

Notes from Hudson hearing
April 27, 2013

Jackie Duda, health agent, submitted the inspection report and accompanying photos from the inspection of the Hudson property on January 5, 2013 for the record. She outlined the events that led to the inspection and the findings, which include no source of potable water, greywater from the bathroom sink discharging directly to soil below the structure, no septic system, no carbon monoxide detector, no kitchen sink, improper ventilation in the bathroom, no balusters on the railing to the second floor, and a main entry door which requires a key to exit the door from the inside, which is an entrapment danger or egress obstruction. She stated that these are violations of the state sanitary code for housing 105 CMR 410.000. She stated that she had talked with the building inspector in the interim and he reported that due to multiple violations of the building code he would not give the Hudson's an occupancy permit. Jackie stated that the Hudson's had agreed to replace the door lock immediately and they had done so within 24 hours of the inspection. Jackie states she then reported her findings to the Board of Health and recommended that they find the structure unfit for human habitation and issue a notice to vacate, which the Board did during a subsequent meeting. The Hudson's were sent this notice in January, and they filed for today's hearing in response. The notice to vacate allows them to be present on the property during the daytime only and only for the purpose of making repairs to the property to meet the Board's orders.

Mr. Hudson responded that they transport Poland Spring water to the camp, and that water is potable. He says the building inspector never gave them anything in writing.

Mrs. Hudson stated that they had met with the Zoning Board earlier in the day and asked that if they brought the camp up to code would they also be able to build a house later and have both structures in use on the property, but the ZB said no due to frontage limitations. Mrs. Hudson says they had considered installing a tight tank and a well for the camp, and then when they build a year round house on the lower end of the property they would then connect the well and septic to the house. They would do this when they retire.

Noreen Suriner asked the Hudson's if they could move the camp. Mr. Hudson stated it has no foundation and would be difficult or very expensive to do so.

Jackie explained the rules for installing a tight tank according to Title 5 regulation.

Noreen asked the Hudson's when they plan to retire. Mr. Hudson stated in 5-7 years or longer, and asked the Board to please work with them.

Alan Vint commented that, while the Hudson's have asked the Board to work with them, they have not fully cooperated with the Board, and gave as an example that the Hudson's were ordered to remove the outhouse from the upper portion of the property earlier by the Board, but the Hudson's relocated the outhouse to a different location on the property instead, and later it was determined there was an additional outhouse in the lower part of the property.

Mrs. Hudson explained that they kept the outhouses so they could camp on the property and this was just a misunderstanding. She stated if they removed the outhouse they would be using the woods as their bathroom anyhow, and what is the difference?

Alan responded that outhouses have been determined to be non-compliant as a septic system in Middlefield, which is why the Hudson's were ordered to remove the outhouses.

Jackie explained that the use of an outhouse creates a strong strength of effluent and over time this may affect groundwater.

Mrs. Hudson then explained that before they invest any money they have to know whether they will be allowed to install a tight tank and then use the camp. If so, they will agree to bring it up to code. She explained that they have to meet both the Board of health orders and the building code and each is different and one depends on the other.

Alan responded that they have to figure out what to do and present plans to the Board, and also to meet with the Building Inspector and determine what plans to present to him as well. Alan explained that it is not the Board's role to make the plan for them.

Brad Moyer, Attorney for Terry Crean, a neighbor, submitted a letter from the Building Inspector to the Hudson's dated August 18, 2012, to dispute the Hudson's assertion that the Building Inspector had not given them anything in writing.

Terry Crean stated the Hudson's have repeatedly made no change to the septic system since this complaint has been received by the Board. He asked whether the Hudson's had sought a permit from the Board to install their "greywater system" in the building and install the associated vent stack in the roof.

Mr. Hudson responded that they had no permit for this because it was like that when the Hudson's purchased the property. The bathroom and vent stack were installed by the previous owners, the Davis's.

Jackie submitted a copy of the letter to the Selectboard from the Building Inspector dated July 23, 2013, outlining a number of complaints he was working on, including the Hudson's. The letter described efforts he has made to work with the Hudson's on the building violations.

Mr. Hudson asked the Board for a time extension to make repairs to meet the Board's orders.

Noreen asked them what they meant by "extra time" since they have already been served a notice to vacate and there is no time limit for them to make the repairs to meet the code. Mr. Hudson then withdrew the request.

The Board asked if there was any other testimony and no one responded.

Alan made a motion to close the hearing. Mitch seconded. Voted 3/0 in favor of closing hearing testimony.

The Board then discussed the testimony. They determined they would amend the original Board order to the Hudson's to include that both outhouses had to be removed completely from the property or dismantled, meaning the toilet seat must be removed, the hole closed up, etc. so they can no longer be used as outhouses, but could be used as tool sheds after the health agent has reinspected. A motion to amend the original order as above was made by Alan, seconded by Mitch, and unanimously agreed by the Board.