

REGULAR MEETING OF THE BOARD OF HEALTH  
May 4, 2016

A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, May 4, 2016, at 6:30 p.m. The meeting was duly posted. Board members present: Jeannine Lopes, Lindsay Gordon and Peter DeTerra. Also present: Patricia Fowle, Health Agent.

Chairwoman Lopes called the meeting to order at 6:30 p.m. and asked for a motion to approve the minutes of the Regular Meeting of April 13, 2016. Motion to approve the minutes was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Appearing before the Board:

1. Mr. Krzysztof Jop is the owner of 512 Scoticut Neck Road and would like to renovate his existing three bedroom ranch and add a second floor to the existing garage. He explained his family was getting older and required more space. He does not wish to move as the family is very content in this neighborhood. He would like to remove a wall and create an onsite master bedroom in the existing structure with additional storage space that can also be used as an office. The new storage/office will have no door, has exposed shelving along the walls and is roughly 8' x10'. The addition above the garage will have two bedrooms, a bathroom and a work/study area. The health agent stated the septic system was installed in 1998 and was granted waivers allowing the leaching facility to be 3' to groundwater, 13' to the cellar wall and 6' to the west property line. There is no available room for system expansion and access to the system is difficult. Mr. Jop stated he is expanding the structure but the same number of bedrooms is in place. Ms. Lopes noted that the work/study area above the garage is sizeable and offered some privacy thus could be turned into an additional bedroom. Discussion ensued. Motion to allow the renovation and addition as presented was made by Ms. Lopes with the conditions that a notice be placed in the Registry of Deeds indicating that the property is a three (3) bedroom dwelling, that the partition wall in the proposed work/study room above the garage be a partial wall and proof that the septic tank has been pumped recently be provided to the Board office; Ms. Gordon seconded. The vote was unanimous.

2. Mr. DeTerra recused himself from discussion and the vote on the matter of 14 Nelson Avenue. Mr. Rick Charon, P.E., Charon Associates, Inc., Rochester represented 14 Nelson Avenue. The three bedroom dwelling was recently sold. The septic system inspection failed and a new septic system is required. The proposed plan is for an Elgen GeoTextile Sand Filter, a Title 5 approved innovative/alternative septic system that allows for a 40% reduction in leaching facility size. Title 5 variances requested are 15.212 to allow 3' to groundwater in place of the required 4'; 15.211 to allow 7' to the south and east property lines in place of the required 10' and 15.225 to allow the overdig on the south and north sides to be 3' in place of the required 5'. A versa lock wall and membrane will be placed along the north and south sides of the system. The abutter to the south has been properly notified of this meeting and the variances being sought. Mr. Charon produced the signed certified mail card as evidence of service. The proposal constitutes the maximum feasible compliance with Title 5 and will provide significant benefit to the groundwater quality. Motion to grant the Variances to Title 5 as presented in the plan was made by Ms. Gordon; seconded by Ms. Lopes. The vote was two in favor and one abstention.

3. Mr. DeTerra recused himself from discussion and the vote on the matter of 4 Antone Drive. Mr. Scott Orlowski, P.E., Apex Engineering, Rochester represented the owners of 4 Antone Drive. Also

present were Ms. Sarah Jones, owner and her mother. The health agent stated that in October, 2015 she was called to the property on a Saturday for work being done on the septic system without permit. The dwelling is relatively new with a new septic system and private well. The Jones' more recently had constructed a two car garage with an extension to the existing living room. Prior to permits being granted for the construction the health agent and building commissioner had discussed with the contractor and septic design engineer that due to the septic system location, access into the garage would not be practical. Both stated they had discussed this matter with the owners but the owners insisted on the location and design of the addition. The construction permit was granted with notations on the septic system location. Ms. Jones stated she was not aware of any of this. Upon receiving written notice from the Board office in December 2015 that repair to the damaged septic system was necessary, the Jones' hired Mr. Orłowski to design a retaining wall for the exposed portion of the system, specifically the overflow. A design was submitted to the office in April 2016. However, it was deemed incomplete. Discussion between the health agent and engineer followed. Ms. Jones stated the required repair would be cost prohibited at approximately \$10,000 and she was meeting with the Board this evening to request that she be allowed to simply place the system back to what it was and use the bay of the garage that is inaccessible as storage space only. Upon discussion with all parties Ms. Lopes stated the Board will wait until June 30 to take any action as long as the Jones' complete the engineering and get cost estimates for the actual repair. Ms. Jones and Mr. Orłowski stated they will use the time wisely.

#### For Review:

1. A septic system inspection at 246 New Boston Road, performed by Ronald Arruda, Fairhaven Honeywagon, Fairhaven, was done on April 15, 2016. Though the septic system and dwelling were constructed in 2003, the system failed the inspection due to overflow of solids into the distribution box and a clogged leach field. The health agent was present during the inspection.

Motion to approve the report findings was made by Ms. Gordon; seconded by Mr. DeTerra. The vote was unanimous.

2. A septic system inspection at 25 Shaw's Cove, performed by Andy Gomes Equipment, Acushnet, was done on April 25, 2016. The system failed the inspection due to groundwater intrusion into the system. The health agent was present during the inspection. The official inspection report has not been received in the office as yet. However, the health agent would like to approve the written report findings as long as they are as stated to the Board today.

Motion to approve the written report findings as long as they are accurate to the verbal report offered by the health agent was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

3. A proposed septic repair plan prepared by Farland Corp, New Bedford, for 246 New Boston Road was received in the office today and the health agent has only been able to do a cursory review. The three bedroom dwelling, served by town water, has recently been sold. The health agent would like the Board to allow approval of the proposed repair as long as there are no Title 5 variances required for the plan. Motion to allow the septic repair plan to be approved by the health agent as long as no variances to Title 5 are required was made by Ms. Gordon; seconded by Mr. DeTerra. The vote was unanimous.

#### Health Agent's Report:

1. The fund transfer request by the Board to the Finance Committee for mileage for the health inspector's car use for work was approved by the Finance Committee on April 14.

2. Sewer tie in demands for the 15 dwellings on Scoticut Neck not tied in to date is proceeding. The first court date in Housing Court was Monday, May 1.

3. The Board received the latest printout of weather related turbine stoppages through April 30.

4. The Board reviewed the spreadsheet of the latest food establishment inspections.

Invoices were signed.

The date of the next regular meeting of the Board will be Wednesday, June 1, 2016, at 6:30 pm.

There being no other business before the Board, Ms. Lopes motioned to adjourn; Ms. Gordon seconded.  
The vote was unanimous at 7:45 pm.

Respectfully submitted,  
Patricia Fowle, Health Agent