



**Town of Becket
Board of Health
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 22 fax 623-6036**

Meeting Minutes for October 19, 2018

Board Members Present: Gale LaBelle and I. David Krawet

Board Members Absent: Laurel Burgwardt

Health Agent: Jayne Smith

Administrative Assistant: Jessica Perotti

Public Present: Jeanette Thomas, John Kozinski, Chris McCaul, Michael McCaul and Barry Searle

Call to order

Gale LaBelle calls the meeting to order at 3:10 PM. Ms. LaBelle lets everyone know the rules of the meeting and introduces the Board, Health Agent and Administrative Assistant. Ms. LaBelle asks if anyone will be making a recording or video of today's meeting. Jeanette Thomas stands to announce she will be recording the meeting.

3417 Main Street

a. Updates on septic installation

Ms. LaBelle says an updated plan was submitted noting the changes that were made during the installation of the septic system. Ms. LaBelle says she is aware of the large cinder blocks that were used to construct the retaining wall. The Building Inspector, William Girard, was contacted to see if there is anything in the Building Code regarding cinder blocks. Jessica Perotti reports that she spoke with Mr. Girard who reported that there is nothing in the Building Code because they are not over four feet (4') high. Michael McCaul clarifies that the blocks are made of concrete.

Ms. LaBelle says she is looking to get this septic system approved so that everyone is happy with it. Ms. LaBelle says it can't happen with people arguing and asks that everyone say what they need to say and we'll move along with the meeting. Ms. LaBelle says all the interested parties are present today.

Ms. LaBelle asks Jayne Smith to talk about the changes made to the plan. Ms. Smith says what has changed most is the placement of the leach field. Ms. Smith asks Ms. LaBelle if Barry Searle, Engineer, can explain why the changes were made. Ms. LaBelle agrees and asks Mr. Searle to explain the changes. Mr. Searle says that the gist of the changes are that the leach field has been pushed back away from the house which also moves it away from the neighboring property line to the North East side of the property. This puts the field outside of the one-hundred foot (100') radius from the neighbor's well so a variance is no longer required. Mr. Searle clarifies that the new location of the leach field puts the plan in complete compliance with Title V regulations. Mr. Searle says that pushing it away from the side property line also allows them to be in a better position to create a swale to keep the run-off on



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the McCaul's property and off the neighbor's property to the right. Mr. Searle says the water will be directed to the lowest area of the property. Mr. Searle explains the treatment pod was also moved over a little bit. He says what is on the plan represents what is now in the ground and proposed to be completed. Ms. LaBelle asks Mr. Searle to explain the need for the concrete blocks used. Mr. Searle says they are 3'x3' concrete blocks and are shown on the plan at the right side of the property. Ms. LaBelle asks Mr. Searle to verify if they are in fact on the McCaul's property. Mr. Searle confirms they are on the McCaul's property. Ms. LaBelle asks how close they are to the neighbor's property line. Mr. Searle says he believes they are five feet (5') from the property line. Ms. LaBelle asks if he knows or just believes it to be the case. Mr. Searle says he measured it the other day and his recollection is that it was 5' from the property line.

Next, Mr. Searle talks about the dotted line on the plan just to the right of the concrete blocks which represents the impervious barrier. Mr. Krawet asks Mr. Searle to explain the impervious barrier. Mr. Searle says it is a thick sheet of plastic, about 40 mm thick, and is buried in the ground. It is buried vertically and stands about five feet (5'); the highest piece of it will be flush with the pea stone and will be about one foot (1') below the finished grade. Ms. LaBelle asks if it will be visible. Mr. Searle says the last time he was there he could see it.

Mr. Searle says that in his experience, Title V Code is very conservative, environmentally speaking. He explains that when the code was written, there was a fear that some leachate may migrate horizontally. Mr. Searle says that with his experience, he rarely sees that; most of the leachate migrates vertically. He feels that it would be a rare chance for the leachate to get out past that five foot (5') barrier. It was installed as an extra precaution. Ms. LaBelle asks if the concrete blocks are noted on the new plan. Mr. Searle confirms they are noted on the plan. Ms. LaBelle asks how the wall looks. Mr. Searle says there is nothing in the Title V code regarding aesthetics although he always tries to do the best he can. Mr. Searle believes the blocks were placed as straight and level as they could be to serve their purpose. Mr. Krawet asks what the purpose is of the blocks being there. Mr. Searle explains that they needed to end the grading from the system somewhere and because of the elevation of the groundwater, they needed to raise everything which complicated things. Putting the blocks in solves the issue. Ms. Smith clarifies a little further and says they are holding back the soil so there is an area of undisturbed soil between the blocks and the property line. Mr. Krawet believes it would be problematic if it were graded to the property line and asks for confirmation; Mr. Barry confirms it would be. Ms. LaBelle looks to find the property line. Ms. Thomas presents a picture to show before and after and everyone looks at the picture to try and determine where the property line is. Ms. Thomas feels there is only about two feet (2') between the blocks and her property line but varies a little from block to block. Mr. McCaul says the blocks are about two and a half



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to three feet (2 ½'-3') into his property. Mr. Searle says the edge of the sand is six and a half feet (6 ½ ') and the blocks are three feet (3') wide; it all adds up. Ms. LaBelle asks Mr. Searle to confirm that regarding septic systems, there isn't anything to be done regarding the appearance of the system. Mr. Searle confirms again that there is nothing in the Title V code regarding aesthetics. Mr. Searle believes that aesthetics is subject to opinion. Mr. Searle says he goes by the Title V code and in that code, the constraints are a minimum of ten feet (10') from the property line to the nearest working edge of the leach field and there is well more than that at both ends of this. Mr. Krawet asks the size of the concrete blocks. Mr. Searle says they are three foot by three foot (3'x3'). Mr. Krawet asks if the area will be covered with grass. Mr. Searle confirms it will be loomed and seeded which is very important.

Ms. Smith asks how long it will take to complete the job. Mr. McCaul says the company that will be activating the treatment pod can be out the end of next week. Mr. McCaul says he is hoping to get the laterals, which are the lines that come out, in for the leach field this weekend.

Ms. LaBelle asks Ms. Thomas if she would like to speak. Ms. Thomas requests that the Board delay approving the plans and issuing a **Certificate of Compliance (COC)** until her professional representation, at Hill Engineers in Dalton, MA, can review the plan. Since it was such a short notice of the meeting, she couldn't get it looked at before the meeting. Ms. Thomas' first question is if the Miller Environmental break-out barrier was installed and she now knows that it is from hearing Mr. Searle. She wants to know if the inspections were done for that barrier. She is worried about the water that was there when the whole process started and that may fail again in the future. Ms. Thomas would also like to know how high the mound of the system will be above ground level which is the same level as her yard. Mr. McCaul answers that it will be three inches (3") above the concrete blocks and the angle will be pitched into his yard as opposed to going towards Ms. Thomas' yard. Ms. Thomas is upset that the blocks are visible to her but not from Mr. McCaul's view. Ms. Smith shows Ms. Thomas on the plan where the area will be higher. Mr. Searle clarifies and says the area will be three feet (3') above the original existing grade. Ms. Thomas is worried about storm water coming down from the McCaul property to her leach field which will put extra stress on it and the septic system. She is also worried about all the water that will be running off of the cement blocks coming on to her leach field and septic system. She is also worried about the swale: where it will go and where the flow will be directed. Mr. Searle shows Ms. Thomas on the plan. Mr. Searle mentions that the finished grade will be higher on one end and slope in the direction away from her yard and into the McCaul property. Ms. Thomas asks how far up the fill comes on Mr. McCaul's side of the block. Mr. Searle and Mr. McCaul agree that it is just about even. The swale will be right up to the property line. Mr. Searle says the whole point of the plan is to keep the water away from



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Ms. Thomas' property. Mr. Searle suggests that as a preventative measure, Ms. Thomas could put fill in on her side. Ms. Thomas continues with her comments and questions.

Ms. Thomas says she spoke to the Building Inspector and knows he doesn't have jurisdiction over the blocks. Ms. Thomas says that Mr. Searle just said the swale is two feet (2') and questions how Mr. Searle came up with five feet (5'). Ms. Thomas says she is anxious and happy to have the septic upgraded because she has been complaining about the smell of the system for two (2) years. She is only trying to ensure that her property is not affected. Ms. Thomas feels that the concrete block wall is within two feet (2') of her property line. She refers to regulation 310CMR15.255. She claims the retaining wall has devalued her property and has increased his with the septic upgrade. The privacy that she did have is now gone because the shrubs are now all gone. Ms. Thomas is also looking for dimensions in terms of the property line and says setback requirements were not met. She is worried about flooding at various points of her property line. Ms. LaBelle asks when she will be able to meet with Hill Engineering. Ms. Thomas says she won't be able to meet with them until Wednesday of next week. Ms. LaBelle says another meeting can be held following Ms. Thomas' consultation with Hill Engineering. Ms. Smith says some of the final grading can happen before the COC is issued. Ms. LaBelle suggests planting more vegetation of some sort again. Mr. McCaul says nothing can be planted in the swale but could be planted on the Thomas' side. Ms. Thomas questions how the blocks were put in the ground. Ms. Thomas refers to emails on September 18, 2018 from Ms. Smith and Charlie Kaniecki, another Heath Agent. In the emails, Ms. Smith talks about a retaining wall located more than five feet (5') from the property line or grading the property to avoid the accumulation of water there. Then, Mr. Kaniecki sends an email giving Mr. Searle permission to go along with proposed changes in an email from September 14, 2018 but there is no mention of a retaining wall. Ms. Thomas contacted the Board of Health questioning why the storm water drainage or swale was not on the original plan; she simply wanted it added to the plan. She refers again to 15CMR15.255. It was after this request that the concrete blocks were added. She wants to know who authorized these cement blocks when it wasn't in the original plan. She says this needs to be approved by a professional engineer and questions if Mr. Searle is qualified. Ms. LaBelle says she doesn't remember everything involved with the retaining wall but understands it was installed regarding drainage and asks Ms. Smith to confirm. Ms. Smith says her recollection is that it was discussed in the field that the soil shouldn't come too close to Ms. Thomas' property. Ms. Thomas says that was discussed but says her request was just to add a swale. Ms. Smith clarifies and says that with the conditions set forth in the original plan, there wouldn't be enough room to add a swale and that's why the blocks were added. Ms. Smith refers to the plan to show the space in question. Ms. Thomas repeats that she wants to know who approved the retaining wall. She says the retaining wall and swale are not explained in the letter submitted with the revised plan. Ms. Thomas wants to



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know where the water from the swale will go. Ms. LaBelle asks Mr. Searle to explain. Mr. Searle says the low part of this is on the McCaul property. Mr. Searle also answers an earlier question from Ms. Thomas; Mr. Searle says there is six and a half feet (6 ½ ') from the property line to the edge of the leach field. Mr. Searle does some equations to show how much space there is. Ms. Thomas also refers to the plan and disagrees with Mr. Searle's calculations.

Ms. Thomas also questions the legal requirements for the permit holder for the construction of the septic system to be on site during the construction. She understands that others can help but that the permit holder should be on site.

Ms. Thomas feels that if she was asked to look at the limitations of the installation that she could have compromised with them to find another solution. She doesn't feel that her property value should be reduced because this septic system was installed. She supports them upgrading the system but not at her expense. She suggests that if the drainage is done properly and the blocks stay in as they are now, that a fence be installed so she doesn't have to look at it. Ms. Thomas says this idea was discussed earlier before things got messy. She suggests a fence that is eight to ten feet (8'-10') high. She is willing to pay fifty percent (50%) of the cost since she and Mr. McCaul would both benefit from it. She asks that this be part of the compliance and put on the deeds. Mr. Krawet interrupts to find out if a fence would impact the efficiency of the swale. Mr. Searle says it all depends on where it is placed. Ms. Thomas says she would rather not lose property but is flexible based on what's reasonable. She requests that a fence be installed before the COC is issued. Ms. Smith says the Board can't put conditions on things they don't have authority over but she will respond fully after Mr. McCaul speaks.

Ms. Thomas wraps up her comments by letting the Board know that she feels it is unfair to her that she has to incur expense because of this situation. Ms. Thomas explains that she has spent approximately one hundred (100) hours of her time doing research and coming to meetings. She feels that Mr. Searle should be able to come up with the proper drainage.

The Board recognizes Mr. McCaul. Mr. McCaul first addresses the swale and refers to it on the plan. He says the toe of the retaining wall is lower than Ms. Thomas' backyard. Mr. McCaul says the runoff from Ms. Thomas' property will come up against the cement block wall. Mr. McCaul says the water will then go towards Main Street and onto his property. Ms. Thomas questions how this will happen. Mr. McCaul says that gravity will do it. Mr. Searle says it's not possible to divert the water in another direction because it's already higher. Mr. Searle refers to the plan and explains how the water will flow away from Ms. Thomas' property. Ms. Thomas questions what will happen with the water that comes off the top of the blocks. Mr. Searle



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explains that the high point will be so that the water comes towards Mr. McCaul's property. The distances are not agreeable to Ms. Thomas.

Ms. Thomas says it needs to be verified that all of this is okay to do. She feels she has no choice but to spend money to have Hill Engineering look at the plan. Ms. Thomas will go along with the plan providing that Hill Engineering agrees that it looks good. Mr. McCaul was under the impression that as long as the retaining wall was under four feet (4') that he wouldn't need an engineer's drawing to do it. Ms. Thomas says that it is in the code that a professional engineer needs to approve a retaining wall.

Mr. McCaul asks if he is at a standstill until this plan is approved. There are many side conversations all at once and Ms. Smith interrupts everyone to ask that the public portion of the meeting be brought to a close so that the Board can discuss what should happen.

Ms. LaBelle closes the public portion of the meeting. Ms. LaBelle recognizes Ms. Smith. Ms. Smith explains that what the Board has before them is a plan that was approved under maximum feasible compliance. Essentially, there was a cesspool at 3417 Main Street. With the plan proposed with the advanced technology, it allowed to make the system a little smaller and a little bit shorter which is really good given the concerns they are dealing with there. Ms. Smith lets Ms. Thomas know that while it seemed bumbled, all decisions were made with her best interests at heart. Ms. Thomas disagrees. Ms. Smith interrupts Ms. Thomas to finish her explanation. She says that the system was shifted back and away that gave more wiggle room than in the original plan. The Board of Health does not regulate aesthetics but does agree that Ms. Thomas has a good plan that may be able to be worked out with Mr. McCaul. Ms. Smith says the Board can regulate the septic system that needs to be installed and as soon as possible. Ms. Smith says that without a retaining wall, it exasperates any drainage issues and you have less area to create a swale. Ms. Smith recommends to the Board that the plan be approved under maximum feasible compliance. The Board needs to decide if Ms. Thomas is happy with the retaining wall or would she rather have grading. Ms. Smith says that a COC cannot be issued until the Board is sure that drainage is not impacting that property. Ms. Smith says if the Board approves the plan today that she could go to the site to ensure that the barrier was installed correctly. If the Board does not approve the use of the cement blocks, then the condition still stands that the COC cannot be issued until the drainage is proven to work. Ms. Thomas says she prefers the approval of the original plan and requests that an approval not be given until she can consult with Hill Engineers.

Ms. Smith recognizes Ms. Thomas' frustration. Ms. Smith explains the septic system needs to be put in as soon as possible at this point because of the time of year. There are discussions



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regarding what would need to happen if the concrete blocks needed to come out. It would be almost impossible at this point.

After a lot of back and forth conversations, Ms. Smith interrupts and repeats her recommendation to the Board to approve the revised plan submitted on October 16, 2018.

Ms. Thomas returns to having a fence installed. Mr. McCaul says if Ms. Thomas wants to put up a fence, he has no problem with that but he doesn't want to pay for half of it. Ms. Smith says the Board of Health does not have authority to require a fence to be installed. Mr. Searle interrupts to say that a fence shouldn't be put in the swale because that could affect it.

Ms. LaBelle wraps things up by saying the septic system, as submitted, will be in compliance with Title V. She recognizes that Ms. Thomas is not agreeable to the plan. She suggests holding a meeting next week after Hill Engineering can review the plan on behalf of Ms. Thomas. Mr. Searle says he will not be available but everyone else is agreeable to a meeting next week. Ms. LaBelle asks Ms. Thomas to let Ms. Perotti know when she can meet with someone from Hill Engineering to review the plan and then another meeting can be held.

Mr. McCaul asks if he can continue working on the septic system installation. He explains the importance of getting grass seeded since it won't grow in the next few weeks. Ms. LaBelle asks Mr. McCaul to wait until after the next meeting before he finishes the installation.

Adjournment

Ms. LaBelle makes a **motion** to adjourn. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 4:25 PM.

Meeting Minutes Reviewed and Approved on November 7, 2018 by:

Gale LaBelle, Chair

I. David Krawet, Clerk