

Board of Health Hearing
August 4, 2012

Meeting opened at 8:20am

Present: Alan Vint, Acting Chair; Mitch Feldmesser
Duane Pease, Administrative Assistant; Jackie Duda, Health Agent
James and Eric Hudson; Bob and Francis Davis; Terry Crean

Jackie advised the Board of Health (BOH) they received a mini-grant of \$500 and she purchased First Aid Kit for the Town Hall as well as numerous health inspection supplies. The upcoming Middlefield Fair is pretty organized and should go well.

Hearing opened at 8:35am as a continuation of the May 12th hearing.

Jackie gave a synopsis of what had previously transpired and the main issue is the Title V violation of a non-conforming septic system on the property. There was discussion as to what type of system was required and the legality of the building. Jackie advised this hearing was regarding the BOH issues and the building issue is for the Building Commissioner to handle.

The Hudson's sent a letter with attachments on June 26th to the BOH (letter and attachments are attached to minutes). The letter dealt with the composting toilet and natural purification of the grey water they produce.

There was also an update from the Building Commissioner (BC) regarding the property and that is attached to the minutes as part of the record. A copy was given to the Hudson's.

Jim Hudson said he had met with the BC and gone over some of the issues, i.e. fire separation, CO detectors. He is to develop a plan and send it to the BC.

Jackie said these are separate issues and she is just dealing with the BOH issues regarding the septic system and well. Without these, the building is inhabitable.

Jim Hudson advised the composting toilet is in use and located in the structure, it uses peat moss and an electric fan. There is also a small sink to do dishes. Where he lives on Cape Cod outside showers are allowed and the grey water is discharged into the ground. He said he plans on building on the property in the future but it would be further in and putting a septic system and well in for this property would not be prudent. He feels his current use of the property is camping. He has been up a total of 4 days so far this year.

Jackie advised the composting toilet is permissible under Title V but he will need a grey water septic system. The system is usually much smaller and less expensive. He will need a perc test prior to installing the system.

Alan felt the BOH should hold the line as far as Jackie's order went and also speak with the BC.

The former owners, Bob and Francis Davis gave the Board a brief history of the property, they purchased 50 acres in 1976 and planted Christmas trees, this was done before the current structure was built. They stored their equipment off-site and then built for a place to store equipment and tools. They did stay overnight in the building once in a while and the former Building Inspector was aware of this. They installed the composting toilet, brought their water in 5 gallon jugs.

Alan said the current Board is trying to get where it needs to be, use common sense on many issues and it trying to be fair although it may not be seen that way. He wanted to know if the Board sustained the order if there was any problem revisiting the issue at a later time as there are also issues with the BC. There has to be a level playing field for everyone and a base line everyone has to follow.

Jin Hudson said he understood the issues with the BC and individual cases were like snowflakes as everyone was different.

There was a general discussion regarding various building and health issues and how they were to be resolved. Also, what would be the consequences if the property were used for camping. Mitch questioned if they would need a well or could bring potable water in. Jackie said they could bring their water in. Mitch also added they would still need a grey water septic system even though the composting toilet would not be connected to the system.

Alan asked if the Hudson's could continue to use the property if the Board upheld the order and Jackie said she has no "red Flags" about continued use. Alan said the time limit could always be extended with another public hearing.

Terry Crean addressed the Board; he abuts the property in question. He appreciated the Davis's presence and sees a potential resolution. He does feel there is no limitation on the use and as an abutter his history is silent. If he sells his property how does he explain the building that has been described as garage or bungalow that was built without any input from him as an abutter.

Alan said it appears the building permit originally was issued illegally but that was not Mr. Davis's fault.

Alan motioned to uphold the Health Agent's order and the Board can revisit it in the future. Mitch 2nd, vote was 2-0.

Alan motion to close the hearing and adjourn, Mitch 2nd; vote was 2-0 and hearing was adjourned and meeting closed at 9:35am.

Minutes respectively submitted by:

Duane Pease
Administrative Assistant

Minutes accepted with/without changes

Alan Vint, Acting Chair

Mitch Feldmesser

