

November 12, 2020
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:05 PM Chairman Cathie Martin called the meeting to order.

Roll Call: Gary Menin, Member - present, remote connection
Allen Hoffman, Member - present, remote connection
Cathie Martin, Chairman - present on site
David Favreau, Health Agent - present on site
Elaine Heller, Administrative Assistant - present on site

Attendees: On-site - Greg Aubin and Blaine Bershad
Via Video-conferencing - Steve Sears, Jack Maloney, and Arden Sonnenberg

General Business Updates:

Approve Any Available Minutes:

A motion to approve revised minutes of the October 8, 2020 meeting was made by Cathie Martin and seconded by Gary Menin. Roll call vote: Martin - aye; Menin - aye; Hoffman - aye. Motion carried.

Allen Hoffman made a motion to approve revised minutes of the October 22, 2020 meeting. Motion was seconded by Cathie Martin. Roll call vote: Hoffman - aye; Martin - aye; Menin - aye. Unanimous vote.

Correspondence: None

Health Agent Report:

- **Marijuana odor complaint Northeast Boulevard/Chocksett Road/Pratts Junction Road:**

Health Agent Favreau is working with management of The Botanist facility, researching ways to maintain satisfaction with the neighbors regarding the complaint of odors.

- **Public Records request Fox News re: Covid-19:**

This request has been fulfilled.

- **Care Act Expenses:**

BOH expenses related to Covid-19 have been submitted to the State for reimbursement.

- **37 Clinton Road resolution - soil testing scheduled for 11/24/2020:**

Update from previous BOH meeting. The homeowner is having a redesign of the septic system so the system can be completely on the homeowner's property. Currently, part of the system is on neighboring property.

- Building Permitting request: 95 Chace Hill Road:

The building department has issued a cease and desist order, as no building permits for the construction of a large-scale addition to the existing building has been applied for and construction has commenced. As notified by the Building Department of this order, the Board of Health has formally requested from the property owner, documentation of existing or proposed, supporting the increase in sanitary flow and change of use to the existing structure. To date, no information has been provided to the BOH office for this applicant.

- 4 Samuels Lane:

The septic system, sized for 700 gallons per day for this 4-bedroom home, failed in 2018. Recent tests indicate the system passed. Mr. Favreau notified the homeowner that the 2018 report documented the system had backup into the distribution box. According to the requirements of the Title 5 document, this indicates failure.

- 24 Kendall Hill Road:

A recent Title 5 inspection report was submitted with a conditional pass due to a deteriorated D-box. The Title 5 inspector noted the system needs further evaluation by the local approving authority. The inspector had concerns with groundwater due to subdivision and development changes (with retention / detention ponds), in addition to pre-existing high ground water and mapped wetlands in the immediate area. The Title 5 Inspector looked for guidance on this issue.

Subsequently, there was a 2nd request from a different inspector for a T5 inspection on the same property. The original report had been provided to the second inspector at their request, and they decided to withdraw from a subsequent inspection.

Mr. Menin commented that he has a conflict of interest with this address, but said the D-box is cracked and should be replaced before winter. There is risk that the system could still fail.

Mr. Hoffman noted the Title 5 inspector's report required "Needs Further Evaluation by Local Approving Authority". Mr. Menin followed up that there was no discussion in the associated Ground Control Corp Title 5 that the water table was in question – indeed only a need for D-Box replacement. Mr. Hoffman stated "He saw no reason why the Board should challenge a Title 5 from a DEP certified septic inspector. Soil testing at this property would determine seasonal high water table, and clarify any confusion presented by the submitted Title 5 Inspection report. The BOH should have a clean and concise inspection report prior to issuing any permit.

Chairman-Martin noted that this topic is not on the agenda.

Signatures Required: Completed

Other Items: None

Discuss Coronavirus: (A) Town of Sterling Updates

(B) DPH State Updates

The Covid-19 case count in Sterling is up by 10. There are 2 residents at Sterling Village who tested positive and 2 staff members. The staff members are not Sterling residents. The Police Chief is considering closing his office because of the increase. Arden Sonnenberg questioned if other departments are notified when there is an increase in case count. Ms. Martin indicated updates are posted on the town website, which is the best source for information. According to the Health Agent, there are no recent complaints from residents.

Health Agent Favreau is developing a form for municipal employees for exposure/close contact and return to work.

Ms. Martin reviewed her Covid-19 weekly meeting notes and updated the other members.

Public Session: None

Appointments and Agenda Items:

1 Lake Shore Drive Variance Request:

Sterling Subsurface Sewage Disposal Regulations: Reg. II.b., Deep hole representation within a 40-ft. radius. (Deep hole #5 shown to be at the end of the proposed leach field confirms suitable soil depth). Reg. IV.a. Leach field to be 1000 sf. minimum (due to limited area available, 600 sf. leach field designed, meets Title 5).

Steve Sears of David Ross Associates appeared on behalf of the homeowners for this property, which has a 3-bedroom home with a failed septic system. After discussion, a motion to approve the variance, as stated above, was made by Gary Menin and seconded by Allen Hoffman. Roll call vote: Menin - aye; Hoffman - aye; Martin - aye. Motion carried.

15 Newell Hill Road Variance Request:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV. (k)(1): Location of leaching facilities - proximity to water bodies. Leaching facility shall not be located closer than 100' to a water body. (Provided: 64 feet).

Jack Maloney of Ducharme and Dillis presented this variance request. There are wetlands located behind the home. After review of the plans, Mr. Menin made a motion to approve the variance and Mr. Hoffman seconded. Roll call vote: Menin - aye; Hoffman - aye; Martin - aye. Motion carried.

DPW to Discuss Mosquito Control Program:

Representing the DPW were Board members Greg Aubin and Blaine Bershad. Mr. Aubin explained that there are problems with wetlands in the downtown area, which has silt buildup and needs to be cleaned out. Without a proper cleanout of the wetlands, there could be flooding in the downtown district if a major storm or tornado hit the area. Buildings and septic systems could be impacted.

The DPW cannot go into the wetlands where the problem exists, and would like the support of the Board of Health members in endorsing the Mosquito Control Program as this Program, if approved by voters at the annual town meeting, could provide this service. Mr. Menin offered that the CMMCP base annual fee (~\$80K) includes WNV & EEE virus monitoring, selective roadside spraying upon town approval, cleanup of tire dumps and nominal ditch draining – it does not include major work on town infrastructure as described. As such he suggested the DPW prepare a draft warrant article to detail their proposed project scope and funding estimate first. After discussion, Ms. Martin suggested the DPW Board members provide a written plan for the program, with costs and their reasoning behind the request, and the BOH will review at a future meeting.

Request for a two-year installer's license renewal vs. annual renewal of installer's license - Greg Aubin:

Mr. Aubin observed that state regulations indicate an installer's license can be for no more than 2 years. He is recommending the BOH consider implementing a 2-year license with a lower fee, which would provide relief for the installers. The current fee is \$75.00 per year, and Mr. Aubin suggested that be the amount for a 2-year license.

Mr. Menin believes this is a fine idea, but Mr. Hoffman suggested the topic deserves more discussion and is concerned the Finance Committee would be against receiving less revenue for the fee. He also noted that it seemed logical to keep the existing one-year period since every other license issued by the

BOH is for a single calendar year and expires on January 1st of the next year. According to Health Agent Favreau, a license should be by calendar year, regardless of when it is obtained. Ms. Martin suggested this topic be placed on a future agenda for consideration.

Pumping Record Requirements in accordance with 310 CMR 15.351/15.502. DEP System Pumping Record Form 4:

There are pumping record requirements from sewage pumpers, but the BOH is not getting these records from all pumpers licensed in Sterling. 310 CMR 15.502(7) states:

“Pumping records shall be submitted to the Approving Authority within 14 days from the pumping date in accordance with 310 CMR 15.351(1), unless the Approving Authority requires more frequent submittals”.

After discussion, Mr. Menin noted a sewage pumper should be notified that their license to pump may be rescinded if timely pumping records are not submitted. He then made a motion that if there is evidence a licensed pumper has not provided records the pumper should be advised that a license renewal may not be approved.

It was then concluded that a statement of consequences (re: delinquency on pumping record submittal) be included with the application form for a pumping permit.

Review of Future Agenda Items and Meeting Date:

The installer’s license issue and pumping record requirements are to be on the agenda for the next meeting, which is scheduled for December 10, 2020, at 6:00 PM.

Adjourn:

A motion to adjourn the meeting was made by Cathie Martin and seconded by Gary Menin. Roll call vote: Martin - aye; Menin - aye; Hoffman - aye. All were in favor and the meeting adjourned at 7:58 PM.

Materials: Minutes, COVID notes, T5 Inspection 24 Kendall Hill