



TOWN OF WESTMINSTER
11 South Street
WESTMINSTER, MASSACHUSETTS 01473
(978) 874-7409 • Fax (978) 874-7462
BOARD OF HEALTH

Meeting Minutes
May 17th, 2023

Members Present: Chairman, Mr. Edward Simoncini; Dr. Michael Popik; Mr. John Lutz; Health Agent, Ms. Abigail Conlin; Administrative Assistant; Ms. Stephanie Wiseman
Others Present: Gregory C Bessette, 169 Bathrick Road; George Brewer, 30 Lakewood Park; Paul Guerard, 20 Lakewood Park Road; Bob & Lori MacDonald, 7 Kurikka Place; Dave Perry; Kent Benson, 74 Willard Road; Victor, Mikes Pizza; Jerry Powers, 1 Victoria Lane

Call to Order

4:30 pm Mr. Simoncini called the meeting to order. It was noted that the meeting was being recorded for administrative reasons, there were no other recordings.

Sign Minutes

Mr. Simoncini made a motion to approve the meeting minutes from March 15, 2023 & April 5, 2023; Dr. Popik seconded the motion, all in favor 2-0 Unanimous. Minutes were signed. Mr. Simoncini makes a motion to approve the minutes from May 3, 2023, Dr. Popik seconded them motion, all in favor 3-0 unanimous. Meeting minutes were signed by, Mr. Simoncini, Dr. Popik and Mr. Lutz.

Application Approvals

➤ **3 Betty Joe Way**

- Application for a new septic system; request for 2019 perc data to be used.
- Abby walked site with Chris Mossman 5.11.23 to see perc site. Area where deep holes were done undisturbed since testing.

Mr. Simoncini made a motion to approve the plans, Dr. Popik seconded the motion. All in favor 3-0 Unanimous. Well application was approved.

➤ **Mike's Pizza- Request for variance.**

- Request to use 2 bay sink, as opposed to a required 3 bay sink- 105 CMR 590 (4-301.12 (D)).
- Stera-sheen as sanitizer.

Dr. Popik would like to see a 3 bay sink or a ware wash put in the kitchen so there is no need to request a variance every year. Mr. Simoncini asked if a variance is needed to have a ware-wash sink. Mr. Carpenter said he would look into the food code to find out. Mr. Simoncini asked to table the request until the meeting on June 7, 2023.

➤ **7 Kurrika Rd.**

- Emergency Well Permit- Well dry
- Application to be submitted Monday- phone call received Thursday for emergency.

Mr. Simoncini made a motion to approve the well permit, Dr. Popik seconded the motion, all in favor 3-0 Unanimous. Permit approved. Mr. Simoncini wanted to make sure that they complete an application for the decommissioning of the old well. Because this is an emergency not all paperwork has been completed before a Certificate is issued for the new well all paperwork needs to be completed.



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➤ **74 Willard Rd**

- Title 5 inspection, bedroom count overage. 5 bedrooms, 9 total rooms.
- 4 bedroom septic passed T5.
- Discussion on coming into compliance.

Dave Perry explained the title 5 inspection for the home. Ms. Conlin noted the D box worked properly and is working as it is designed. Dr. Popik asked if the additional room is used as a bedroom, and it is not being used at all. Mr. Simoncini went over the plans with the owner in order to count the rooms. Mr. Simoncini explained that they need to come into compliance with title 5. There are too many bedrooms. Mr. Perry stated that they (owner and himself) would think of something to bring it into compliance with title 5

➤ **1 Lake Drive West**

- Building application pulled to finish basement. No septic information on file. Abby suggested a Title 5 inspection be done. Owner is in contact w/ engineer as there are plans to upgrade the septic.
- Make a motion

The owner explained to the Board what he planned to do. He had initially planned for a shared system for the 2 homes he owns. Shared systems are not allowed in Westminister. While they were speaking it was discovered that there was never a title 5 done on the property when it was sold/purchased. Mr. Simoncini stated they he was in violation of the state sanitary code since the title 5 was never done. In order to move forward to approve the building permit there needs to be a passing title 5 done, or have septic plans for new system approved

➤ **30 Lakewood Park Rd.**

- Request to tear down and re-build home.
- Septic system upgraded/ variance 2021. Request exceeds 15% increase
- Make a motion

- Mr. Simoncini and Mr. Brewer had a very long conversation regarding the letter that was sent by Mr. Brewer's attorney. Mr. Simoncini spent time reviewing the files in question, and the plans show there is only one bedroom in the home. The other 3 rooms are considered to be too small to be a 3 bedroom home. The septic system that was approved should not have been approved, as that is an increase in flow. The lawyer states that 27 Laurie Lane was allowed to build a larger home, and feels the Board should be consistent with their decisions. 27 Laurie Lane was approved by a Health Agent that is no longer with us, and should not have approved as it exceeded her authority and lastly the lawyer also stated that the current septic regulations are not valid because of procedural errors in creating them. Mr. Simoncini states the Board has met all of the requirements to pass the regulations. It was his position that our current regulations are valid. Mr. Brewer has an issue with the 15% size increase, he states that it is not the Board of Health's position to prevent the size that is the zoning/building department's position, it is not a bedroom issue, and it's that size. Mr. Simoncini makes note the Board has spoken with town council that we stand on firm ground with our regulations. Mr. Brewer explained his issue with the denial, and that he has hired a top of the line lawyer to handle this situation. He is not happy that we are not allowing him to build on his own property. The Board notes that when the septic plans were approved Mr. Brewer stated he was not going to increase the size of the home. The septic plans were approved and now wants to build a bigger home. Mr. Brewer stated that he changed his mind and would like a bigger home. According



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to Mr. Brewer town council has not responded to his attorneys at this time. Mr. Simoncini asked to have Mr. Brewer put on the next agenda, so there is time to speak with town council.

➤ **20 Lakewood Park Rd.**

- Application for a monitoring well
- Make a motion

Mr. Simoncini makes a motion to approve, Dr. Popik seconds the motion, all in favor, unanimous. 3-0, well application is approved.

➤ **Vote for Chairman**

Dr. Popik nominates, Mr. Ed Simoncini to be chair, Mr. Lutz seconds the motion. All in favor. Unanimous.

New Business

- **Septic Loan Program** – Ms. Conlin contacted RCAP solutions, with no response. Ms. Melinda Horrigan (Town Treasurer) stated she found a file and needed some time to review.

➤ **Landfill monitoring**

Mr. Simoncini stated that there were funds used for the part time position (Rob's position) from the landfill. Mr. Simoncini suggested Rob get to know of the people at the landfill, familiarize himself with Tom, making sure he checks the scale, and the trucks.

Ms. Conlin suggested a list of things that the office should be checking.

Other Business

➤ **PFAS updates**

Ms. Conlin mentioned that there is a public records request for well water reports from Attorney George Hailer.

Ms. Conlin also stated the water was tested at Crocker Pond. They are trying to open Crocker Pond on May 27th. Ms. Conlin explained to the Board that the state recommends the level. Ms. Conlin will not issue the permit unless it passes. Dr. Popik suggested a vote to allow Abby to sign the permit if all passes. Mr. Simoncini stated that if PFAS is any higher than last year then we need DPH to give the ok to open.

➤ **Status of Well & Septic Regulations**

Ms. Conlin is working on the summary for Town Counsel to review to go to the paper the first week of June.

Board Concerns

Dr. Popik notes that if everything is passed by the attorney general that short term rentals will be banned in residential areas. What do we do with the already permitted people in Westminister? Ms. Conlin thinks we do not have the jurisdiction to remove the permits. Ms. Conlin stated that the zoning officer should be dealing with it. If they decide to send cease and desist letters then the board should create some regulations.

Health Agent Update



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Crocker Pond will not be able to provide someone to take the water samples this year. We will have to resume responsibility of taking the sample, and bring it to Nashoba. Mr. Simoncini suggests asking if there might be anyone else available to do it since the ride to Nashoba Analytical is quite long.

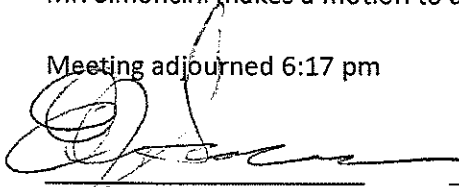
Ms. Conlin states that the first complaint of the summer for the Brewery. They complainant sent a recording, but it is difficult to tell.

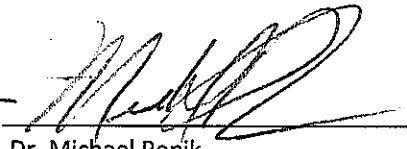
The Brewery is willing to do anything to help fix the issue. They do stop the bands at 9 pm. It is very difficult to determine the level.

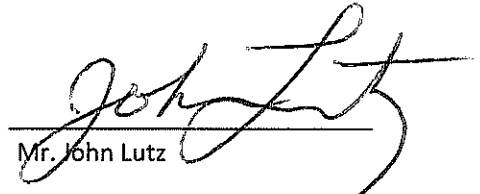
The Board is reminded that our fees will be raised on July 1. All of the installers, designers, haulers, title 5 inspectors have been notified of the fee increase.

Mr. Simoncini makes a motion to adjourn, Dr. Popik seconds the motion, all in favor, 3-0 Unanimous.

Meeting adjourned 6:17 pm



Edward Simoncini

Dr. Michael Popik

Mr. John Lutz

Date: 6/7/20

Documents:

Minutes

3 Betty Joe Way, applications, data

Mikes Pizza, Food Code

7 Kurrika Road, Well permit

74 Willard Road, building plans, sketches

1 Lake Drive West, Mr. Mapper, sketches

30 Lakewood Dr. Paperwork from lawyer, and application, building design

20 Lakewood Pa