

Board of Health Minutes  
December 2, 2013

Meeting opened at 6:00pm

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

Mickey Spokas appeared before the Board on a request for variances on septic system she designed for the Hudson property on Skyline Trail. One request was for waiving the requirement of a 2<sup>nd</sup> test hole as it would disturb the soil in the area of the leach field and the other request was for a 25% reduction in the size of the leach field, the State code requires minimum leach fields to accommodate a 3 bedroom home. There was discussion on the location of the leach field and distances to the abutters' property lines and the road. Also, if the leach field was subject to the Town's setback requirements or being so close to the road. Spokas advised Title 5 regulates these issues.

Alan said there were other legal problems with this property and the Board has requested Town Counsel's opinion on these issues. Howard stated if board is given grounds for denying it could open the Town up to other legal issues. The issue here is a BOH issue and he didn't see the involvement of the S/B or Building Commissioner in this matter.

Alan said there were too many things done in Town without proper inspections and certificates and in this case it is not if the Town is going to get sued but who is going to sue the Town. Alan motioned to requested permission to speak with Town Counsel, Mitch 2<sup>nd</sup>, vote 3-0.

Wally Smith questioned if the leach field would be in the road right-of-way and was told it was not.

Terry Crean, abutter, asked why the 25% reduction, Mickey responded that the leach field would fit better in the area, it was possible to install a full field though. Terry also asked if the system would be raised. Spokas advised the uphill portion would be about 15" above grade. He also questioned why this installation is considered a repair and not a new installation. It is because of the existing building was the answer. His final question was why there was no Title 5 inspection when the building was sold. Spokas did not know as she was not involved in that. The current Title 5 went into effect in 1997.

Spokas advised the Board if they approve the design it is good for 3 years and if not installed during that time a new design will have to be done. This issue of the septic design is strictly a BOH issue and should not be considered with the other issues on this property.

The Board said they would make their decision after consulting with Town Counsel at the next scheduled Board meeting on December 16, 2013.

Alan motioned to adjourn the BOH meeting and reconvene the S/B meeting, Howard 2<sup>nd</sup>, vote 3-0 and BOH meeting adjourned at 6:45pm.

Minutes respectively submitted by:

Duane Pease  
Administrative Assistant

Minutes approved with/without changes

Alan Vint, Chair

Howard Knickerbocker, clerk

Mitch Feldmesser