

April 13, 2023
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:00 PM Chairman Allen Hoffman called the meeting to order.

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

Attendees: Jack Maloney, Rob McKenzie, Don and Janis Brown, Susan Moore,
Joe Testagrossa, and Jane Boquist

Call to Order: Chairman Hoffman called the meeting to order at 6:00 PM.

General Business Updates:

Approve Any Available Minutes: March 9, 2023:

After review, Martin made a motion to approve the minutes as written and Hoffman seconded the motion. Roll call vote: Martin - aye; Hoffman - aye. Motion carried.

Correspondence: Mr. James Gettens March 31, 2023 Letter:

Health Agent Favreau submitted a letter from Mr. Gettens addressed to the Board of Health regarding deep observation hole testing regulations and Mr. Gettens objection to the regulations. There is no action required.

Health Agent Report:

The rail and power companies have a plan in place for maintenance spraying at the railways.

A public records request from previous BOH member, Gary Menin, has been received asking for the most recent Title 5 report for 46 Main Street. This request is expected to be fulfilled and the Town Clerk public records access office will be notified.

Signatures Required: Done

DPH - Interagency Updates:

There is guidance material available regarding reproductive health medications.
Shingellosis, a drug resistant bacteria, is now present, with Massachusetts having the third largest number of cases in the US. Information on this bacteria can be found on [MA.gov](https://www.mass.gov) under DPH.

Appointments and Agenda Items:

Variance Request: 172 Newell Hill:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (619 sq. ft. of Presby type system provided with no stone beneath pipes).

Section IV.l.: Leach area to be located at least 100 feet from a wetland area (56-foot setback of a leach area from a wetland proposed).

Local Upgrade Request: 310 CMR 15.405(1)(e): Reduction of the required 100-foot setback of a leach area from a wetland bordering a surface water supply tributary (56-foot setback of a leach area from a wetland bordering a surface water supply tributary is proposed). 310 CMR 15.405(1)(g): Reduction of the required 200-foot setback of a leach area from a surface water supply tributary (121-foot setback of a leach area from a surface water supply tributary is proposed). 310 CMR 15.405(1)(i): A sieve analysis may be performed if a percolation test cannot be performed (Soil sample taken for sieve analysis due to high water conditions at time of testing is proposed). 310 CMR 15.405(1)(k): At least 1 deep hole has been performed in the proposed disposal area (1 deep hole performed due to a lack of available land area is proposed).

Engineer Jack Maloney of Dillis & Roy represented the homeowner on this 3-bedroom home with a failed septic system. A Presby system is proposed. Mr. Favreau has reviewed the plan and has no issues. Both the Conservation Commission and DCR have approved the plan.

After review, Martin made a motion to approve the plan as written and Hoffman seconded. Roll call vote: Martin - aye; Hoffman - aye. Unanimous vote.

Variance Request: 21 Bean Road:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.f., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 5-foot separation distance to estimated seasonal high groundwater (4 feet separation is proposed).

Local Upgrade Request: 310 CMR 15.405(l)(h): Reduction of the required 5-foot separation between the bottom of the leach area and the estimated seasonal high groundwater table (4-foot separation provided between the bottom of the leach area and the estimated seasonal high groundwater table in soils with a recorded percolation rate of two minutes or less).

The homeowner was represented by Jack Maloney of Dillis and Roy on this request for a pumpless system. The Health Agent finds the plan acceptable. Members reviewed the plan and Martin made a motion to accept. Hoffman seconded. Roll call vote: Martin - aye; Hoffman - aye. Motion carried.

Variance Request: 11 Hilltop Drive:

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 15.405(1)(h): Reduction of the required 4-foot separation between the bottom of the leach area and the estimated seasonal high groundwater table (3-foot separation provided between the bottom of the leach area and the estimated seasonal high groundwater).

Rob McKenzie of Connorstone Engineering spoke on this variance for a raised system, which meets with Mr. Favreau's approval. After review by Board members, Martin made a motion to approve and Hoffman seconded the motion. Roll call vote: Martin - aye; Hoffman - aye. Motion carried.

Sterling residents Don and Janis Brown attended the meeting and voiced concerns regarding information circulating around town about the observation hole regulation recently approved by the Board. Their house was built in 1972. They have their system pumped and have no problems. Why would a new regulation be required? Health Agent Favreau explained the entire Title 5 process to the Browns and why the new test is important. Mr. Hoffman noted that he voted for the new regulation and

that he and his wife will be subject to it when they sell their house in the next couple of years. Favreau and Board members expressed their gratitude to the Browns for coming directly to the Board with their concerns and advising the members of this widespread misinformation.

Adjourn:

A motion to adjourn was made by Martin and seconded by Hoffman. The vote was unanimous and the meeting adjourned at 8:07 PM.

Materials: Minutes; Gettens letter