



**TOWN OF LITTLETON**  
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LITTLETON, MASSACHUSETTS 01460  
**BOARD OF HEALTH**

**MINUTES**

**Meeting held on Tuesday, September 22, 2009 at 7:00 p.m.  
Littleton Town Hall, 37 Shattuck St. Room 307**

- 7:08 Vice Chair Peter Yapp opened the meeting with all members present except Ted Doucette who will be in later due to a family conflict. There are no budget items or timesheets for the board to sign.  
**Minutes** – Joe Presti gave Heather his corrections to the minutes from the September 8<sup>th</sup> meeting and the meeting on August 25<sup>th</sup>. Peter Yapp noted that the corrections that Ted submitted for the minutes for August 11<sup>th</sup> looked fine to him.  
**Peter Cassinari made a motion seconded by Peter Yapp to accept the minutes from August 11, 2009 as amended.**
- 7:12 **Ted Doucette entered the meeting**

**Board Members Report**

Peter Yapp and Joe Presti attended a regulatory restructure meeting on September 15<sup>th</sup>. Peter Y. mentioned that there were several members there from the different regulatory boards and that Keith Bergman Town Administrator answered questions and concerns that board members had. Peter Y. also mentioned that he has some concerns about signing the Memorandum of Agreement and moving into phase 3 which will take all hiring and firing power away from the board. Another meeting will take place in a month and a half and Peter Y. would like to wait to see how things are going before making any decisions. Ted mentioned that he has some concerns on how permanent this situation will be and wants to make sure for the boards and the administrators in the office that there is a trial period or a way out if it does not work. Joe mentioned that Keith was down stairs in another meeting and he would go down to see if he can come up to answer some questions the board has.

**Horse Compliant on 15 Maplehurst** - Peter Yapp went by the site at 15 Maplehurst and did not see anything to be out of the ordinary. Peter Cassinari mentioned he and Jim Garrefffi had been involved with this address in the past. Jim did notify the owners to have the manure picked up more frequently in the summer months. Peter Yapp noted that they have three horses and an active stable permit and have had them for several years. Ted mentioned that we will get Jim's thoughts on the complaint and the board can take further action if it is needed.

**2 Aspen Road** - Ted mentioned he had received email from Savas requesting that the board have a Title 5 inspection done at 2 Aspen Road. In the email sent by Savas he questioned Peter Yapp's inspection of the property, that he may not be qualified to make an inspection. Ted summarized his response by saying that he stands behind Peter Yapp's inspection as it was not a Title 5 inspection and that he feels Peter Y is capable of detecting orders, wet ground or other obvious signs of inspection and mentioned that it is not the Board's place to make people have Title 5 inspections done.

**Ethics Code** - Peter Yapp wanted to go on record stating that he had attended a meeting held a while back to discuss the new code of ethics that was passed by the Board of Selectmen. Peter mentioned that the code works for all boards except those that are elected because they have to obey the same set of rules put in place by the state. Ted mentioned that he has been thinking of writing a statement and maybe holding a meeting

to answer questions that the residents in town may have about what the Board has been doing. Joe mentioned that he has been thinking of writing a letter to the editor addressing the lies that have been told around town about what has happened with the Board. Ted mentioned again that an open meeting allowing residents the chance to address the Board and ask questions may be a good idea.

**Work Force Unemployment Benefits** – Ted mentioned that the Board needs to submit the paper work for unemployment benefits which needs to include the reason for discharge. Ted read over the different choices and mentioned that he and Town Council determined that “Discharge for deliberate misconduct or violation of company rules or policy, including absenteeism or tardiness” is the most appropriate choice. This information was delivered to Ann Essman to complete the on-line filing. The board members generally agreed this is the appropriate choice. Ted also stated that this may lead to Ms. Cyr being unable to receive benefits on the extreme end or may require a hearing for her to receive benefits. An appeal or hearing can be requested in either instance. Ted stated that this is important that the Board understands the process in the event that the decision is viewed as the Board is trying to deny benefits. Ted also stated that the Board and the Town cannot deny benefits but can only select certain reasons for discharge and then choose to attend hearing or respond to appeals.

**59 Matawanakee Trail** – Matt Field was present at the time of the discussion. Joe read out loud Jim Garreffi’s notes on the site. Matt mentioned that he moved the site of the 2000 gallon tank. Ted mentioned to Matt to have him talk to Jim and if he signs off on the project it will be put on the next agenda for October 13<sup>th</sup> at the same time and to have him bring an as built to the next meeting as well.

**85 Matawanakee Trail** – John Field was present at the time of the discussion. John mentioned that the plans for the septic have changed and they are now looking to do a two bedroom septic upgrade with a deed restriction. Joe mentioned that the board will need proof of the deed restriction before the permit can be issued.

**Joe made a motion, seconded by Peter Cassinari to approve the variances requested for 85 Matawanakee Trail on the plans dated 9/24/09 subject to the filing of a 2 bedroom deed restriction. Vote Aye, unanimous.**

**3 Conant Ave** – Kirk Fitzpatrick from Civil Solutions was present at the time of the discussion. A 4 bedroom upgrade with a 1000 gallon tank is proposed. There is a request for three variances on the property. Kirk mentioned that the system was upgraded and is listed in the Assessors as a four bedroom. Ted looked through the file and found permits filed in 1988 for a three bedroom and 1965 for a two bedroom but found nothing for a four bedroom. Ted mentioned to Kirk to bring in a floor plan to see the room sizes in the house.

**Joe made a motion, seconded by Gino to continue the hearing to the next meeting on October 13<sup>th</sup> at 8:00 p.m.**

**Regulatory Restructure** – Keith Bergman the Town Administrator was present to answer questions from the Board about the Regulatory Restructure. Keith mentioned to the Board that the Selectman have given this Restructure a temporary time limit of the current fiscal year with a review date of March 30, 2010. Keith mentioned that if any questions or concerns arise there is still plenty of time between now and fiscal year 2011 and town meeting to implement changes.

**Joe made a motion seconded by Gino to approve the MOA approved by the Board of Selectmen and the Board of Health with the understanding it is in effect for the fiscal year 2010. Vote Aye 4-1.**

**11 Brant Lane** – Kirk Fitzpatrick from Civil Solutions and property owner Anna Fadden were present at the time of the hearing. The current system has failed a title 5 inspection. Jim Garreffi's notes requested a poly liner around the entire house. Ted mentioned to Kirk that a liner around the whole house would not be necessary.

**Peter Yapp made a motion, seconded by Gino to accept the variances requested for 11 Brant Lane shown on the plans dated 9/18/09.**

**310CMR15.405 1h To allow for a 3 foot separation to groundwater rather than the 4 foot requisite.**

**310CMR 15.405 1b To allow placement of a leaching system 10 feet from a cellar wall rather than the requisite 20 feet.**

**Reg. # 27 To allow fill for break-out grading requirements to be within 10 feet to a property line**

**Reg. #23b. To allow a retaining wall and poly-liner for the purpose of breaking grading.**

**Vote Aye, unanimous.**

**Mannion Place** – Kevin Erickson was present at the time of the discussion. Kevin is looking for extensions to the septic permits for several lots in the 40B project. They are town house units with a shared septic system.

**Joe made a motion seconded by Peter Yapp to grant a one year extension to the units listed for the permits issued in October 2006. Vote Aye, unanimous.**

**8 Cricket Lane.** – Jesse Johnson from Ross Associates was present at the time of the discussion. Jesse informed the Board that the house was sold to the current owner as a three bedroom and has been used as such. The plan is to rebuild the house add a garage and rebuild the septic as a three bedroom with an over sized leaching field. A variance to the Board of Health regulations will be needed for the off set of wetlands. Joe mentioned that variances are granted due to a hardship and he does not see one as there is a want for a three bedroom and not a need. Jesse mentioned that the wetland bylaw creates a hardship for installing any septic system. Jesse told him that there will be a two bedroom deed restriction in place. Ted mentioned that the deed restriction was ordered for the house before and never recorded. The Board looked over the plans and did a room count there are 9 rooms in the house and with the Title 5 room counts that make it a three bedroom plan. Jesse mentioned that he and his client will go back though the floor plan and may change a few things to get a seven room count to allow a two bedroom septic.

**168 Tattahawan Road** – Duncan Brown was present at the time of the discussion. Duncan Brown is looking to repair a failing system. Ted read Jim's comments to the Board. There is a need to get several variances from the Board in order to install the new system. There is an existing three bedroom house with two systems on the property. Duncan went on to mention that a two chamber tank is not necessary and went on to cite studies that were done that support his argument. Duncan went on to argue several other variance requests that the bylaws are not for the best all with researched points. Ted mentioned that he would look over all the material that Duncan had brought in but at a later time.

Duncan was asked to gather additional information such as a cost estimate to install a two-compartment tank and submit it to the Board for the review prior to another discussion.

**330 Goldsmith** – Jesse Johnson from David Ross Associates had a small change to make to the variance letter that was sent to him. There were new plans created for the site changing the date from 9/1/09 to 9/11/09. Ted made the appropriate changes to the letter.

**2 Aspen Road** – Ted read to the Board a letter sent to them from the Conservation Commission asking them for a formal response stating that an inspection was done at the property. Ted let Heather know so she could tell the Commission that the Board will not issue such an order since the Board is not aware of any problems at the property that may threaten human health or the environment.

- The meeting was adjourned by unanimous vote at 10:25 p.m.

Submitted by Heather Hampson Administrative Assistant