

April 28, 2016  
Sterling Board of Health Joint Meeting  
With Board of Selectmen,  
Earth Removal Board and Planning Board  
Butterick Municipal Building, Room 205  
1 Park Street, Sterling, MA. 01564

Meeting Minutes

7:02 PM                      Chairman Allen Hoffman called the Board of Health meeting to order.

Roll Call:                      Board Members: Allen Hoffman, Donna Clark, Gary Menin - all present  
   BOH Agent: David Favreau - present  
   Admin. Assistant: Elaine Heller - present

Gary Menin noted that he was recording the proceedings as an individual and that they would be available on the cloud for those who are interested.

**Agenda:**

Meeting between the Board of Health, Board of Selectmen, Planning Board, and Earth Removal Board for discussion/information regarding 38 Clinton Road

The meeting began with the Planning Board explaining Plan #1, which was approved for 5 lots.

The Earth Removal Board received an ANR endorsement from the Planning Board in 2014. No permits were granted by the ERB to remove earth and a cease and desist order was executed in 2015 when it became apparent that earth was being removed.

Chairman Hoffman spoke for the BOH. The property owner submitted a plan for septic systems on 4 lots; no 5-lot plan was ever presented. The plan met requirements for the 4 lots and was granted on March 11, 2016. The Board discussed the plan at their April 14, 2016 meeting and no further action was taken.

Gary Menin noted no variances were needed for this property as an ANR plan was submitted. He also made mention of the fact that the Registry of Deeds shows 5 lots, not 4. Mr. Menin visited the property with property owner Mr. Foley. In Mr. Menin's view, the lots appear inappropriate for septic systems due to the presence of ledge. He made a motion that the Board of Health walk the property and re-evaluate data, but no vote was taken on the motion.

Per Mr. Hoffman, 20-22 test holes were performed, sufficient to meet Title 5 compliance. If things change under construction, the permits are voided. Mr. Hoffman indicated that the BOH can inspect the property at will as to what is being done with the septic installation and cited CMR15.020, which states, in part:

"In the event it is discovered during installation of the system that site conditions differ from those contained in the site evaluation and/or the approved design plans, the originally issued Disposal System Construction Permit is void, installation shall stop, and the applicant shall reapply for a new Disposal System Construction Permit."

At this point, there was more discussion with the Earth Removal Board and a representative from the Zoning Board of Appeals. Property owner Brian Foley said there is one plan of record for 5 curb cuts approved in October 2014. He indicated that 4 plans are buildable and lot 3 would require a variance as it is just under the 1/2-acre minimum lot size. Lots 1 and 5 are the same now as on plan #1.

Mr. Menin indicated the plan submitted to the Board of Health shows 4 adjacent lots, with no space in the middle (lot 3).

Town Counsel noted at this point one lot may be buildable as it has not changed, previously lot #5, currently lot #4.

Chairman Hoffman made a formal request that property owner Foley stake out the location of the septic systems on the lots.

Member Menin asked if there is an original survey of the land before cuts were made. With the survey, a determination can be made as to how much earth has been removed. Mr. Foley said the engineer is aware of what has been removed.

Town Counsel will review the original plans with curb cuts.

**Adjourn:**

Gary Menin made a motion to adjourn the Board of Health meeting and it was seconded by Donna Clark. With all in favor, the motion carried and the meeting adjourned at 8:34 PM.