



TOWN OF WESTMINSTER
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BOARD OF HEALTH

Minutes for January 5, 2022
Board of Health Meeting, Room 205, 4:30 p.m.

Present: Board of Health members Dr. Michael Popik, Chairman; Mr. Ed Simoncini, Ms. Ann Loree, Health Agent, Elizabeth Penney, Administrative Assistant, Mike Ferris, Marina Muchlke, Dave Perry, Dan Peragallo, Chris Knuth, Bob Bujold, Robert Gendron, Kyle Butterfield, Robert Svirsky via phone.

Dr. Popik called the meeting to order at 4:30 p.m. Marina Muchke recorded agenda item Lot 13 A White Pine Drive.

New Business:

163 South Street – Chris Knuth – Mr. Knuth is seeking relief from Westminister Board of Health regulations 245-3, leaching area minimum size 125% Title 5 design criteria. 163 South Street is an existing home that will be raised, thus is considered new construction. Mr. Simoncini noted the Board of Health policy regarding no variances for new construction and to meet the 125% requirement by designing the system for four bedrooms. Mr. Knuth will submit a new plan that will not require a variance.

Old Business:

Discussion – Title 5 Inspector Permit Requirements

Mr. Dave Perry reviewed his questions regarding the new Title 5 Inspector requirements and requested clarification from the Board:

Septic Tank Pumping – The statement “Septic tanks need to be pumped as part of the Title 5 inspection after measurement of the scum and sludge to determine septic tank condition.” Does the Health Agent need to witness the septic tanks being pumped out? It was determined that based on how the regulation is written, the Health Agent does not need to witness the septic tank being pumped. The Board will allow Ms. Loree the authority to work with the Title 5 Inspector on a case by case basis regarding the scheduling of pumping the tank.

Bedroom Count - Mr. Perry asked for clarification on determining bedrooms if a discrepancy is found between 310 CMR 15 Definition of a Bedroom and the Westminister Board of Health regulations. Mr. Simoncini recommended that Title 5 Inspectors bring forth any questions regarding determining bedroom count to the Health Agent on a case by case basis.

Water Testing - The statement “Abide by all requirements in Town of Westminister Well Regulations.” The Board will review the wording and possibly change the word “abide” to “knowledgeable.” It was determined that either the Title 5 Inspector or the Health Agent may take the water sample and the decision can be made on site with each individual inspector. The Board decided that the Health Agent will decide who takes the water sample.

Discussion - Lot 13A White Pine Drive

Mr. Simoncini provided a summary - The abutters have addressed concerns to the Board of Health several times. A previous Health Agent approved permits to install a septic system and a well on site. Construction on the septic system was started and a portion of the septic system is in the area outside the buffer zone. The property owner went before the Conservation Commission to get permission to work within the buffer zone to install the well, septic system and the house. The Conservation Commission declined to issue an Order of Conditions. There is a question whether the permits have actually expired. Based on information that has been received and research that was done by the Board of Health, permits were granted that did not follow the correct procedures. Mr. Simoncini and the Health Agent have spoken with Town Counsel. It was determined that it is within the

jurisdiction of the Board of Health to rescind the permits and require owner to reapply if he chooses to move forward with the construction.

Mr. Simoncini noted the Board of Health cannot address or comment on Conservation Commission or Planning Board procedures or decisions. Mr. Simoncini also noted that there has been no work in the buffer zone as of yet.

Mr. Michael Ferris addressed the Board and discussed his research about the development as well as his concerns regarding flooding issues. Mr. Ferris provided documents that Ms. Loree will forward to Board members for their review.

Mr. Ferris reviewed the Town of Westminster Regulations for Subsurface Sewage Disposal Systems - 245-11 F. No construction shall begin on any septic system until the Building Department grants a building permit.

Mr. Ferris is requesting the following from the Board of Health:

A cease and desist of any further construction of the septic system, a restoration of the lot back to natural topology and grade, and the permit to be revoked and a penalty and fine to be imposed.

Board members discussed the issue of the septic review and approval process did not follow correct procedures.

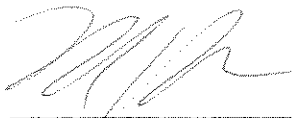
Mr. Simoncini made a motion to rescind the permits for the septic and the well at Lot 13A White Pine Drive and to request Town Counsel draft a letter for the Board of Health indicating that this is the case. Seconded by Dr. Popik. Motion passed.

Health Agents Update:

Discussion – COVID Update and Masks - Ms. Loree reviewed the number of COVID cases in town. The Board made a recommendation to issue mask advisory for indoor public spaces in accordance with the Governor Baker's advisory.

Discussion - Fiscal Year 2023 Budget - Dr. Popik made a motion to approve the balanced budget. Seconded by Mr. Simoncini. Ms. Loree presented a summary for the Food Code Pro software program. Dr. Popik made a motion to allow Ms. Loree to go before the Advisory Board to request funds for the Food Code Pro software program.

Dr. Popik made a motion to adjourn. Seconded by Mr. Simoncini. Meeting adjourned at 6:04 p.m.



Dr. Michael Popik



Edward Simoncini

Attachments:

163 South Street letter of request and documents

Title 5 Inspector permit requirements checklist

Fiscal Year 2023 Budget and Food Code Pro Summary

Lot 13A White Pine Drive documents

City of Gardner and Town of Templeton Mask advisory documents