



## TOWN OF WESTMINSTER

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

### Meeting Minutes May 3<sup>rd</sup>, 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:** Katherine Cress, 19 N. Shore Road; Richard McCauliff, 9 Village Inn Road; Whitney Gikis, 139 Minott Road; Mike Ferris, 32 White Pine Drive; Kyle Bennett, 83 Knower Road; Jamie Narus, 83 Knower Road; David Bennett, 83 Knower Road; Jeff Roukes, 273 W. Princeton Road; Matthew Netsch, 11 Rebanna Road; Chris Mossman, 3 Woods Road, Cliff Hilton, 3 Woods Road

#### Call to Order

4:31 pm Mr. Simoncini called the meeting to order. It was noted that the meeting was being recorded for administrative reasons. Mr. Michael Ferris was also recording.

#### Sign Minutes

Mr. Simoncini made a motion to approve the meeting minutes from April 19, 2023. Dr. Popik seconded the motion. Both were in favor. Meeting minutes were signed. (Mr. John Lutz was not present during the April 19<sup>th</sup> meeting therefore could not vote.)

#### Short Term Rentals- updates --

- PowerPoint from Town Planner, Tracy Murphy

Ms. Tracy Murphy presented the Board with the short term rental bylaw that will be going in front of the town on Saturday, May 6<sup>th</sup>.

Dr. Popik made known he would like these properties to be owner adjacent or owner occupied. Mr. Simoncini expressed concern regarding the enforcement of these bylaws or regulations if voted in. He feels there will be a substantial increase in the work for the BOH. Mr. Simoncini suggests the board vote on whether they would like these bylaws voted into place, or not. (In case no one from the board can make the town meeting he wanted the residents to know how the board felt about the bylaws). Mr. Simoncini feels the proposed bylaw would have the work fall on the BOH instead of zoning. Dr. Popik made a motion that the BOH is not in favor of the bylaw in its present form. We are not able to enforce the bylaw. Mr. Simoncini seconds the motion. Vote 3-0 Unanimous. Ms. Conlin states that she was the one that started the short term rental bylaws, Tracy was the one that wrote them, and that this bylaw will still go before the town on Saturday. Mr. Simoncini wanted to make sure to let Tracy know she did great work.

#### Hearings

- 83 Knower Road

- Discuss the room overage

Mr. Simoncini stated we received documentation from 83 Knower's lawyer, and all members were able to read thru the letter. He asked the owners what they were looking for from the Board. They are looking for a response to the letter. Mr. Simoncini stated the facts as he saw them- the home is in violation of the state sanitary code, and will need to come into compliance by either making it a 2 bedroom home, or upgrading the septic. There was much back and forth regarding whether or not a deed restriction would be ok in this situation and from the boards stand on it, they cannot use the deed restriction because the home is a 3 bedroom, it is not presumed bedrooms, it is in fact bedrooms. The board stated they have not changed their decision. At this point they will have to come into compliance with title 5.

#### Application Approvals

- 11 Rebanna Rd. Bedroom Deed Restriction

- Request to finish basement. Due to presumed bedroom count overage they are requesting a deed restriction.

Mr. Simoncini counted the rooms/bedrooms and made a motion to approve the 4 bedroom deed restriction so they can finish their basement. Dr. Popik seconded the motion. All in favor 3-0 Unanimous. Approved.



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### ➤ Recovery Centers of America- Semi-Public Pool

- Request for variance from Pool Code 410 CMR 435.29: test pool 2x daily as opposed to required 4x a day. Pool not open yet.

Pool is only used very little by the patients at RCA. They use it a therapeutic measure. RCA had this variance in place last year and things went smoothly. They submitted all logs that we requested, and anytime it was inspected it was in compliance.

Mr. Simoncini made a motion to approve the variance to allow 2x a day testing instead of 4. Dr. Popik seconded the motion. All in favor 3-0 Unanimous. Variance was approved.

### ➤ 3 Woods Road

- Application for new well construction
- Request for variance from local regulations VI Well Siting. Requested well to be 70ft. from wetlands 70ft. as opposed to required 100ft in local regs.

Mr. Simoncini made a motion to approve this variance, Dr. Popik seconded the motion. All in favor. 3-0 Unanimous. Variance approved.

### ➤ 131 Ellis Road

- Application for a new well; no variances
- Make a motion

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

### ➤ 139 Minott Road

- Application for a new well; no variances
- Make a motion

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

### ➤ Beaver Trapping Permit- Culvert under Rt. 2A- between Livermore Hill Rd. and House #106.

- Application requested. Abby walked site.
- Make a motion

Ms. Conlin visited the site on route 2A. The state was looking to also have the fee waived. Mr. Simoncini stated it didn't seem like it was an emergency however, made a motion to approve the application, allow Ms. Conlin to sign the applications in the future, however the state would have to pay the application fee. Dr. Popik seconded the motion. All in favor 3-0 Unanimous. Application approved, Ms. Conlin can sign permits in the future, and they will have to pay the \$60 fee.

## New Business

- Status of Septic Regulations
- Status of Well Regulations

Well and Septic regulations were approved at the last meeting. Mr. Simoncini wants to be sure that we are doing everything necessary to be sure the regulations can go into effect on July 1, 2023.

## Other Business

- PFAS updates

Let it be known that Mr. John Lutz left the table and joined the audience during the PFAS update. Dr. Popik asked if there were more than one well being drilled on White Pine Dr. And there is no wells being drilled as of yet. They are waiting on DEP's direction on the drilling.

Mr. John Lutz moved from the audience back to the table.

- Unipay and fee schedule
  - Discussion on septic review/application fee

Ms. Conlin went before the Select Board, and they were all in favor of the changes except the septic application fee was too high. They thought changing it to \$500 was too much of an increase. Mr. Simoncini made a motion to make the



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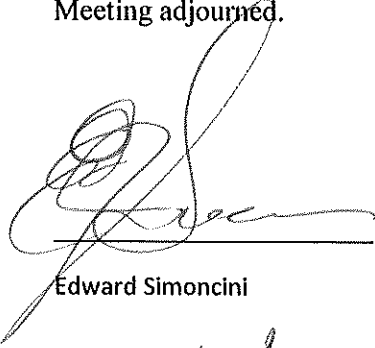
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septic fee \$350 and then in one year it should be changed to \$500. Dr. Popik seconded that motion. All in favor 3-0 Unanimous.

**Board Concerns/ Health Agent Update**

Mr. Simoncini reminded us that they need to vote for Chairman next meeting.

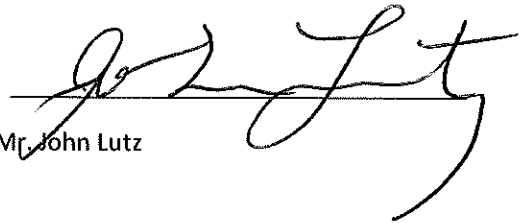
Mr. Simoncini made a motion to adjourn at 6:11 pm. Dr. Popik seconded the motion, all in favor 3-0. Unanimous. Meeting adjourned.



Edward Simoncini



Dr. Michael Popik



Mr. John Lutz

Date: 5/17/23

**Attachments:**

83 Knower Road – letter from lawyer  
11 Rebanna Road Bedroom Deed Restriction  
RCA – Pool Variance Approval  
3 Woods Road – variance approvals  
131 Ellis Road – Well Applications approval  
139 Minott Road well approvals  
Beaver trapping signed permit approvals  
Septic & Well Regulations