

LUNENBURG BOARD OF HEALTH
MEETING MINUTES
March 19, 2018

The Board of Health meeting opened 7:00 pm at the Ritter Memorial Building

Present: George Emond, Perry Jewell, and David Passios

MINUTES APPROVED:

TITLE 5 INSPECTION REPORTS ACKNOWLEDGED:

335 Highland Street
241 Arbor Street

SEPTIC PERMITS SIGNED:

54 Maple Parkway with conditions
932 Lancaster Avenue

54 MAPLE PARKWAY

Jack Maloney met with the board on behalf of the owner. Due to the high seasonal groundwater on the site the current septic system would be a failure. The owner is proposing replacing a mobile home currently on the site with a two bedroom home. This site is served by public water. The lot is small, has high groundwater and wetlands. No increase in design flow is being proposed. Variances requested are as follows: Offset to groundwater four feet to three feet, offset to wetlands 100 feet to 41.4 feet, and depth of pump chamber. A large retaining wall is being proposed.

After discussion and on Motion by Passios and second by Jewell, the variances were approved with the requirement that the board receives a plan from a professional engineer for the construction of the retaining wall that complies with Title 5. All in favor.

932 LANCASTER AVENUE

Jack Maloney met with the board on behalf of the owner. This is a voluntary upgrade, although based on the high groundwater, the current system would be considered a failure. This is one house on a very large lot but due to the high groundwater an offset to groundwater from four feet to three feet is being requested. In addition, a reduction in inlet and outlet tee **offsets are** also being requested **in order that the proper grade be maintained** due to the **elevation** of the sewer line in the house. Monolithic tanks and rubber boots are included in the proposed plan and are required by the board.

After discussion and on motion by Jewell and seconded by Pa the budget was approved. All in favor.

143 ROLLING ACRES

Jason Spinosa, the owner of the property as well as Jim Lavasseur, builder, were present at the meeting. This property currently has a four bedroom septic **system that complies with 310CMR 15** for the four bedroom home. Mr. Spinosa wishes to create an additional 3 rooms in an unfinished open

area in his basement. By State and Local regulations, these extra rooms would be designated as bedrooms, and would cause the structure to be non-compliant with these regulations.

Mr. Spinosa was provided with a copy of the definition of a bedroom both in Title 5 Regulations and Local Lunenburg Board of Health Regulations.

(following are written comments from Board Agent James Gareffi provided to the Board for guidance prior to the meeting)

The owner of this home would like to add three rooms to the basement. The current house has a sewage disposal system designed for four bedrooms; currently the house has 8 rooms and four bedrooms.

In a single family dwelling the size of a sewage disposal system is based on the number of bedrooms and the definition in Title 5 (provided below) describes how to determine the number of bedrooms in a single family dwelling. Based on this definition the proposed construction would require a septic system designed to handle 5 bedrooms.

Bedroom - A room providing privacy, intended primarily for sleeping and consisting of all of the following: (a) floor space of no less than 70 square feet; (b) for new construction, a ceiling height of no less than seven feet three inches;

(c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches; (d) an electrical service and ventilation; and (e) at least one window. Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.

There are a number of options for this site:

- 1.) Reduce the number of rooms to be added to the house; a house with 9 rooms and 4 bedrooms would still comply with the size of the existing sewage disposal system.
- 2.) The applicant could consider the installation of a sewage disposal system to handle 5 bedrooms.

Chairman Emond explained how we determine a bedroom by local definition as well as the fact that with a 4 bedroom septic permit the dwelling would be limited to a total of 9 rooms. Inasmuch as the home currently has four bedrooms the addition of three more rooms would not be possible unless the septic system was expanded to accommodate the additional room.

Mr. Spinosa stated that he had read Title 5 Regulations and it was his opinion as well as his attorney's opinion that if Mr. Spinosa executed and recorded a deed restriction on the property limiting the home to four bedrooms that it would be able to add the three additional rooms.

Chairman Emond stated that the addition of three rooms would be considered new construction and was beyond what would be allowed with the current four bedroom permit.

If the rooms currently existing in the home reconfigured to reduce the total number of existing rooms and total number with the three new rooms was below the permit limit of 9 rooms, it might then be possible to finish the basement in the manner that was being proposed. It is not the policy of this board to execute and record deed restriction on new construction which would increase the number of rooms beyond the legal limit.

Mr. Spinosa indicated that he did not believe that he would be able to reconfigure the existing rooms to reduce them to a level to allow the addition of three rooms in the basement and that he could be contacting his attorney.

Mr. Spinosa was advised that if he wanted to speak with agent Jim Garrefffi or meet back with the board should there be a change in circumstance he was welcome to do.

After further discussion and on motion by Jewell and second by Passions the request to further develop this property with additional rooms was denied even if a bedroom deed restriction was in place. All in favor.

SEPTIC LOAN PROGRAM

Member Dave Passios stated that he would like the board to be able to do something with the funds in the septic loan program fund. Chairman Emond stated that here are very clear guideline of the funds can be used for.

Dave Passios stated that he would like to look into whether the funds could be used to provide restroom facilities at the Town's parks. He asked if he was able to get written permission to alter the use under which the funds could be used, would that be acceptable to the board.

After discussion, the board agreed that written permission from State Officials would be necessary.

Meeting adjourned at 8:20 pm.

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