

Board of Health Meeting July 17, 2023.

Members Present:

Dr. Peter Roman

Dr. Brian Kelly

Dr. Randall Ferrell (logged onto the meeting at 7:25pm)

Members Absent:

CALL TO ORDER at 6:32pm, meeting was conducted via zoom. Attendance was taken via voice roll call.

APPROVAL OF MINUTES:

Dr. Brian Kelly made a motion to approve the minutes of the June 13, 2023 meeting.

Dr. Peter Roman seconded the motion.

The minutes were unanimously approved.

NEW BUSINESS:

55 Lakeside Avenue Variance Hearing

Dr. Roman made a motion to open the variance hearing.

Dr. Kelly seconded the motion.

A roll call vote was taken, both members voted in the affirmative and the hearing was opened.

Rick Goodreau, from United Consultants, appeared on behalf of the homeowners. Mr. Goodreau asked for the following variances: 1. To allow a septic tank to be 2.5' from a property line where 10' is required. 2. To allow a soil absorption system (SAS) to be 5' from a property line where 10' is required. 3. To allow a septic tank to be 1.2' from a foundation where 10' is required. 4. To allow an SAS to be 9' from a foundation where 20' is required. 5. To allow a leaching area to be 66' from Lake Archer where 75' is required.

Matt Tanis, the Board of Health Agent, said that he has no issues with the plan as proposed; he said that the property is Zone II, which would limit the number of bedrooms to what currently exists. The home is currently serviced by two cesspools, he said that the current proposed system is as far as it can be from the lake given the lot size. He said that they would have to file a deed restriction prohibiting the use of a garbage grinder.

Dr. Roman made a motion to allow the following variances, with the understanding that a 40 mil barrier will be used at the foundation and that a deed restriction be filed prohibiting the use of a garbage grinder: 1. To allow a septic tank to be 2.5' from a property line where 10' is required. 2. To allow a soil absorption system (SAS) to be 5' from a property line where 10' is required. 3. To allow a septic tank to be 1.2' from a foundation where 10' is required. 4. To allow an SAS to be 9' from a foundation where 20' is required. 5. To allow a leaching area to be 66' from Lake Archer where 75' is required.

Dr. Kelly seconded the motion.

A roll call vote was taken, with both members voting in the affirmative the variances were granted.

The above vote reflects that the variance hearing was closed after not hearing from any abutters, the above vote reflects the closure of the hearing.

Dr. Roman made a motion to approve the variances as outlined above.

Dr. Kelly seconded the motion.

A roll call vote was taken, with both members voting in the affirmative the variances were granted.

4 Shears Street Homeowner Complaint: Nicole Onishuk, the homeowner, said that she sent an invoice to Paul Parker, for the repair work that she had done at her property, she gave him fourteen days to pay it, but she has not heard from him nor received payment. She said that she will let the courts handle how much should be paid out but that since she read Title 5, she feels that there were numerous violations that she thinks the Board should address.

Dr. Roman said that it is not up to the Board to decide anything related to the payment. He said the Board is here to decide anything related to licensing. He said that unless anything new is brought before the Board, they have held a hearing and will have to move forward.

Ms. Onishuk said there are no as built on record and that there are at least fifteen additional violations, in her opinion. Mr. Tanis said there is an as built on file with the Board of Health, and that a certificate of compliance would never be issued without it.

Matthew Provencher, from Mead, Talerman and Costa the Wrentham Town Counsel, suggested that the Board ask Ms. Onishuk if there is something specific that she would like from the Board, some type of specific action, hold a vote on something or what would she like.

Mr. Onishuk replied that she would like the Board to take action against Mr. Ken Furtado and Mr. Paul Parker. She said that there are so many violations that have occurred that there has to be some type of repercussion.

Dr. Roman said that the only actionable item would be with regard to Mr. Parker, and that the Board has already discussed that, he said that the Board had previously decided to defer any action on that. He said that the Board is not a court of law and that is not equipped to get in there and get facts. He said that if there is legal action and something is found, the Board could revisit the topic. He said that there have been no other complaints against Mr. Parker and that Mr. Furtado has not had a license with the town for fifteen years. He said that by holding the hearing, it does create a record for the Board of Health to refer back to in the future. Dr. Kelly agreed with Dr. Roman.

Mr. Provencher said that any decision made by the Board under Title 5 with regard to an installer's license does not affect Ms. Onishuk's ability to pursue a lawsuit against him. He said that the Board has previously held two hearings on this, and the Board voted on any sanctions with regard to his license, he said the Board determined that they would not take any action at that time. He said that it is up to the Board as to whether or not anything that was presented this evening, would warrant a reconsideration of their previous decision.

Dr. Roman said that the only item brought before the Board this evening, was that Mr. Parker made a non binding agreement with the Board that he would remedy the situation with Ms. Onishuk outside the legal system and that has not happened. Dr. Roman said that he is happy that Ms. Onishuk brought it to the attention of the Board and that he is disappointed that Mr. Parker did not follow through but that he does not think that it should change the Board's decision with regard to the license. Dr. Kelly agreed. Dr. Roman reiterated that the situation is very disappointing, and that the Board not taking action does not lessen that disappointment. He said that Mr. Parker had his own set of facts as to what happened at 4 Shears Street, and that it was difficult to say exactly what went on. He said that the Board will closely monitor any future work that Mr. Parker does in the town.

Ms. Onishuk said that at the last meeting she had decided to let it go with the Town because she trusted that Mr. Parker was going to keep his word, and that the Board would keep their word. She thought she would avoid taking it through the legal system, but she wants repercussions. She is disappointed with Mr. Parker and the Board. She does not feel that a record of the situation is good enough.

Dr. Roman said the Board does not have the power to enforce the repayment. He said Mr. Parker will be held to the regulations in the Town by the current agent. He said that he does not think a change in the licensing status is warranted.

Mr. Provencher said that nothing the Board does or fails to do with do anything to lessen the statute of limitations that might apply to bringing a claim. Mr. Provencher said that there is a clock running on how long the Board might be willing to take any action and that Ms. Onishuk should consult with her own attorney.

Public Hearing for the revision of REGULATIONS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE, REPAIR AND EXPANSION OF ON-SITE WASTEWATER DISPOSAL.

Dr. Roman made a motion to open the hearing.

Dr. Kelly seconded the motion.

Roll call vote was taken, the vote was unanimous. The hearing was opened at 7:02pm.

Dr. Roman explained that the regulations have not been updated since 1996. He said that Matt Tanis has gone through the regulations and made some edits. Mr. Tanis explained that the draft is similar to what was proposed by the previous health agent, a year ago.

The Board Members and Mr. Tanis went over some of the proposed changes in the draft that Mr. Tanis had prepared. Mr. Tanis said the changes bring the regulations more in line with current Title 5 and that they regulations are cleaner and easier to follow.

Dr. Roman made a motion to close the hearing.
Dr. Kelly seconded the motion.
A roll call vote was taken with all members voting in the affirmative.

Dr. Kelly made a motion to approve the septic regulations.
Dr. Roman seconded the motion with the caveat that the DRAFT watermark be taken out, the meeting date will be added to section one and the half sentence in section 6.1 will be taken out, and that the regulations will be effective September 1, 2023.
A roll call vote was taken, with all three members of the Board voting in the affirmative. (Dr. Ferrell joined the meeting just prior to the vote).

Next meeting date August 7, 2023.

Dr. Kelly made a motion to adjourn the meeting.
Dr. Roman seconded the motion.
A roll call vote was taken with all members voting in the affirmative.
The meeting was adjourned at 7:27pm.