



**Town of Mendon
Board of Health
18 Main St. Mendon
Minutes for
April 25, 2018**

Andy Fiske, Chairman called the meeting to order at 7:00 p.m.

Present: Alan Greenberg Vice Chairman Tom Fichtner - BOH Member

Location – Board of Health Office– 18 Main Street, Mendon, MA 01756

70 Uxbridge Road – The Board reviewed the memo that was sent by BOH Engineer Tom Ryder. There is a passing Title V for this property but only for the three-bedroom house structure, which utilizes a tight tank. In order to install a conventional septic system, without including the additional smaller house, a revised plan will have to be submitted. All fixtures such as toilets, bath tub, sinks, dishwashers, washing machines, etc. will have to be removed. Inspections will be done to ensure that this is no longer considered a dwelling.

The trash/recycling contract has been sent to Town Counsel for review. The Board asked Missy to email John at E.L. Harvey to see if there is any wiggle room, with regard to the bulk pricing presented.

In providing an update on the warrant articles, there is an indication that there is a need to do some further analysis on whether the requested account type should be an Enterprise Account or a Revolving Account. Part of this analysis will be to look at how salaries and benefits may need to be allocated into the process to get a true accounting.

The Board was informed that DEP now requires landfills to be inspected. The Board would like to attend the inspection when it is done. The Board will look into what is required for the inspection.

Tom F. wanted to bring up an issue to the other members. It's regarding trash that is blowing from the lot at 28 Hastings Street. Tom explained that there are gaps in the fencing that allows some trash to blow onto Emerson Street. This is not the first time this has happened. The Board agreed to send a letter to the property owner.

Alan made a motion to accept the meeting minutes for January 24, 2018, March 22 and 28, 2018 and April 11, 2018. Tom seconds the motion. All members agreed.

Next meeting will be May 9th and 23rd.

Alan made a motion to adjourn the meeting. Tom seconds the motion. All members agreed. Meeting adjourned at 8:28 p.m.

Approved August 15, 2018

To: Mendon Board of Health

From: Tom Ryder

Date: April 25, 2018

**Re: Mendon Board of Health Disposal Works Construction Permit
70-72 Uxbridge Road-Request for partial Construction of System**

We received the following correspondence from the homeowner:

Comment/question 1:

The property owner only wants to install the septic system for the main house and not the existing smaller house. The property is for sale and the owner is concerned that if they install the smaller house portion and new owner just take it down, they would have spent money for nothing. What can they do?

Comment/question 2:

The property owner most recently suggested that they modify the existing 1-bedroom structure to be used as a garage or other uninhabitable area then proceed with the upgrade for the 3-bedroom structure for the other house structure.

Current Condition of the “Facility’s” septic system

The facility is listed as 70 and 72 Uxbridge Road and has two structures on the property. The structure identified as #70 is a 3-bedroom dwelling; structure identified as #72 is a one-bedroom dwelling.

The existing 3-bedroom is served by a 3,500-gallon tight tank (approved 1989), while the one bedroom has a cesspool. A Pass Title 5 Inspection report was submitted for the Tight Tank (5/6/17), while the Board of Health has no record of an inspection of the Cesspool that serves the 1-bedroom structure.

The Board of Health is under the assumption that the Cesspool is in “voluntary” failure due to the proposed septic system repair plan submitted and the lack of a formal inspection submission to the Board of Health Office. Note: *In accordance with Title 5 section 15.301, a Title 5 Inspection is required prior to the transfer of property, or a Certificate of Compliance issued...*

The Board of Health has recently approved a design for a 4-bedroom septic system to serve the 2-structures on the property.

Answer to comment/ question 1:

The short answer is that a Certificate of Compliance can only be issued for the complete installation for the facility. There are additional avenues the property owner may proceed to be in compliance with Title 5:

Not a complete list, but some options to transfer the property:

1. Have a Title 5 Inspection report filed for the Cesspool, or if it is known to be failed, submit a letter from an Inspector indicating the failure criteria met. The property owner

will have up to 2-years to make the repairs. A transfer of Title may take place with the buyer understanding the requirements.

2. Proceed with the repairs for both structures until a Certificate of Compliance is issued for the “facility”. Transfer property with a Certificate of Compliance.
3. Proceed with the septic system repairs with the proposed buyer, the current owner to work on an enforceable agreement that the “buyer” finish repairs (ie money held in escrow) until a Certificate of Compliance is issued for the “facility”.

Answer to comment/ question2:

To change the existing structure to a structure with no expectation of occupancy will require modification to the water supply and building sewer plumbing and maybe the rooms. I suggest that if the homeowner wants to proceed this route they obtain applicable building permits as well as have their engineer modify the septic plans and application to make this change. The engineer will need to include notes on the plan of how they intend on reconstructing a 1-bedroom that will not have water or wastewater requirements.

Reference: 310 CMR15.000 (Title 5) and 105 CMR 410.000 (Title II).