notification was received. She found out there are three (3) properties listed in his name. Ms. LaBelle explains that his wife does work with dye and that can't go into a traditional septic system but the tank would be less than fifty feet (50') from the well. Ms. Smith agrees and says she will research what type of approval is needed for his proposal since it won't be used for sanitary waste.

Public Input

No further public input.

Correspondence

- a. Hunter & Graziano, P.C., regarding 27 Western Avenue: 5 bedroom deed restriction:** Ms. Smith reviews the file with the Board and they determine there are two (2) bedrooms allowed for this dwelling. Following further review of the paperwork, Ms. Smith clarifies the request is a Title V bedroom count deed restriction, not a restriction



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for five (5) bedrooms. Ms. LaBelle signs the paperwork. Ms. Perotti confirms she will send it out tomorrow.

- b. **MassDEP regarding Route 20 Spring:** Ms. Perotti presents an email from MassDEP to confirm the Route 20 Spring is officially shut down.
- c. **Rosa Topping/Wheelhouse Farm regarding a wedding to be catered at Jacob's Pillow in September, 2019:** Ms. Smith asks the Board to clarify their policy regarding a private event being catered, like this wedding, since every town handles things differently. There is a brief discussion concluding that a private catered event does not require a permit. Ms. Smith reminds the Board that any public posting for an event, like in the newspaper or posters around town, would make it public and require a permit. Ms. Smith says Ms. Topping should be contacted to let her know a permit isn't required for a private catered wedding.
- d. **Jayne Smith regarding Temporary Food Event training, May 6, 2019:** Ms. Smith says the training will be held at Berkshire Regional Planning Commission (BRPC) in Pittsfield and is free. It will last about two (2) hours.

Any other business to come before the Board

Ms. Smith says someone came in before the meeting opened with a septic plan for 307 Yokum Pond Road to get it approved. Ms. Smith was able to review it quickly and discovered that it needed some revisions and also found out that the engineer is from New York with a temporary permit. Ms. Smith says she will communicate with the designer of this plan about the necessary changes that need to be made.

Ms. Smith says she would like to go out on the camp inspections with Ms. LaBelle and Ms. Burgwardt this year, including Bonny Rigg Camp Ground, to ensure all new requirements have been met.

Budget

Ms. Perotti informs the Board she was out of the office today and was unable to get a copy of the budget from the Treasurer.

Ms. Perotti lets the Board know that the invoice from BRPC for inspectional services was received. The amount to pay is \$5,500.00. Mr. Krawet **makes a motion** to pay \$5,500.00 to BRPC for inspectional services provided by BPHA (Berkshire Public Health Alliance). Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.

Ms. Smith also presents the Board with the contract for inspectional services to be provided for the next fiscal year. She lets the Board know that the yearly contract has been increased



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\$3,000.00 for a total of \$25,000.00 per year. Ms. Smith says this may go down next year if Ms. Burgwardt is able to do more inspections this year. Ms. LaBelle asks Ms. Perotti to send a copy of the contract to the Town Administrator and Town Counsel for review.

The next meeting is set for June 5, 2019 at 10:00 AM.

Adjournment

Ms. LaBelle **makes a motion** to adjourn. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 7:12 PM.

Meeting Minutes reviewed and approved on June 5, 2019 by:

Gale LaBelle, Chair

I. David Krawet, Clerk

Laurel Burgwardt, Vice Chair