



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

Meeting Minutes for November 7, 2018

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

Board Members Absent: None

Health Agent: Jayne Smith

Administrative Assistant: Jessica Perotti

Public Present: Lisa Burzdak, Kyle Eriks, Ed Bruzdak, Ofer Zaarur, Sandra Sayward

Call to order

Gale LaBelle call the meeting to order at 5:10 PM. Ms. LaBelle welcomes everyone and reads the rules of the meeting. Ms. LaBelle asks if anyone will be recording tonight's meeting. Ofer Zaarur says he will record his conversations with the Board.

Ms. LaBelle announces the approval of the minutes will be done at the end of the meeting.

Reports from Jayne Smith, Health Agent

Jessica Perotti informs the Board of the error on the agenda: 8 South Lake Way was reviewed last month and 175 Mystic Isle Way should have been listed instead.

a. Septic

- i. Ms. Smith begins the review of **175 Mystic Isle Way** and says that a tight tank was proposed for this property. Ms. Smith informs the Board that the application was also reviewed by the Conservation Commission and they were worried about what would happen if a hose were to break any other type of emergency that may cause drainage problems. Ms. Smith explains how tight tanks work and the safety precautions involved to prevent flooding. Ms. Smith says these types of controls were not proposed for this septic system but the Board could require that to address the concerns from the Conservation Commission. The Board discusses the importance of not installing tight tanks unless it is a last resort. Ms. LaBelle asks Ms. Smith her recommendation for this application. Ms. Smith recommends approval of the tight tank but to kick it back to require an emergency float which will trigger the water to be shut-off when necessary. Ms. LaBelle wraps up the discussion and makes a **motion** to approve the tight tank plan for 175 Mystic Isle Way requiring an emergency float with a shut-off valve be included in the design as Ms. Smith recommends. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.

*Laurel Burgwardt arrives at 5:17 PM.

ii. 72 Depot Street



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Ms. Smith explains that this site is next to the train station which is a difficult site because of the ledge that goes into the mountain. The septic system for this property could not be located so additional perc tests were required to develop a plan for a new septic system. Ms. Smith explains that their proposal puts components of the septic system into the right-of-way of the street. Ms. Smith was told that the applicants would be getting in touch with the town for permission. Ms. LaBelle says she would like to know that the town is in agreement with the septic system going there. Ms. Smith asks the Board to review the plan with the condition that the applicants get a letter of approval from the town. Ms. Smith says there was also a local upgrade approval (LUA) request for a one foot (1') separation to season high groundwater. Ms. LaBelle says it needs to be on the plan. Ms. LaBelle makes a **motion** to approve the septic plan for 72 Depot Street once the applicants have received an approval letter from the town regarding the septic components being in the right-of way and also to submit a revised plan that shows the LUA with a 1' separation to season high groundwater; giving Ms. Smith the authority to approve it once the letter and revised plan have been submitted. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.

iii. 186 Stoney Brook Road

Ms. Smith explains this property did not have a Title 5 inspection. The applicants are doing this voluntarily and being proactive to maintain their current system. Ms. Smith says the system is not in failure but is not functioning properly. The proposal is to install a technology that provides an oxygen rich environment in the second chamber of the septic system. This breaks the waste down more before it gets to the leach field. They will not be replacing any tanks or pump chambers. Ms. Smith says the site meets the criteria to allow this addition to the system. Ms. Smith is satisfied with the proposal because it will improve an existing system and happy to see they are going through the proper channels. She also says that Bob Tynan, the engineer that designed the plan, will be monitoring the system periodically to ensure it is working properly. Ms. LaBelle asks for a motion to approve the upgrade plan for remedial use, under 310 CMR 15.00, at 186 Stoney Brook Road. Ms. Burgwardt makes the **motion**. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.

b. Well

Ms. Perotti makes another correction to the agenda. She explains the application was submitted as 3 Yokum Pond Road but it is actually on Map 409, Lot 3. Ms. Smith explains the property was purchased in 2004. Ms. Smith says the property has plenty of land so it won't be too close to the septic. Ms. Smith says there no septic information was submitted with the well application. Ms. Smith recommends approving the well permit and also a foundation permit but nothing further until a septic plan is submitted. Mr. Krawet makes a motion to approve the well application for 0 Yokum Pond Road, Map 409, Lot 3. Ms. Burgwardt seconds the motion.



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All in favor. Motion passes. Ms. Smith asks the Board to allow her to sign off on the foundation permit when it's ready. The Board is in agreement.

Old Business

a. 29 Chester Road, Becket Motel

The Board recognizes the owner of the Becket Motel, Ofer Zaarur. Mr. Zaarur lets the Board know he consulted with White Engineering regarding their septic system. Mr. Zaarur says the Title V failed for several different things. One was the water level being elevated. Ms. LaBelle agrees and says that was because of the beavers. Mr. Zaarur questions if that was the problem. Mr. Zaarur says the water levels in past Title V reports showed the water levels around four feet (4') and the inspection done in January had the water level just over two feet (2'). He questions how this could have changed in such a short amount of time. Ms. Smith clarifies and says that most Title V inspectors are not also soil evaluators. With the many different methods of determining groundwater, it may not have been done correctly if the Title V inspector was not also a soil evaluator. Mr. Zaarur is concerned that if the groundwater is only around 2' then he would require a brand new system. Mr. Zaarur says the issues with the system are the leech field and the tanks. Ms. LaBelle asks Mr. Zaarur for a septic plan that the Board can review. Mr. Zaarur says he has several plans but explains the problem he has is the cost of executing the plan. He asks the Board that he address each problem piece by piece. He would like to somehow clean the leech field and then address the tanks. Ms. Smith says that as far as the leech field is concerned, if he wants to contest the inspection, a soil evaluation needs to be done to determine groundwater. Mr. Zaarur says a soil evaluation is not required for a Title V inspection. Ms. Smith informs Mr. Zaarur that the Board can require it. Ms. Smith says that if the leech field is cleaned but the system is still in groundwater then it still fails. She says it's not worth cleaning the leech field if the system is in groundwater because it will still fail a Title V inspection. Mr. Zaarur asks if he can monitor the water level. Ms. Smith says that he cannot but he can hire someone that is qualified to do that. Ms. LaBelle makes a **motion** that a soil evaluation be done and witnessed by Ms. Smith with a report available for review at next meeting on December 5, 2018. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.

b. 78 Pine Dale Circle

Ms. Smith says she went with William Girard, Building Inspector, to inspect this property. She reports that everything looks great. However, it still requires a Title V inspection. Ms. Smith says this needs to be done within the six month timeframe from the time of purchase. Ms. LaBelle makes a **motion** that a letter be sent to the owner of 78 Pine Dale Circle that a Title V inspection be done within 6 months of date of purchase. Mr. Krawet **seconds the motion**. All in favor. **Motion passes**.



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New Business

a. 5 Tecumseh Drive – informal discussion regarding old percolation tests done and the possibility of adding a third bedroom

The Board recognizes Lisa Burzdak. Ms. Burzdak introduces herself and her husband Kyle and lets the Board know they have this property under agreement but have not purchased it yet. She explains there was a septic plan done in 2001 but was never installed and they will be doing a redesign of this plan. There is a deed restriction of two (2) bedrooms on that plan but they would like to do a minimum design for a three (3) bedroom house. Ms. Smith explains that they would need to either install the septic system under new construction restrictions that won't give them the option for LUAs or build a house with a deed restriction allowing only two (2) bedrooms. Ms. Burzdak says the property is .44 acres: about 400' long and 50' wide, meeting the setbacks for the well and the water. Ms. Smith says that without a deed restriction, a one or two (1 or 2) bedroom house would be built to the same standard as a three (3) bedroom house. Ms. LaBelle asks if the footprint of the house or septic would increase. Ms. Burzdak says the footprint of the house will be the same of what it is now. Ms. Smith explains that with new technology, the footprint of the septic would be approximately 40% smaller. Ms. Smith asks the Board if they would rather give them the requirements for new construction or allow them LUA which is usually a 1' separation to groundwater. After a brief discussion, the Board agrees that they should have the best septic system for their circumstance. Ms. Smith explains what would happen if it was submitted as an upgrade or new construction. The Board decides to leave it up to the applicant and their engineer if they will submit the plan as new construction or upgrade approval. Ms. Burzdak asks if the property will need to have another percolation test. Ms. Smith says that most engineers don't want to work with data that is seventeen (17) years old and would most likely require a new percolation test.

b. Permit Renewals with Full Circle

Ms. LaBelle asks when the septic applications will be online with Full Circle. Ms. Smith says that is being worked on now. She anticipates those will be ready by spring. Ms. Smith says permit renewal notices will be sent out to everyone that is already permitted.

c. New Retail Food Code

Ms. Smith says that while the Food Code for 2019 was recently released, they will now be using the 2013 Food Code instead of the 1999 Food Code that has been being used. Trainings for the 2013 Food Code will be made available.

d. 351 Bonny Rigg Hill Road: Title V Inspection Report



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Ms. Smith explains that a Title V inspection, dated October 1, 2018, was submitted for this property but was not witnessed by the Board of Health. Another inspection was scheduled but was canceled on the day of inspection due to a family issue. Berkshire-Pittsfield Septic was hired to do the inspection instead and Ms. Smith witnessed this inspection. What Ms. Smith discovered during the inspection does not match-up with what was submitted on the report dated October 1, 2018. A separate, unfinished apartment was also discovered in the basement. Ms. Smith informs the Board that she has reported this Title V inspector to the state and expects their license will be pulled. Ms. Perotti asks if the check submitted for the witness fee should be returned. Ms. Smith says it should be returned when payment is received for the inspection done with Berkshire-Pittsfield Septic. The prospective buyer sent a letter to let the Board know he will be removing the unfinished apartment and only using this space for as a basement. Ms. Smith recommends to the Board that this may be something that should be looked into to make sure any of their properties have been properly inspected.

e. Title V Inspections:

i. Witnessing

Ms. Smith says it needs to be made clear that these inspections need to be witnessed by the Board of Health or their agent. Ms. LaBelle says there is a witness fee listed on the fee schedule. Ms. Smith would like the Board to have a formal notice to make it clear what is required for Title V inspections in Becket. Ms. LaBelle confirms that the process for scheduling a witness is to call the office first and then Ms. Perotti will notify the inspectors from there. Ms. Smith says this is important because it provides tracking. Ms. Burgwardt makes a **motion** to draft a policy regarding Title V inspections being witnessed by the Board of Health or their designee. Ms. Smith requests that any Title V inspection that is not witnessed will be rejected. Mr. Krawet **seconds the motion** as amended. All in favor. **Motion passes.**

ii. Follow-up on cash sales

Ms. Smith reminds the Board that any title transfer of property needs to have a Title V inspection. This includes cash sales done through quit claim deeds. Ms. Smith wants to know how far back they would like to go to follow-up on these sales to make sure they've had Title V inspections. The Board decides they will go back as far as 2018 to follow-up on the title transfers and ensure they have had Title V inspections.

Correspondence

Ms. Perotti presents four (4) invoices to the Board for payment. The first is for \$33.33 to cover the cost of a back-up recorder for meetings which was also split between the Planning Board and Zoning Board of Appeals. The second is an invoice for \$5500.00 to cover the cost of inspectional services provided by Berkshire Public Health Alliance/Berkshire Regional Planning



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Commission. The last two (2) invoices were both from Housatonic Basin for water testing; one is for \$330.00 and the other for \$215.00. Ms. LaBelle makes a **motion** to pay \$33.33 to cover the cost of the back-up recorder. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. Ms. LaBelle makes a **motion** to pay \$5500.00 to pay for inspectional services. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. Ms. LaBelle makes a **motion** to pay \$330.00 to Housatonic Basin. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**. Ms. LaBelle makes a **motion** to pay \$215.00 to Housatonic Basin. Ms. Burgwardt **seconds the motion**. All in favor. **Motion passes**.

Ms. Perotti presents a notice from MassDEP regarding some bad water tests from 3235 Main Street- The Becket General Store. Ms. Perotti explains that notices were posted and the water is getting good tests back on the water.

Budget

Ms. Perotti reports that 47% of the budget has been spent.

Board to review meeting minutes of June 6, 2018, October 3, 19 & 25, 2018

Ms. LaBelle makes a **motion** to approve the minutes of June 6, 2018. Mr. Krawet **seconds the motion**. All in favor with Ms. Burgwardt abstaining from the vote. **Motion passes**. Ms. LaBelle makes a **motion** to accept the minutes of October 3, 2018. Mr. Krawet **seconds the motion**. All in favor with Ms. Burgwardt abstaining from the vote. **Motion passes**. Ms. LaBelle makes a **motion** to approve the minutes of October 19, 2018. Mr. Krawet **seconds the motion**. All in favor with Ms. Burgwardt abstaining from the vote. **Motion passes**.

Public Input

None.

Any other business to come before the Board

None.

Adjournment

Ms. LaBelle makes a motion to adjourn. Mr. Krawet seconds the motion. All in favor. Motion passes. Meeting is adjourned at 7:00 PM.



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Meeting Minutes Reviewed and Approved on December 5, 2018 by:

Gale LaBelle, Chair

I. David Krawet, Clerk

Laurel Burgwardt, Vice Chair