



Appraised
2/26/19

Town of Carver, Board of Health

Board of Health meeting minutes for January 8, 2019 Carver Town Hall, Meeting Room 3

Attendees: Arthur Borden, Chairman; Eric Mueller, Member
Also Present: Kevin Forgue, Health Agent

Meeting called to order, by Mr. Borden, at 5:03 PM

Discussion:

On the application of S. Petrin M. Malaguti requesting the following variances associated with a septic system upgrade at 34 Cedar Drive on a 10,018 sq. ft. lot, Map 62 Lot 117, pursuant to 310 CMR 15.405 Local Upgrade Approval.

310 CMR 15.405 (1)(a)-to allow 8 foot setback SAS to property line (10 feet required)

310 CMR 15.405 (1)(b)-to allow 17 foot setback SAS to cellar wall (20 feet required) and a 9 foot setback SAS to slab foundation (10 feet required)

310 CMR 15.405 (1)(g)-to allow setbacks from SAS to private wells less than 100 feet but more than 50 feet as follows:

26 Cedar Drive well-78 feet to SAS

34 Cedar Drive well-58 feet to SAS

36 Cedar Drive well-96 feet to SAS

11 Birch Terrace well-94 feet to SAS

Mr. Forgue shared a letter and plans for this project. Mr. Borden reviewed the requests. Proof of mailing to the affected abutters has been provided to Mr. Forgue. Mr. Borden asked why there is no topography on the plan? Mr. Forgue said it is extremely flat. Mr. Borden stated that there is no reference to any kind of recorded plan. Mr. Mueller noted there are no boundary markers on the plan. Mr. Mueller asked if the setback on the septic tank played a part on the well. Yes, it is supposed to be 50'. Applicant will need to move the tank or turn the tank. Mr. Mueller would recommend an inspection port to grade. Mr. Forgue stated that they're showing one in the middle of the plan. Mr. Borden would like to see more detail on the plan. The property has to be surveyed by a registered land surveyor. Mr. Forgue will ask the applicant for spot grades, show specific distances from septic to well, 10-scale plan and stamped by registered surveyor. Mr. Mueller added to be sure lot lines are accurate. The existing system needs to be shown on the plan as well and what they will be doing with it. Mr. Forgue will contact the applicant.

Discussion:

1. Private Hauler Regulations – Mr. Forgue reviewed the regulations and he feels it would fall back to the Board of Selectmen and the District with the BOH's input. His suggestion is that he will talk w/TA, who will speak with Board of Selectmen and see where everyone wants to go with this. There is a template document from the DEP that was provided to the town.

2. Donation Bin Regulations review - Regulations were distributed at the last meeting. Mr. Forgue sent that copy to Atty. Corbell and he provided his thoughts to Mr. Forgue, who shared them with the members. Atty. Corbell said this has been challenged before. Mr. Forgue suggests putting the final document together, with a "space" for the Board of Health to sign and date. Mr. Mueller likes that idea. This can be put on the next agenda to show due process.

3. Attorney recommendations for illegal dumping fines – No discussion.

4. 35 Silva St. Auto Gator – Nothing really happened here. Mr. Forgue met with DEP. It was precipitated by a land owner adjacent to this property and DEP did a site walk with Mr. Forgue. They had to walk the perimeter of the property because they didn't have permission to access the property. They could see most of the property. The man from DEP didn't think there was an issue. There was no evidence of substantial spills. He said he would contact the realtor (house is for sale, and it was being presented as a business opportunity), which isn't the case as the license expired. He did contact the realtor but the realtor wouldn't give contact information of the owner. He said his hands were tied at this point. He said he would be available in the future if he can get onto the property. Mr. Mueller suggested Mr. Forgue reach out to the Fire Department to discuss the person living on the 2nd floor.

5. 9 Rickard St.-House unfit for habitation – Mr. Forgue contacted Old Colony Elderly Services. He was put through an intake process. He was told that somebody would contact him in a couple of days. 3-4 days went by and he contacted the office again, multiple times. They have been non-responsive. He would like to visit the house, and take a ride to Old Colony Services, if necessary. He also has the contact # for the son.

6. Deed Restriction at 4 Hickory Way – Mr. Forgue requests the Board Members agree that deed restrictions are required by the town. Prior to issuing a Certificate of Compliance, he would need to know there is a deed restriction required. Members reviewed the plans. Mr. Mueller made a Motion to require deed restrictions for the septic system design at 4 Hickory Way, seconded by Mr. Borden, voted and passed unanimously 2-0-0.

7. Board of Health vacancy letter from Town Clerk – Mr. Forgue wanted to hear what the members thought regarding the letter he handed out from the Town Clerk regarding an open seat on the Board. Mr. Mueller asked if they are required to advertise this? No. Mr. Milanoski was present and discussed the needs of the Board. If there is someone willing to fill the position, it would be for the next three months, then it will be an elected seat. If no one runs, there can also be a write-in campaign. No one has reached out to any of the members as of right now. The members feel they may be able to get someone who is interested in joining the Board.

Other Business

Jim and Gail Nauen came before the Board. Mr. Forgue explained that Gail came into his office and filled out a complaint form regarding a neighbor's free range chickens that are causing havoc. He contacted the ACO regarding this. He feels he needs to 1) look at the animal regulations and see if there is anything there that shows the neighbor is in violation; 2) they will send a letter that they haven't taken out a permit for the chickens. There is no fee associated with this. Also, he explained that the Town of Carver does have an Agricultural Commission. Within the regulations, one of their charges is to address conflicts regarding animals. Mr. Nauen said there was a similar issue years ago in town. Ms. Nauen has documentation and pictures showing the chickens on their property. Mr. Forgue said to hold on to this information. Mr. Forgue will reach out to the Agricultural Commission. Ms. Nauen will also contact them as well.

Meeting Minutes: Minutes from May 22, 2018 – typo in Mr. Mueller’s last name; Mr. Mueller said he thinks other than this one correction, the minutes are OK. Mr. Mueller made a Motion to accept as amended, seconded by Mr. Borden, voted and passed unanimously 2-0-0.

Minutes from June 19, 2018 – Mr. Borden made a Motion to accept the minutes as written, seconded by Mr. Mueller, voted and passed unanimously 2-0-0.

Minutes from October 16, 2018 – Mr. Mueller made a Motion to accept the minutes as written, seconded by Mr. Borden, voted and passed unanimously 2-0-0.

Correspondence:

None.

Next meeting date: Tuesday, February 12, 2019 at 5:00 P.M.

Adjournment – Meeting adjourned at 6:04 p.m.