

**Board of Health
Meeting Minutes
November 13, 2008**

7:07 PM Meeting	The meeting was called to order at 7:07 PM. Present were Steve Damiano, William Farr, Stanley Selkow, and David Favreau
7:07 PM Business	<p>The minutes for 10/23/2008 were approved.</p> <p>The next three meetings will be 1/8/09, 2/12/09, and 3/12/09.</p> <p>Mr. Favreau presented the Board with a revised draft of the letter for the 55 Lake Shore Drive abutters. The revised draft incorporates comments from the abutters. The draft was approved.</p> <p>Mr. Favreau reported on the town heating task force. This is a group of department heads, including the police chief and the fire chief, who are concerned that Sterling residents will have difficulty paying for heat this winter. Besides coordinating local aid, the group is considering a drop box at the town library for donations.</p> <p>The special Town Meeting is November 17. There was a brief discussion of the BOH article on the warrant.</p> <p>Mr. Favreau presented several plans for reorganizing the offices on the second floor of the Butterick Building. Mr. Damiano said that any move of the BOH office would have to be approved by the Board. There was a brief discussion of the alternative plans. Board members expressed concerns about space and security.</p> <p>A one year extension to a construction permit for lots 5A and 6 on Thomas Lane was approved.</p> <p>Mr. Favreau reported that he and Kathie Nickerson are working on several reports to the state that are due soon.</p> <p>Mr. Favreau reported on a small spill that occurred on 10/31/08 at the WRE site on Chocksett Rd. One of the trucks used for grease transfer had an open valve and a small amount of material was spilled. Members of the Board expressed concern that WRE has not built the transfer containment area that was discussed at BOH meetings on 1/31/08 and 2/14/08. Mr. Favreau reported that WRE says they are not doing any transfer of septage and so don't need the containment area. Mr. Selkow and Mr. Farr said that we needed to look at the agreement with WRE before proceeding. Mr. Favreau agreed to research the applicable laws for grease trap pumping. Mr. Damiano suggested consulting Richard Gibbons.</p> <p>Mr. Favreau reported on scheduled soil testing at 25 Griffin Rd. Also, 11 tests have now been logged at the Runaway Brook subdivision with further testing to be scheduled.</p>

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<p>8:00 PM 55 Lake Shore Dr. McNamara Public Meeting</p>	<p>Mr. Nick Pauling of GPR and Mr. Ed McNamara, property owner, appeared before the Board to continue the hearing from the 10/23/08 Board meeting. Also present were abutters Ms. Barbara Roberti, Mr. Angelo Rossi, Ms. Carol Rossi, Mr. Tim Corbett, Mr. Tim Corbett, Jr., Ms. Edith Corbett, Mr. Daniel Kloczkowski, Mr. Paul Riessle, and Ms. Ann Deboiss. Construction of the system has been completed and a Certificate of Compliance has been applied for. The Board is concerned that there are significant differences between the approved plan and the as-built plan which may cause drainage problems. This hearing is an attempt to resolve the Board's concerns.</p> <p>Mr. Damiano opened the hearing by explaining that preliminary (8/7/08) and final (9/11/08) hearings were held on this system and a plan was approved. Mr. Favreau then provided a detailed chronology of the system inspections during construction. During the inspections, he was approached by abutters with concerns that the system was not being built in accordance with the approved plan. One of the abutters, Mr. Tim Corbett, asked for a hearing to air abutter concerns. Mr. Favreau shared some of the concerns and placed the hearing on the agenda for the November 13, 2008 BOH meeting. He also asked the Board members to visit the site prior to the meeting. On November 11, Mr. Favreau, Mr. Damiano, and Mr. Selkow visited the site. Final inspection of the site was on November 13. Concerns with grading and drainage remained, but the system otherwise was consistent with Title 5.</p> <p>Mr. Damiano described three concerns that the BOH has with the system as constructed. First, on the East side of the house, there is a retaining wall located very close to the location of the tanks, and the grade goes mostly down from the base of the wall to the property line, with only a shallow swale. Second, on the West side of the property a wall has been constructed that wasn't on the plans. The Board was not informed about the wall and also has concerns about the integrity of the wall. Third, the driveway was raised using fill 1 1/2 to 2 inches, which may complicate the drainage issues. He stated that the Board is not prepared to issue a Certificate of Compliance until it is satisfied on these issues.</p> <p>Mr. McNamara showed photographs of both the East and West side. He explained that the wall on the East side was moved away from the property line to allow a wider drainage path. The Wall on the west side was included to support a flat area required to site a propane tank, and was not related to the septic system. He also described a berm that had been constructed at the top of the driveway to prevent water from the street from running down the two sides of the property. His position, supported by Mr. Pauling, was that the changes had been made to minimize problems with drainage.</p>
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Mr. Damiano responded that the Board felt that the swales on either side were not deep enough. Mr. Selkow stated that he appreciated the difficulty of moving the wall, but was concerned that the grade from the base of the wall to the property line was mostly sloping down. Mr. Pauling responded that he felt the changes maintained the flow path. Mr. Selkow said that he did not agree.

At this point, several of the abutters raised their concerns. The Rossis are concerned about run-off from the driveway and the roof going down the East side of the property onto their property. They are also upset that changes were made to the plans and feel that the changes made the situation worse. Mr. Pauling responded by describing the gutter system that will be installed to direct run-off from the roof into dry containment wells. Mr. Kloczkowski expressed his concern that the gutter system will not work as intended due to the clay soil in the area which will cause the wells to overflow. Ms. Roberti said she was very concerned that the berm will divert water from the road to a catch basin on her property and overwhelm it. She had conducted experiments on the road with a hose that seemed to support her concern. Mr. Corbett is concerned that the wall on the West side has narrowed the flow channel on that side and will result in water on his property. He is also concerned that the road has been raised slightly and will cause a damming effect in front of his property, resulting in more water running onto his property. Furthermore, he feels that the wall on the West side was not properly constructed.

The Board reiterated its concern with drainage possibly putting the septic system in jeopardy and asked Mr. Pauling if drainage calculations had been made. Mr. Pauling replied that he hadn't done calculations, but had relied on his experience and judgment. Mr. McNamara stated that the walls had been approved by the Building Inspector and the Conservation Commission had asked for one change, but both were satisfied with the drainage swales. He asked if all three boards could get together and agree on a plan. He is willing to have the grading of the swales modified, but is concerned that the Conservation Commission would not like the changes. Ms. Roberti supplied the Board with the finding from the Conservation Commission. Mr. Selkow read the finding and reported that it asked for modification of the swale on the West side of the property. The Rossis reiterated their concerns about the grading on the East side of the property.

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Mr. Damiano asked for an explanation of the wall on the West side. Mr. McNamara explained that the wall was constructed to provide a flat space for a propane tank and that it was the only possible location of the propane tank. Mr. Damiano asked about the water line, which apparently had to be moved. Mr. McNamara responded that the line had to be moved twice, once for the Conservation Commission and the second time to make connection to the house convenient. He described the blocks used to construct the wall, saying that they each weighed approximately 1000 pounds. Mr. Selkow observed that one of the blocks was sitting on top of a stump. Mr. McNamara replied that the Conservation Commission had asked for the stump to be removed and said that that portion of the wall would be re-built. Mr. Corbett expressed his concerns about the wall diverting more water onto his property, but the Board did not agree.

Mr. Damiano then asked about the berm. Mr. Pauling explained that it was intended to divert flow from the road away from the property, reducing the flow in the two swales. Ms. Roberti reiterated her concern that the berm will divert water into her catch basin, which is not designed to handle a large flow. Mr. Damiano responded that water flow on the road is not an issue that the Board has jurisdiction over. Ms. Roberti again expressed her extreme displeasure with the berms. Mr. McNamara responded that 15 years ago the road was partially paved and that the pavement ended right in the middle of his driveway. This created a dam and the water from the road would all run down his driveway. He also suggested that part of the concerns of the Rossis and Mr. Corbett are motivated by their septic systems being near to failure. Both parties responded that this was not true.

Mr. Damiano then proposed a simultaneous site visit by representatives of the BOH, the Building Department, and the Conservation Commission to try to resolve the situation. There was some discussion of whether or not abutters could be present, but there was general agreement that a simultaneous visit was the way to proceed. Mr. Damiano asked Mr. Favreau to arrange it as soon as possible.

The meeting was adjourned at 9:55 PM.

Respectfully submitted

William Farr
Clerk