

STERLING BOARD OF HEALTH
Thursday, December 11, 2014
Butterick Building, Room 205

Meeting brought to order by Chairman, Gary Menin at 6:35pm

Gary Menin noted that he was recording the proceedings as a member of the public and that it will be available on "the cloud".

Board Members/Staff in attendance: Allen Hoffman, Donna Clark, David Favreau
Kathleen Nickerson

Attendees: Jim Innamorati, Tim Corbett, Atty William O'Neil, Jim Morin, Cindy Schicho, Robert Tomczyl, Mark Farrell

Minutes November 13, 2014: Allen Hoffman made a motion to accept as amended; Donna Clark seconded; all in favor.

Health Agent Report

212 Upper North Row Road: T5 Conditional Pass; construction permit needed; Montachusette Public Health Network (MPHN) Inspector Rita McConville witnessed the Title 5 inspection. The Title 5 inspection report states the pump and alarm are not operating. Rita McConville confirmed that she re-inspected this repair work; however she didn't feel a permit was needed. Gary Menin stated he recently spoke with Rita regarding the process for inspectional service requests. David Favreau also noted that he discussed with Rita the importance of maintaining consistency with the process of how inspectional services are requested and the return of completed paperwork once these inspections have been performed. The Board feels that a meeting with Rita to outline this process is significant to this matter. The Board asked David to invite Rita to the January 6, 2015 meeting for discussion to this matter. Motion by Allen Hoffman; Gary Menin seconded; all in favor.

January BOH Meeting Date: Date moved from Thursday, January 8, 2015 to Tuesday, January 6, 2015.

Policy outlining the process of Applications and Inspectional Services, including those from MPHN
Motion to accept policy by Allen Hoffman; Donna second; approved with Gary Menin opposing. In this regard it should be noted that his (Mr. Menin's) opposition related to his request to have a few more days to review the associated procedure but the remainder of the Board decided to move the question since it had already been brought up at the November and policy had been discussed at the September 2013 meeting.

Public Session:

Atty William O'Neil representing Jim Innamorati, 59 Lakeshore Drive discussed the well issues that have occurred during the well drilling activities at 57 Lakeshore Drive, the Corbett residence. Mr. Innamorati believes the problems/damage with his well was caused by the drilling activities of the well at 57 Lakeshore. During a flushing for re-sampling of water quality of the new well at 57 Lake Shore Drive, Jim

Innamorati's water supply became cloudy. Atty O'Neil is asking the Board to have well driller give notification to all parties of any actions performed on this well, including hydro fracking. The Board was unanimous that it has no regulations to control hydro fracking. At this time, the Board feels that this is a civil matter. Atty O'Neil requested that we take the issue to Town Council for their opinion. A motion was made to that effect but there was no second; thus the issue was not acted upon. However, it was agreed that this should be looked into when the Well Regulations are reviewed.

11 Pineview Rd Variance Request: Mark Farrell of Greenhill Engineering representing the home owner, requested a variance for a 2' ground water offset (allowed by the MA-DEP) as opposed to a 4' offset required by Sterling's protective bylaws. Additional discussion continued over a bedroom deed restriction as it is listed as a two bedroom dwelling on the recent Title 5 inspection report and on the assessor's field card. Motion to approve design with 2' ground water offset and without deed restriction by Gary Menin; second Donna Clark; approved with Allen Hoffman Nay vote. After the vote, the abutter, Robert Tomczyl stated that ground water flows from the slope in front yard of this address onto the street and down to the catch basin in front of his home, and as such he was concerned with the subject variance.

14 Glendale Ave Variance Request: Jim Morin, the Engineer, representing home owner. Ground water offset required is 4'; 3' is requested. This is Cultech Technology. There was discussion as to premature failures of this technology that Sterling has had. Motion to approve the variance by Gary Menin; second by Allen Hoffman; all in favor.

14 North Cove Road: Jim Morin, the Engineer, representing home owner, Cindy Schicho also in attendance. Variance #1...Private water supply required well offset to leach field 100'; 86' requested. Variance #2...Ground water offset required is 4'; 2' requested. Variance #3...Leach field offset to surface water required 100'; 23' requested from the lake. Conservation Commission approved provided the Board is okay with it. A deed restriction will enforce for the Jet System technology that is being use, as well as a bedroom deed restriction for two bedrooms. The Board wanted to learn more about the technology as well as having the Engineer look into increasing the offset distance from the SAS to the Lake. In addition, the Board will do a site visit as well as speaking to DEP regarding this design proposal. The Board did not approve this design and requested that Jim Morin look into alternative location on this site for the new system. The home owner requested for an expedited decision as she is close to losing her buyer as of December 31, 2014.

Fee Discussion...will discuss at the January 6 Meeting and make a decision on the fees.

Adjourned at 9:15pm



Town Of Sterling

Board of Health

Butterick Building
1 Park Street • Sterling, Massachusetts 01564

Bus: (978) 422-3025 • FAX: (978) 422-0289

Sterling Board of Health Application and Inspections Policy

Effective December 11, 2014

In accordance with Regulations promulgated under authority of Chapter 111, Section 127A of the General Laws.

The Sterling Board of Health has adopted an application and inspection policy on December 11, 2014. The following document has been implemented to help applicants understand the intent of the policy. All paperwork shall be completed in its entirety and paid for in full before the BOH office will accept the application and start the procedure.

All scheduling for witnessing and inspections must be scheduled through the BOH office to allow for tracking and maintaining completeness of correspondence and inspection logs.

TITLE 5 WITNESSING:

- Title 5 applications to be completed in full, with appropriate signatures; payment must be attached to application and submitted to the BOH office for scheduling.
- BOH to schedule witnessing of Title 5 Inspection with Licensed Title 5 inspector.

SOIL TESTING:

- Soil testing/Lot testing application to be completed in entirety with appropriate signatures, payment must be attached to application and then submitted to BOH office for scheduling.
- (Existing sites; BOH office to follow up with research history for subject file (old design plan, assessors field card with bedroom count, aquifer district), and research available abutting property files for ground water data.)
- Agent will schedule soil testing date with Engineer listed on application.

PLAN REVIEW:

- Two (2) copies of a site and subsurface disposal plan, together with a completed Disposal Works Application and fee are required to be submitted to the BOH prior to plan review.
- Variances to the Sterling Subsurface Disposal System Regulations will be handled as prescribed in 310 CMR 15.411
- Variance request requires a public hearing. BOH shall schedule agenda for public hearing in which an applicant or his/her representative must appear at the BOH variance hearing to present proposed plans and respond to questions. BOH will Schedule and contact applicant to notify of public hearing date.

CONSTRUCTION PERMIT:

- Upon completion of any permitted review (MGL s111 c31E) and/or variance process to any subsurface disposal plan, the Sewage Disposal Construction Permit shall be signed and issued to the applicant. Work may commence on the project following the issuance of the permit with any written conditions within the permit. Required inspections are outlined on the bottom of the Sewage Disposal Construction Permit.
- Re-inspections shall incur a fee of \$50 to be paid prior to the re-inspection.


CERTIFICATE OF COMPLIANCE:

- Within 30 days of the final required inspection by the BOH or its agent, copies of the as-built plan and any associated paperwork must be submitted by both the engineer, and the installer. Both parties must certify in writing that the system was constructed in compliance with Title 5, the approved design plans, and all local requirements; and that any changes from the design plans have been reflected on the as-built plan.
- A copy of the as-built design shall be submitted by the designer in electronic format, in addition to a full size hard paper copy. Both copies shall bear the stamp of the Designer/Engineer.
- Installers of the Disposal System shall submit a hard 8.5" x11" paper copy of the installed system using permanent locating references and water source locations.
- Certificate of Compliance "Form 3" shall be signed by the design engineer, the licensed installer, and a designee of the BOH. The Certificate of Compliance will only be issued after all listed criteria has been submitted to the BOH Office.

Adopted December 11, 2014
Sterling Board of Health

Gary C. Menin, Sr


Donna Clark


Allen Hoffman

N:\PROCESSES