

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

Meeting Minutes for June 7, 2023

Board Members present: Gale Labelle, Robert Ronzio

Board Member via phone: Laurel Burgwardt

Clerk of Committee: Tess Lundberg

Public present: Michael Mkrichain, Andy Bevacqua, Aimee Bevacqua, Anthony Orcutt, Bruce Cooper, Fred Sears, Elizabeth Burnette, Mona Bailey, Cam VanBuren, Ron VanBuren, Lee Burnette, Miles Weber

Public via Zoom: Ed Fahey, Ryan O'Hara, Art Muszynski

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

1. **Meeting called to order at 5:02 PM by Ms. LaBelle.**
2. **Board to approve meeting minutes for May 3, 2023.** Mr. Ronzio makes a motion to approve the minutes of May 3, 2023. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passed.**

3. Alliance Reports

A. Disposal System Construction Permits

i. **145 Prince John- fee pd DSCP-** new survey and revised plan submitted. Mr. Fahey does not recall seeing the revised plan. Ms. Lundberg states physical copies of the revised plans have not been received. Continued.

ii. **693 King Richard-** revision of plan previously approved. Fred Sears states after looking at the topography of the property and the house foundation he suggested moving the tank to a level area in front of the house, about 50 feet from the existing well. Mr. Sears states the new location will be closer to the road and easier to pump. The board looks at the revised plan. Mr. Ronzio makes a motion to approve the revised plan. Ms. LaBelle seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor, Ms. Burgwardt votes in favor. **Motion passes.**

iii. **0 Moberg Rd 218.67- Housand** Ms. LaBelle makes a motion to approve the plan. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

iv. **0 Frederick Court 203.18.6- Bauman.** Mr. Sears states he is here with the contractor Miles Weber. Mr. Sears states the property is 12.7 acres, no variances are needed, and Mr. weber has been in contact with the Conservation Commission and no RDA is needed. Ms. LaBelle makes a motion to approve the plan. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

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v. 508 Main St- repair. Owner discovered pipe to septic system appeared to be leaking. Inspection done by White Wolf confirmed. Board approved replacing the pipe with the contingency that the repair is inspected by the board before being covered.

vi. 60 Beech Tree Lane Mr. Fahey states the plan will require a deed restriction to a 2 bedroom design. Ms. LaBelle makes a motion to approve the plan with a deed restriction for 2 bedrooms to be filed at the Registry of Deeds. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

B. Well Permits

i. 376 Long Bow Lane West-Continued from May 2023. Request variance to setbacks. Mr. Orcutt states the existing well is not on his property but he wonders if there is an older survey that would show it is on his property. Mr. Orcutt states the owners of the property next door are both deceased. Mr. Ronzio asks if that property is in foreclosure. Mr. Orcutt states his attorney said it was in foreclosure. Mr. Ronzio states these things go through land court and it is not a fast process. Mr. Orcutt asks if Becket has shared well regulations. Mr. Ronzio asks if Mr. Orcutt has an agreement in his deed that shows a shared well. Mr. Orcutt states he does not have that. Mr. Ronzio states it would be in the Registry of Deeds and the attorney should have found that if he researched the property and the neighboring property. Mr. Ronzio states the reason his permit was denied is because it does not meet the 2017 well setback requirements. Mr. Orcutt states his lawyer says if he does not have a well it is denying him a water supply. Ms. LaBelle asks what is the size of the property. Mr. Ronzio looks at the assessor database and states the Orcutt property is .58 acre and the lot next door is .65 acre. The board looks at the submitted well plan. Mr. Ronzio states he believes this is going to be a legal issue. Mr. Ronzio states the proposed location is directly on the property line, and looks to be setback from the road about 10 feet. Mr. Ronzio states under these conditions someone is going to have to spot the location before the well is drilled, with a pin placed with the exact dimensions to the property line boundary and the road, to be inspected by the board. The board discusses different options for locations of the well. Mr. Fahey asks if it will be a legal problem to have the old well, not located on Orcutt's property, decommissioned. Mr. Ronzio states it would be a liability for the town, the well has to be decommissioned when it is no longer being used. Mr. Ronzio states the board will need to get info from town counsel KP Law. Continued.

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ii. **0 Moberg Rd 218.67 Housand-** Ms. LaBelle makes a motion to approve the plan. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

iii. **161 Longview-** revised previously approved plan. Mr. Fahey states the plan was approved at the last meeting, but the installers decided to place the well further away. Mr. Fahey states he has no objections to the revised plan. Mr. Ronzio makes a motion to accept the revised plan. Ms. LaBelle seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

C. Title V Inspections

a. **607 Yokum Pond Road-** need further evaluation- well setback issue. Water test results received. Approval letter draft prepped for signatures. The board reviews the letter and Ms. LaBelle signs the letter stating having provided a water test the Title 5 is accepted as a passing status. Letter is given to Andy and Aimee Bevacqua.

b. **40 Mohekunuk-** pass

c. **86 County Rd-** fail

d. **1242 Main St –** pass

e. **58 Depot St-** conditional pass

f. **176 Beech Tree Lane –** pass

g. **98 Dawn Drive-**fail

h. **1705 Main St-** pass

i. **264 Nottingham Circle –** pass

D. Soil Percolation tests:

a. **0 Hamilton Rd 414.19 Burwell**

4. Housing Code Action Alliance Report

a. **44 Pleasant-** Alliance Update - May 2023. Back window is still broken out making the building accessible. Front door has been boarded up

b. **58 Depot St -** Alliance Update May 2023. No changes. Broken basement window allowing access to pests and elements. Old septic system uncovered at soil perc attempt. Title 5 application rec'd 5/4/2023. Mr. Fahey states the existing system has one 15-foot pipe from the house, Mr. Fahey states there are no bedrooms now, and asks if the board wants him to speak to the owner about the number of bedrooms and if the tank needs to be replaced. Mr. Fahey states he does not know what the owner's intentions are, but he should get a

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letter stating that the septic system is substandard to start a dialog. The board directs Ms. Lundberg to send the property card to Mr. Fahey.

c. **23 Lady of the Lake-** Alliance Update May 2023. Sent to town attorney for condemnation. Proceeding with Housing Court for Condemnation per March BOH meeting. An uninhabitable

placard is posted on the front door.

d. **50 Dawn Drive-** Alliance update May 2023. No changes. Town is working with Construct, using a \$145k grant to rehab the home and sell to low income. Keep on agenda on a watch basis. Likely to be resolved without further BOH.

e. **799 King Richard Dr-** Alliance update May 2023. No changes. Uninhabitable Placard placed above the front door. For sale sign removed

f. **43 Pleasant St-** Alliance update May 2023- Spoke with the subcontractor and they hope to be finished with work by Fall 2023. 5/31/23 potential well contractor and owner called BOH office, advised to attend meeting to discuss well. Mr. Muszynski asks to discuss well situation on property. Mr. Muszynski states there is a shallow ell about 50 feet from the septic system. Mr. Muszynski asks if it would be possible to use that well or if he would need to have a new well drilled. Ms. LaBelle asks if the well water has been tested. Mr. Muszynski states the water has not been tested. Mr. Ronzio states the property should be surveyed to determined the exact location of the septic, and then determine the location for a new well that meets setback requirements. Mr. Ronzio states looking at the Title 5 report, which is not a to scale drawing, it looks like the existing well is less than 50 feet from the septic. Mr. Ronzio states a new well would have to comply with the 2017 well regulations, the surveyor would need to identify the location of neighboring septs and wells. Mr. Fahey states you would need to provide a scaled drawing by an engineer.

g. **50 Beach -** Alliance update. No changes in May 2023

h. **59 Benton Hill Rd-** debris complaint. Unlicensed vehicle complaint referred to building inspector. No update in May 2023.

i. **23 Algerie Rd-** trash/debris complaint- No changes in May 2023. Attorney Rankin left voicemail 5/23/23 stating tenant became contentious regarding removal of items in yard.

j. **99 Friar Tuck-** Alliance update. May 2023 letter issued by board requesting owners to attend BOH meeting.

k. **50 Hilltop Court-** debris complaint- 9/9/22 Correction order sent. May 2023 recommend sending it to the Building Inspector. Two abandoned and one registered vehicle present. Rubbish scattered throughout the yard and piled up on the porch.

l. **28 Brook Lane-** failed Title 5 on 7/2/2017. T5 non compliance letter sent 9/9/2022. No changes in May 2023.

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- m. **297 Prince John Dr-** Alliance update. No changes in May 2023 referred to Building Inspector. Three Trailers/ Storage Unit/ Boat still present.
- n. **155 Black Arrow-**Alliance Update-May 2023, Dumpster has been removed. Rubbish and machinery scattered throughout the yard, on the porch and making its way across the street.
- o. **233 Gentian Hollow Rd-** Alliance update. May 2023 Sent to Town Council for Housing Court Resolution 4/12/2023. Mona Bailey states she would like to follow up on the legal issue., she believes Town Counsel was reaching out to Lee Burnette's lawyer. Ms. LaBelle asks Mr. Burnette if Town Counsel had contacted him. Mr. Burnette states he has not heard from Town Counsel.
- p. **336 Sir George Drive-**Alliance Update May 2023 Continuous progress being made. Met with owner to review what remains to be done.
- q. **358 Prince John-** 3/8/2023 order sent to secure doors
- r. **134 Fireside Lane-** Correction order for failed T5 repairs sent 3/10/23. DSCP application for repairs approved 5/3/23.
- s. **89 Lady of the Lake-** Correction order sent to new property owners on 5/22/23 regarding failure to upgrade failed/nonconforming T5 conducted 8/2/2020. Michael Mkrichain , new owner of the property, states he has been in touch with contractors to resolve the situation. Mr. Mkrichain requests an extension on the deadline. The Board agrees to extend the deadline to September 22, 2023. Mr. Ronzio states he wished to confirm that the home has three bedrooms. Mr. Mkrichain states he has no plans to expand the home beyond the current 3 bedrooms.

8. Full Circle Applications Received:

A. Food Service Establishment

- 1. Camp Lenox-** 5/12/23 requested certificates and water test. Board approves permit contingent on receiving certificates and water test.

B. Septic Installers

- 1. Cooper Excavation –** Continued from May 2023. Board of Health determined at their December 16, 2020 meeting to revoke septic installer privileges of Cooper Excavation. Attorney Ryan O'Hara speaks on behalf of Bruce Cooper. Mr. O'Hara states Cooper Excavation has done dozens of installs in other towns with no issue , and he asks the board to consider that the one incident was not reflective of Mr. Cooper's work. Ms. LaBelle asks for Mr. Fahey's opinion. Mr. Fahey asks if the homeowner involved in the problem install has been heard from. Ms. Lundberg states she left a message for the homeowner but has received no reply. Mr. Fahey state the board can approve with conditions of extra oversight by the designer/engineer, that the engineer lay out the

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system stake work and shoots site lines part way through the installation. Ms. Burgwardt states she recalls a system installed by Mr. Cooper with J. Mustain that required the board to go out 6 times to inspect. Ms. Burgwardt states she is concerned that the failure of the homeowner to respond is a red flag. Ms. LaBelle states although the board is willing to give Mr. Cooper another chance there must be oversight. Mr. O'Hara states his client is willing to accept whatever conditions the board stipulates. Mr. Ronzio states any additional issues and Mr. Cooper will be permanently banned from installing septic systems in Becket. Ms. LaBelle makes a motion for Mr. Fahey to compose a letter with conditions for the approval of Mr. Cooper's installer permit. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

2. NOYCO Construction Kyle Noyes - no fee pd. Board approves issuing contingent on permit fees and BCBOHA certificate.

3. Delaney Excavation & Trucking – no fee pd, no certificate. Board approves issuing contingent on permit fees and BCBOHA certificate.

C. Recreational Camp

1. All Out Soccer Camp – Note: Camp Lenox has not completed a Food Service permit. Board approves All Out Soccer Camp permit contingent on receiving certificates and water test for Camp Lenox.

9. New Business- none

10. Old Business- none

11. Public Input- none

12. Budget- no discussion

13. Correspondence- none

14. Board elections

Mr. Ronzio nominates Gale LaBelle as chairperson. Ms. Burgwardt seconds the motion. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. Motion passes.

Ms. LaBelle nominates Mr. Ronzio as Vice Chairperson. Ms. Burgwardt seconds the motion. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. Motion passes.

Ms. LaBelle nominates Ms. Burgwardt as Clerk. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Motion passes

15. Any other business to come before the Board

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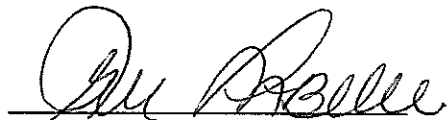
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a. 129 Long Bow East- Cam VanBuren states that the initial installer, B&D Septic, never showed up. Mr. VanBuren states the system was installed by All Star, completed in December. Ms. LaBelle states all Certificates of Completion are done online, we are no longer accepting paper forms for COCs. Mr. Ronzio asks who inspected the install. Mr. Fahey states he would have to research, but he believes they inspected the install in November 2022. Ms. LaBelle states the board will sign off the COC when the designer, Maginnis, supplies a letter stating the system was installed according to his plan.

b. 233 Gentian Hollow Rd- Lee Burnette states his tenant observed an environmental police officer remove a trapped beaver. Mr. Burnette said he got an email saying there would be another trap put out. Mr. Burnette states the trap was illegal, there was no tag on it. Ms. Lundberg states there was a trapping permit issued to Gene Darby, and she had spoken to the environmental police to confirm that there was a permit issued. Mr. Ronzio states the property is owned by Becket Estates and Mr. Burnette would have to talk with them if he had an issue.

16. Ms. LaBelle makes a motion to adjourn the meeting. Mr. Ronzio seconds the motion. Ms. LaBelle votes in favor. Mr. Ronzio votes in favor. Ms. Burgwardt votes in favor. **Motion passes.** Meeting is adjourned at 7:11 PM.

Meeting Minutes reviewed and approved on July 5, 2023 by:


Gale LaBelle, Chairperson


Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk