

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

Meeting Minutes for July 5, 2023

Board Members present: Gale LaBelle, Robert Ronzio

Board members via phone: Laurel Burgwardt

Clerk of Committee: Tess Lundberg

Public present: Ann Tuleja, Donald Tuleja, Diane Nichols, Bill Nichols, Barry Searles, Elizabeth Burnette, Mona Bailey, Adam Mazzantini, Ken Boudreau

Public via Zoom: Ed Fahey, Toni Maire, Mike Parsons, Ramona Mansfield, Peter Sturgeon, Michael Hart, Tim Hart, Katherine VanHaefen, Irja Baker

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

1. Call to order- Ms. LaBelle calls the meeting to order at 6:03 PM and introduces the board members present.

2. Board to approve meeting minutes for June 7, 2023. Mr. Ronzio makes a motion to approve the June 7, 2023 minutes. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes**

3. Alliance Reports

A. Disposal System Construction Permits

1. 145 Prince John- DSCP-Revised plan and survey received. Mr. Ronzio makes a motion to approve the plan. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes**

2. 177 East Shore Rd- DSCP – Ms. LaBelle asks Mr. Mazzantini to speak. Mr. Mazzantini states they have a revised design, replacing an existing system, that is requesting variances and the home will be deeded as a two-bedroom home. The electronic file and physical copies of the plan have not been submitted yet. The well permit application has not been submitted yet. Mr. Mazzantini presents a large whiteboard display of the design plan.

Mr. Ronzio makes a motion to approve the well application for 177 East Shore Road with a variance of 5 feet from the property line, 9 feet from the surface water, contingent on Conservation Commission approval, Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

Ms. LaBelle makes a motion to approve the septic system permit for 177 East Shore Road with a 10 foot setback from the wetlands, a 13% reduction for the jet bat system, a 2 bedroom deed restriction filed with the Registry of Deeds, and approval from the Conservation Commission. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. **Motion passes.**

3. 60 Beech Tree Lane - Previously approved at 6/7/2023 BOH meeting. Revised plan #3. Ms. LaBelle asks Mike. Parsons to speak. Mr. Parsons states the existing home has 3 bedrooms. Mr. Parsons states the plan is to combine 2 of the existing bedrooms and add an additional 2 bedrooms for a 4-bedroom total. Mr. Parsons states the exiting septic

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

Meeting Minutes for July 5, 2023

system was designed for a 3-bedroom capacity, so they have submitted a design to upgrade it to 4 bedrooms. Ms. Labelle asks Mr. Fahey for his opinion. Mr. Fahey states he sees no issues, there are no variances being requested. Mr. Ronzio makes a motion to approve the revised plan submitted for 60 Beech Tree Lane. Ms. Burgwardt seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

4. **693 King Richard-** Previously approved on 4/6/23 BOH meeting . Revised plan E . Ms. LaBelle asks Fred Sears to speak. Mr. Sears states they hit bedrock in the area where the previously approved plan was sited. Mr. Sears states the revised plan is for a tight tank with 20 inch access manholes, a 6 foot setback from the property line, and a 5 foot setback to the cellar foundation. Mr. Ronzio makes a motion to approve the revised plan for 693 King Richard. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

5. **61 Long Bow Lane-** main line replacement. The board has questions regarding the work to be done. Homeowner and/or contractor are not present. Continued.

B. Well Permits

1. **376 Long Bow Lane West-** continued from June meeting. Ms. LaBelle asks Peter Sturgeon to speak. Mr. Sturgeon states he is the lawyer for Katherine vonHaefen, the potential buyer of the property. Ms. LaBelle reads aloud a letter submitted by attorney Michael Considine on behalf of Anthony Orcutt the property owner. Ms. LaBelle states the existing well will have to be decommissioned. Mr. Sturgeon states he is not sure it is Mr. Orcutt's responsibility to decommission the existing well since it is not on his property. Ms. LaBelle states he has been using that well. Mr. Sturgeon asks if this can be referred to the Town Counsel. Ms. LaBelle states it has been referred, but we have not heard back from them yet. Mr. Ronzio states the proposed plan showed a new well located one foot off the property line. Mr. Ronzio states if a new well is drilled the someone has to be there to verify the location of the new well, and the old well will have to be decommissioned. Mr. Ronzio and Ms. LaBelle agree that they will contact Town Counsel.

2. **0 Frederick Court 203.18.6- Bauman-** Mr. Ronzio makes a motion to approve. Ms. Burgwardt seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

C. Title V Inspections

1. **174 King Richard Dr-** needs further evaluation. Ms. LaBelle asks Diane Nichols to speak. Ms. Nichols states they are asking the board to give a passing status on the Title 5 inspection. Ms. LaBelle asks when the inspection was done. Ms. Nichol states the inspection, done by Jesse Giardinia of All Star, said the system was too small. Ms. Nichol states they still do not have a copy of the Title 5 report that was submitted. Ms. Nichol states they purchased the home in April 2004 and it received a passing Title 5 inspection

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

Meeting Minutes for July 5, 2023

at that time. The board reviews the Title 5 inspection submitted by Jesse Giardinia and the results of the water test that were received on 7/5/2023. Mr. Ronzio states if the board approves the Title 5 it should be as a deed restricted one bedroom home and the system must be pumped every three years. Ms. LaBelle asks Mr. Fahey for his opinion. Mr. Fahey states it is a 585 gallon tank, the leach field is a single pipe, and the well is less than 50 feet from the septic. Mr. Fahey states the board can use the justification of the water test results to pass the system, or to pass it with recommendations. Mr. Ronzio makes a motion to approve the Title 5 inspection with the condition that the system is pumped every 3 years with a copy of the pumping report sent to the Board of Health, and that it is recorded at the Registry of Deeds as a one bedroom one bathroom home. Ms. Burgwardt seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

2. **343 Trail Circle-** pass

3. **191 Alan A Dale-** pass

4. **225 East Shore Rd-** pass

5. **58 Depot-** Updated T5 report submitted. No water test included. Mr. Fahey states the contractor resubmitted the inspection report, changing the status to needs further evaluation because the well is too close to the septic system. Mr. Fahey states a water test should be submitted for the board to re-evaluate. Continued.

6. **201 Lancelot Lane-** pass

D. Soil Percolation tests:

1. **98 Dawn Drive**

2. **0 Winter Drive 219.77**

4. Housing Code Action Alliance

a. 44 Pleasant-pending new Alliance inspector report

b. 58 Depot St - pending new Alliance inspector report

c. 23 Lady of the Lake- pending new Alliance inspector report.

d. 799 King Richard Dr- pending new Alliance inspector report

e. 43 Pleasant St- pending new Alliance inspector report

f. 50 Beach - pending new Alliance inspector report

g. 59 Benton Hill Rd- pending new Alliance inspector report.

h. 23 Algeria Rd- trash/debris complaint- letter received from attorney working for property

owner to remove tenant

i. 99 Friar Tuck- pending new Alliance inspector report.

j. 50 Hilltop Court- pending new Alliance inspector report.

k. 28 Brook Lane- pending new Alliance inspector report.

l. 297 Prince John Dr- pending new Alliance inspector report.

m. 155 Black Arrow- pending new Alliance inspector report.

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

Meeting Minutes for July 5, 2023

- n. 233 Gention Hollow Rd- Sent to Town Council for Housing Court Resolution 4/12/2023. Elizabeth Burnette states it has been 3 months since this was referred to Town Counsel and she has not heard anything. Ms. Burnette states she was told that Joel Bard would be in touch with her after he had spoken with Lee Burnette's attorney. Ms. LaBelle asks for Mr.; Fahey's opinion. Mr. Fahey states someone from the Board should speak with Town Counsel and perhaps invite them to the next meeting. Ms. LaBelle states she will contact Town Counsel and ask them to attend the August 2, 2023 meeting.
- o. 336 Sir George Drive- pending new Alliance inspector report
- p. 358 Prince John- pending new Alliance inspector report
- q. 134 Fireside Lane- 6/9/2023 repair installation inspected by Val. Item can be removed from the agenda.
- r. 89 Lady of the Lake- Per BOH meeting 6/7/23, deadline extended to 9/22/23.

5.Full Circle Applications Received:

a.Septic Installer

- I. Cooper Excavation Letter with conditions for re-instating installer permit sent 6/12/2023. No reply received indicating agreement to conditions.
- II. Better View Land Services- approved contingent on fees and BCBOHA certificate
- III. Cennamo Construction- approved contingent on fees and BCBOHA certificate.

6. New Business:

- a. **162 Mystic Isle Way** - Ms. LaBelle asks if Mr. Fahey has had the time to review the design. Mr. Fahey states he received the file this morning and has glanced at it. Ms. LaBelle asks if there are any variances being requested and the size of the property. Barry Searle states there are 5 variances being requested and the property is .32 acres. Mr. Searle states the property was recently surveyed. Mr. Searle states the owner's well is right on the property line. Mr. Searle state they are asking for a variance on the distance from the property line, 56 feet from the owner's well, 60 feet from the neighbor's well, a 2 foot separation from groundwater as allowed by the DEP for the design type, reduce the SAS area by 50% for DEP approved Advantex system, and a 100 foot setback from the water. Mr. Searle states the neighbor has written a letter agreeing to the design. Mr. Ronzio asks for Mr. Fahey's opinion. Mr. Fahey states there is no room to do anything except what has been done with this plan, and the board has the ability to grant the variances give the survey. The board studies the survey of the property. Mr. Ronzio makes a motion to approve the septic system design for 162 Mystic Isle Way with a 56 foot setback from the owner well, 60 feet from the neighboring well, 2 foot separation from groundwater, 5 foot setback from the property line, 50% reduction in the SAS field, no future increase from the existing 3 bedroom design of the house, the system must be pumped every three years and the Conservation Commission must approve. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

7. Old Business

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

Meeting Minutes for July 5, 2023

8. Public Input

9. Budget

10. Correspondence

11. Any other business to come before the Board

a. Mona Bailey asks why beaver traps are being allowed again at Bayberry Lane. Ms. LaBelle states the community you live in has the right to request a permit if there is property damage caused by the beavers. Mr. Ronzio states the permit starts from the date it was issued, and if the animal is not trapped in 10 days, they can request a 10 day extension. Ms. Burnette asks if the trappers are background checked. Ms. LaBelle states the trappers are not background checked. Ms. LaBelle states after the extension of the permit there are no further permits allowed and they must work with the DEP to resolve the situation. Ms. Burnette states the president of the HOA, who requested the trapper, did so on his own. Ms. LaBelle asks if Ms. Burnette owns the home in the association. Ms. Burnette states it belongs to Lee Burnette. Ms. LaBelle states they have a right to request a trapping permit if the beaver is impacting the waterway, septic systems. Ms. Burnette states the traps were put out illegally because they did not have tags, but the Environmental Police said they did see there was a permit issued. Mr. Ronzio suggest they requested a formal report from the Environmental Police.

b. Michael Hart states he was not informed that Camp Greylock had agreed to attend last month's meeting to discuss the problem he had with the camp. Mr. Hart states his concerns were not for HIPAA violations but for violations of 105 CMR 430 regulations governing camps, section 100 for proper orientation of staff, section 150 for health records and section 156 for confidentiality of health records. Mr. Hart states the question of whether his son's medical record was released was not in the record of the meeting. Mr. Hart states the point is were the records released and was there training. Mr. Hart states the other campers did not know his son had a bedwetting issue until the records were released. Mr. Hart states he wants it to be on record that the camp violated those sections. Ms. LaBelle states the board heard that the staff had been trained, we cannot verify a confidentiality breach, we can't determine what happened since we were not there. Mr. Hart states the counselor that allowed the records to be released was hired at the last minute and was not trained. Mr. Hart states that Mr. Marcus has whitewashed the situation, Mr. Hart states he wants Mr. Marcus to attend a meeting so he can ask direct questions. Ms. LaBelle states this happened last year, if it had been brought to our attention right away, we would have gone to the camp and discussed it. Mr. Hart states it took him 4 months to find out the Board of Health was the only oversight for, and in charge of enforcing, 105 CMR 430. Mr. Hart states there was a discussion with the camp owner that he had broken our contract and I wanted a refund. Ms. LaBelle states you were at the May 3, 2023 Board of Health meeting and you were told we would meet again. Mr. Hart states he missed the June meeting. Ms. LaBelle states we cannot prove that 105 CMR 430 regulations were broken. Ms. LaBelle state they asked Mr. Marcus if he thought HIPAA was broken and we talked about the orientation of camp staff. Mr. Fahey states the letter that was sent to Mr. Marcus said

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

Meeting Minutes for July 5, 2023


specifically it was in regard to 105 CMR 430. Mr. Fahey states that Mr. Marcus came before the board, addressed the questions, and the board was satisfied. Mr. Hart states if you go back over the minutes of the meeting there was no discussion of the health records. Mr. Marcus asks the board to write a letter to Mr. Marcus. Ms. LaBelle states the board has already voted on the matter. Mr. Ronzio states the board made a decision. Mr. Ronzio states Mr. Hart did not attend the meeting and the board made a decision based on what was presented. Mr. Ronzio states they will look at the May meeting minutes again. Ms. LaBelle states they have Mr. Hart's phone number, they will review the minutes, discuss it with Mr. Fahey and make a decision.

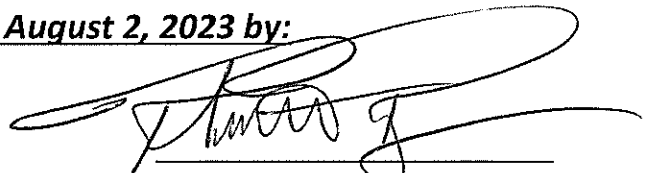
c. **98 Dawn Drive-** Ms. LaBelle asks Mike Kulig to speak, Mr. Kulig states he would like to have a discussion about the septic system construction permit that was submitted today for 98 Dawn Drive. Mr. Kulig shows the plan to the board and states he will be dropping it off with the Conservation Commission also. Mr. Kulig states the plan will ask for variances for an Elgin system with a 67-foot setback to the well, 25 foot setback to the wetlands. Mr. Kulig states there will be no increase in the number of bedrooms in the existing house. Mr. Ronzio makes a motion to approve the plan contingent on Conservation Commission and Ed Fahey approvals. Ms. LaBelle seconds the motion. Mr. Ronzio votes in favor. Ms. LaBelle votes in favor. Ms. Burgwardt votes in favor. **Motion passes.**

D. Mr. Ronzio states he received information about an incident at Fireside Lane where a person fell into a shallow well. Mr. Ronzio states the ambulance department responded but to his knowledge the ambulance department did not notify the town administration about the incident. Mr. Ronzio and Ms. LaBelle agree to discuss with the Town Administrator.

12. Adjournment- Meeting adjourned at 7:50 PM.

Meeting Minutes reviewed and approved on August 2, 2023 by:


Gale LaBelle, Chairperson


Robert Ronzio, Vice Chair

Laurel Burgwardt, Clerk