

**Town of Sandisfield
Board of Health Meeting Minutes
December 5th 2022 @ 6:00 pm
Old Town Hall, 3 Silverbrook Road, Sandisfield, MA**

Present: Keith Larson (Chair); Stephen Rubenstein (Member), Jayne Smith (Agent)
Absent: Kim ~~Leach~~, Secretary
 Spring

Meeting called to order at 6:02pm. Jayne requested that item #4 on the agenda be heard first.

4. Review 302 Sequins (sic) Drive Septic repair request: Scott McFarland was present to request that the BOH consider a request for 302 Sequena Drive to get a repair for their existing septic system vs getting a new leach field designed and installed. The septic system consists of a Septic Tank Pump Chamber, D-Box and two Leaching Chambers, one of which was found to be in groundwater during a Title 5 inspection that was previously conducted and witnessed by Victor Hryckvich. During that Title 5 inspection it was discussed to relocate the chamber affected by groundwater to another location. There is no ESHGW data on this system as no test pit has been dug in the area of the proposed new leaching field. Jayne suggested to the BOH that it is difficult to make a decision on this system because we have no information on the groundwater in the new location and the second chamber would be installed in a different location all together from the existing impacted chamber. Jayne suggested that she and Scott go out and do further exploration, including ESHGW. Keith Larson made a motion to allow Jayne to make a decision on whether to allow a repair after getting further information. Steven Rubenstein seconded the motion. Motion carried unanimously.

1. Discuss 12 West Hubbard Road Continuance Temp Housing Request

Jennifer Pilbin was present at the meeting for the Board of Health to consider an "Application for Temporary Housing" application, which included a letter from Yankee Restrooms stating that "Yankee Restrooms has been pumping the RV at 12 W. Hubbard Rd, Sandisfield on a regular basis from 11/19/19 – 12/1/22". Steve Rubenstein read a digital copy of a letter sent to the BOH via email and delivered to the Sandisfield Select Board, in paper form and signed by 30 people, on November 1, 2022.

Input from the audience and applicant was provided regarding whether the Board of Health should grant the temporary housing application. The discussion against approving the application included that this has been ongoing for almost 3 years; that there is no building permit or timeline of progress for the property; that there is active and ongoing zoning action by the Town of Sandisfield on the property; that the constant noise from the generator that provides electricity on the site is constant and affects neighbors; and that the property is messy and unkept. The applicant, Jennifer Pilbin, stated that she has been working on the driveway, which is needed for electrical pole to be installed and that she has not been able to get an electrician yet. Jennifer felt that septic was not an issue since she gets the RV tank pumped regularly and that she is able to get water from the store for drinking and washing.



Steve Rubenstien made the motion to deny the application for temporary housing at 12 West Hubbard Ave. Keith Larkin seconded the motion. Discussion included that this situation has been going on since 2020, no building permit has been issued and very little progress has been made to establish permanent utilities or a residence. Motion passed 2-0.

2. Discuss 18 West Street Continuance Temp Housing Request

Robert Sampson was present at the meeting and presented a completed "Application for Temporary Housing" along with his PA state drivers' license that shows his permanent address being in Pennsylvania. He stated he lives in PA, however he does visit the property to do work. It was discussed that he does not stay for up to 30-days at a time. It was noted the application states that he is disposing of his sewage in "4' holes around his property", something that Jayne said she will be following up with him since that is not a sanitary method of sewage disposal. Robert stated he needed to leave the meeting to attend the Selectboard Meeting also being held at the same time. The BOH was unsure if they needed to do anything with the Temporary Housing Request application since he claimed to not meet the threshold of 30-days to meet the definition of temporary housing. Robert Sampson left the meeting.

Jennifer Pilbin asked if the BOH was going to act on this application after not granting her application. The BOH considered and decided that they would make a decision on the application since it did not have an adequate plan for sewage. KL made motion to deny the Temporary Residence application for 18 West St. SR seconded the motion. Motion carried 2-0.

Jayne requested that the BOH consider Agenda Item 5 next. Chair Keith Larson agreed.

5. Discuss well setback revisions / requirements for setbacks to septic/ leach field: Forms left by the previous Health Agent showed that Sandisfield requires a 150' setback from a well to a leach field and a 100' setback from a well to a septic tank, which is more restrictive of the 100' to a leach field and 50' to a septic tank, respectively. Jayne asked whether the BOH would consider changing the standard for a well to match with Title 5. Steve Rubenstien made motion to align well setback regulations with Title 5 requirements. Keith Larson seconded the motion. Motion carried 2-0.

3. Review 8 Bosworth Road Well Application: A well application was submitted for 8 Bosworth Rd by the owner which only has information on it about the septic system for this property and initially had no information on the neighbor's property (6 Bosworth Rd). Later, the applicant was given information on the neighbor's septic system but there is nothing that shows the relative location of components on both properties. A motion was made by Keith Larson to allow Jayne to work with the owner to compile a plan that can be approved by the agent. Steve Rubenstien seconded the motion. Motion passed, 2-0.

6. Jayne Smith to give Berkshire Rehab update / next steps: Jayne did a follow up inspection at Berkshire Rehab and they have substantially corrected all items on the initial inspection, including replacement of a freezer. Jayne will continue to work with them to ensure improvement of active managerial control, procedures and staff training. Jayne suggested that they get inspected monthly

through February and then quarterly thereafter and that any additional inspections in addition to that should be charged to Berkshire Rehab.

7. Discuss process for future complaints: Many of the recent complaints have come in from Town Hall with no explanation or background, making it hard for Jayne to determine whether the complaint has public health implications. Jayne requested that the BOH establish that all complaints for the BOH must go directly to Jayne so that she can fill out proper paperwork and comply with the state requirements.

8. Review any mail/ warrants: No action taken on this agenda item.

9. Review previous month's minutes: No action taken on this agenda item.

10. Topics not anticipated by the board:

- a. **325 Tamarack Trail Request for a Septic Repair:** Christopher Chaffee (Contractor) and Ben Collins (T5 Inspector) came before the BOH to ask for a septic repair on 325 Tamarack Trail. During an earlier Title 5, witnessed by Victor Hryckvich, the leaching chambers were flooded. Ben stated that the lot is extremely limited and he believes that a crust had formed on the top of the sand for an unknown reason, but that the biology in the septic tank was not healthy and that there was no venting. Chris and Ben are proposing to remove the top few inches and replace it with stone. Jayne mentioned that Title 5 does not allow stone to be placed under leaching chambers and Chris understood. Ben, who is not a soil evaluator, was unsure of where the water table is on this property so it is unclear if it is groundwater. Jayne asked the BOH to approve her to work with the contractor to do additional exploration of the site, including determination of groundwater and problem-solving to figure out what may be happening to the field. This information would inform next steps. Keith Larson made a motion to allow Jayne to work with the contractor to gather further information and make a decision on whether it was appropriate to allow a repair for this system or if it will need to be replaced. Steve Rubenstein seconded the motion. Motion passed 2-0.

Meeting was adjourned at 7:30 PM.