

Board of Health Minutes
December 30, 2013

Meeting opened at 6:33

Present: Alan Vint, Chair; Howard Knickerbocker, Clerk; Mitch Feldmesser
Duane Pease, Administrative Assistant

Minutes of previous BOH were approved on motion by Alan, Howard 2nd; vote 3-0.

Meeting was held to determine if the Hudson's would be allowed a Local Upgrade Approval (LUA) by the BOH.

Also in attendance were Terry and Kathy Crean, abutters; their attorney, Brad Moir; Mickey Spokas, designer of the Hudson's septic system.

Moir's 12/24/31 letter to the BOH is attached to minutes.

There was extensive discussion regarding the LUA request, most centered on whether or not this was an upgrade or new construction. Alan had spoke with Paul Niepupski of DEP and was advised if this is new construction a variance is not allowed. Since there was never approval for a system, or privy, Alan felt this was new construction. Mitch agreed with Alan's assessment in that this was new construction.

The Crean's stated their 10 acre lot was built on so it could be split into 2 five acre lots and if the septic were allowed, it would reduce the area of their property that could be built on. They said they would have to maintain a 100' distance from the septic leach field. Mickey Spokas advised the proposed system would not interfere with the adjacent lot.

Howard said the Hudson's request is not a hardship request but a convenience request. The Hudson's have plenty of additional space where a Title 5 system could be installed.

The Board said it was leaning toward denying the permit and was advised by Spokas to use the proper language in the denial.

Alan motioned to deny a Title 5 Construction System permit, Howard 2nd; vote was 3-0 to deny.

Alan then motioned to deny a Local Upgrade Approval, Howard 2nd; vote was 3-0 to deny.

Mickey Spokas then asked the Board if she submits a complete new plan for Title 5 compliance would it be approved or denied.

Alan said the Board is trying to do the right thing, also, the legality of the building is in question and that is something that will have to be discussed with the Building Commissioner and is separate from this meeting. Howard suggested the design be for a conforming house and the Hudson's continue to use the current structure for a garage. Spokas said septic systems are not just designed for homes; she has designed for garages as well as barns.

Spokas asked if she should submit any new plans to the BOH or go directly to the DEP.

Attorney Moir said this issue of the building needs to go back to the Building Commissioner to determine what the structure is and what is a structure.

At that point Alan motioned to adjourn, Howard 2nd; vote 3-0 and meeting adjourned at 7:05pm.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes:

Alan Vint, Chair

Howard Knickerbocker, Clerk

Mitch Feldmesser