

West Light Development v. Plympton Board of Health

Present: Art Morin, Chairman, Harry Weikel, Jr., Treasurer, Brad Cronin, Clerk, Greg Corbo, Town Counsel, Robert Tinkham, Health Agent, Cathy Ferguson, Administrative Assistant. \*\*  
See sign-in sheet for other attendees.

At 6:00 p.m., Chairman Art Morin opens the hearing to reconsider the variance for West Light Development's property at 165 Palmer Road (M6-B1-L3). This is a change substituting one commercial building for two residential buildings.

Town Counsel asks applicant if the applicant plans to combine the two lots (165 Palmer Road and 0 Palmer Road).

Attorney Serkey replies that the applicant will prepare a new A&R plan combining the two lots back into one lot.

Kevin Grady from Grady Engineering presents the plan. This will be one commercial building. The septic system will be a drip dispersal system but the applicant will still need a variance granted from the Town's Supplemental Regulations regarding needing 5 acres for a mounded system.

Mr. Grady states that if the power goes out the storage capacity of the tank is a day and a half. There will be no laundry or showers. Applicant Buz Artiano states that if the power goes out the business would probably be closed.

Chairman Morin states that the approval of the variance from Plympton Title 5 Regulation **15.255(1) Construction in fill**: "Mounded systems for new construction must be on a lot that has 5 acres or more" will be conditioned on the following:

1. The applicant will submit a new A&R Plan combining 165 Palmer Road (M6-B1-L3) and 0 Palmer Road (M6-B1-L3A) into one lot. A copy of the recorded plan stamped by the Plymouth County Registry of Deeds must be submitted to the Board of Health.
2. The applicant and/or Attorney of Record will file a Motion to Dismiss Complaint 1983CV00125 with the Plymouth Superior Court, Civil Division. A copy of the allowed Motion to Dismiss, signed by the court must be submitted to the Board of Health.
3. The applicant will submit a deed restriction stating that the above property will not be used for a residential dwelling. After signing the deed restriction and submitting the deed restriction to the Board of Health to sign, the applicant must file the deed restriction with the Plymouth County Registry of Deeds and submit a stamped copy to the Board of Health.

Once all conditions have been met, the Board of Health, at a regularly scheduled meeting, will sign the variance request, approve the Septic Design Plan (dated March 1, 2019; revised August 5, 2019, revised August 29, 2019) and sign the Application for Disposal System Construction Permit No. 1249.

Attorney Serkey states that West Light Development has withdrawn their original plan and that the system planned for the one commercial building has secondary treatment of effluent and will have the required inspections.

A motion is made and seconded to approve the variance under the above-stated conditions. Voted 3-0 to approve the variance.

Motion made and seconded to adjourn the hearing at 6:10 p.m. Voted 3-0 to adjourn.