

April 7, 2022
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:00 PM The meeting was called to order by Chairman Allen Hoffman.

Roll Call: Allen Hoffman, Chairman – present
Anne Marie Catalano, Member – present
Cathie Martin, Member – present
David Favreau, Health Agent – present
Elaine Heller, Administrative Assistant – present

Attendees: Chris Knuth, Jack Maloney, Richard Maki, and Evan Carloni

The meeting was recorded through Zoom.

General Business Updates:

Approve Any Available Minutes: March 10, 2022:

A motion to approve revised minutes of the March 10, 2022 meeting was made by Cathie Martin and seconded by Anne Marie Catalano. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. Motion carried.

Health Agent Report:

Update of Complaint Regarding 218 Upper North Row Road Accessory Dwelling Unit:

A complaint was filed with David Boyer at DEP, suggesting there was collusion and corruption occurring at this address in regard to a building permit for a one-bedroom accessory dwelling unit. Health Agent Favreau sent a letter to Mr. Boyer explaining the complete history with this home, which was constructed in 2012 as a 4-bedroom dwelling. Mr. Favreau performed an assessment of the home and determined the addition of the accessory dwelling unit, to be located in the basement, would not increase the existing design flow of the system as the septic system was designed and constructed for 5 bedrooms.

Allegation of Ethics Violation Associated with 24 Kendall Hill Road and Former BOH Member:

Health Agent Favreau received a call on March 11, 2022 from State Ethics Commission Special Investigator Brian McWilliams, regarding a concern due to the Health Agent's involvement in a matter related to a Title 5 inspection of property owned by a family member of a former BOH member concerning a possible ethics violation.

Mr. Williams provided that the complaint stated an ethics violation occurred because Mr. Favreau, Health Agent, participated in the process of a Title 5 Inspection at 24 Kendal Hill Road owned by Mr. and Mrs. Robin Szczuka. The accusation of a violation was by Mr. Gary Menin, the previous Board of Health member. He is related to the applicant / owner of the property and stated that Mr. Favreau should be recused from the process and any involvement.

Mr. Favreau indicated that the applicant's name, and previous Board member name are different, and he had no knowledge at the onset that there was a relation between the two. Mr. Favreau provided

Mr. McWilliams with a reference to review, BOH minutes of December 2020 when the Title 5 Inspection report was discussed publicly, and at that time Mr. Menin disclosed his relationship with the parties. Mr. McWilliams reviewed the information provided by the Health Agent and then provided a written formal response determining no further action is required on the part of the Ethics Commission.

Rabies Clinic:

A recent rabies clinic held at the VCA Animal Clinic was a success, with a total of 99 animals vaccinated.

Signatures Required: None

DPH – Interagency Updates:

According to Ms. Martin, the meetings and updates are winding down. The FDA has authorized a second booster for individuals over 50 years of age, approximately 4 months after the first booster. Ms. Martin also reported on wastewater surveillance. The results help detect organisms and chemicals in water at the community level. There are currently 36 sites reporting out of 50 potential sites.

Other Items: None

Appointments and Agenda Items:

2 Belmont Drive Variance Request:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.f., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 310 CMR 15.401 (1)(g): Reduction in the offset from the SAS to: subsurface drain: 100' required, 36' proposed.

310 CMR 15.401 (1)(h): Required 4-foot separation from the E.S.H.W.T. to bottom of the Proposed S.A.S. (Provided – 3').

15.405 (1)(i): A sieve analysis may be performed if a perc test cannot. (Provided – sieve analysis report attached).

Engineer Chris Knuth of Geo Services represented the homeowners on this variance request. This is a 3-bedroom home with a 2000-gallon tank with 500 gallons for a pump chamber. Health Agent Favreau has reviewed the plans and supports the system. A motion to approve was made by Martin and seconded by Catalano. There was no discussion. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. Unanimous vote.

7 Princeton Road Variance Request:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (1092 sq. ft. of Presby type system provided with no stone beneath pipes).

Reg. IV.f., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 310 CMR 15.401 (1)(h): Required 4-foot separation from the E.S.H.W.T. to bottom of the proposed S.A.S. (Provided - 3').

15.405 (1)(i): A sieve analysis may be performed if a perc test cannot. (Provided – sieve analysis report attached).

Jack Maloney of Dillis and Roy spoke on this variance request, with follow-up information and a revised plan, as requested by the Board at their last meeting. Members questioned a second unpermitted

system on the property, which had failed a T5 inspection; the inspector noted it was too close to a foundation. Mr. Maloney commented this was not a valid reason for failure.

After discussion, Mr. Hoffman suggested annual inspection of the unpermitted system for approximately 5 years would be best.

Ms. Martin made a motion to approve the variance request for the Presby system. In regard to the second system, Mr. Maloney needs to submit a formal document and file a report, regarding inspection of the unpermitted system, to be done annually for 5 years between March 15 and May 1. Health Agent Favreau and Chairman Hoffman will review and approve the documentation. Ms. Catalano seconded the motion. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. Motion carried.

7 Elliott Road Variance Request:

(02/10/2022) Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12” of stone beneath the pipes (624 sq. ft. of Presby type system provided with no stone beneath pipes).

Reg. IV.e., Requires an effluent filter tee. A dual compartment tank proposed as added filtration in lieu of effluent filter.

Reg. IV.f., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (2 feet separation is proposed).

Evan Carloni of Innovative Septic Design appeared before the Board.

This variance request was previously approved at the February 10, 2022 meeting. On review of the plans, it was revealed, Reg. IV.f. (noted above) groundwater offset had not been requested for, nor had abutters been notified as required in 310 CMR 15.411. This variance requirement was not on the formal request submitted to the Board. The system has already been completed but no Certificate of Compliance can be issued as the request for the 2-foot offset was not voted on by Board members. Chairman Hoffman noted signing the COC is unacceptable as Mr. Carloni should have reviewed local regulations before submitting the variance request. Mr. Carloni said this is the first system he has designed in Sterling and is unfamiliar with the regs.

Ms. Martin suggested Mr. Carloni work with Health Agent Favreau for a possible correction to see what can make it work. Mr. Carloni will send a layout with separation to Mr. Favreau.

75 Heywood Road Variance Request:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12” of stone beneath the pipes (693 sq. ft. of Presby type system provided with no stone beneath pipes).

Reg. IV.f., Leaching facilities 0-1,400 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 310 CMR 15.401 (1)(h), Required 4-foot separation from the E.S.H.W.T. to bottom of the proposed S.A.S. (Provided – 3’).

Engineer Evan Carloni spoke on this variance request for a Presby system for a 4-bedroom home. After review by Board members, Martin made a motion to approve the variance as written; Catalano seconded the motion. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. With all in favor the motion carried.

100 Leominster Road: Review necessities for land use of nitrogen credits:

The engineer had another commitment so this topic shall be continued to the next Board meeting.

Animal Control Bylaw: Discuss amended bylaw:

Ms. Catalano, who is on the bylaw subcommittee, spoke on this proposed warrant article. Sterling's protective bylaw did not update definitions in line with the State definitions, which resulted in a definition for commercial kennels only. The proposed bylaw includes definitions for commercial and personal kennels.

As there are zoning issues involved with this proposed change, Mr. Hoffman thought it would be wise to have a zoning map available for the town meeting. Ms. Catalano requested a vote in support of this warrant article. Mr. Hoffman made a motion to support this article and Ms. Martin seconded. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. Unanimous vote.

Stable Regulations: Discuss draft revisions:

A motion to table discussion of these regulations until the May meeting was made by Martin and seconded by Catalano. Roll call vote: Martin – aye; Catalano – aye; Hoffman – aye. Unanimous vote.

Review of Future Agenda Items and Meeting Date:

Agenda items include: a review of fees, stable regulations and septic regulations. The next meeting is scheduled for Thursday, May 12, 2022, at 6:00 PM in the Lower Level Conference Room of the Butterick Building.

Adjourn:

A motion to adjourn was made by Martin and seconded by Catalano. All in favor and the meeting adjourned at 7:45 PM.

Materials: Minutes; Accessory Dwelling Letter; Elliott Road information; Animal Control Bylaw Proposal