

February 14, 2019
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:31 PM In Chairman Clark's absence, Vice-Chairman Menin called the meeting to order.

Mr. Menin asked if anyone would be recording the meeting. Mr. Menin indicating he would be recording and Mr. Favreau said he would be recording the meeting as well.

Roll Call: Donna Clark, Chair - absent
Gary Menin, Vice-Chair - present
Allen Hoffman, Member - present
David Favreau, Health Agent - present
Elaine Heller, Admin. Asst. - present

Attendees: Steve Sears, Brian Milisci, Brian Marchetti, Susan Torati (?), Nancy and Dominick DiPilla, Pam Queeney, Patrick Burke, Maria and Keith Howlett, Ron Pichierri, and Selectwoman Maureen Cranson

Approve Any Available Meeting Minutes:

Allen Hoffman made a motion to approve revised minutes of the January 10, 2019 meeting. Gary Menin seconded the motion. Unanimous vote.

Correspondence: None

Health Agent Report:

Rabies Clinic Scheduled for March 9, 2019, 9:00 AM to 11:00 AM:

The Health Agent reported on the rabies clinic, scheduled as noted above, at the Sterling VCA Animal Hospital.

Emergency Dispensing Site Set-up Drill February 27, 2019:

This drill is scheduled to be held at Chocksett School, on February 27, at 3:30 PM.

Update on LUK Sticker Shock Campaign:

Mr. Favreau explained that LUK is a non-profit social service agency dedicated to improving the lives of youth and their families. The purpose of the sticker shock campaign is to have stickers put on bags being used by vendors for products they sell to merchants. The stickers are primarily related to smoking under age and drinking under age. The campaign is in the process of being implemented in town.

FinCom Meeting 3/2/19 re: FY20 Budget Discussions:

Board members were advised of the upcoming Finance Committee budget discussions for Committees, Boards and Department Heads to attend.

Health Agent Favreau noted he would take a vacation day and be out of the office on February 21.

Public Session: None

Appointments and Agenda Items:

Allen to Update on Region 2 Emergency Response Training:

Mr. Hoffman gave an overview of an emergency response training he attended, with a scenario of an extreme heat wave, his reaction to it and how to deal with it. He found the training to be informative and useful.

1835 Building Septic System Connection Discussion:

According to Health Agent Favreau, a discussion has been held with an engineer regarding connecting the 1835 Town Hall septic system to the fire station septic system. A nitrogen reduction system is being explored; another option would be to obtain land credits for nitrogen reduction. The objective is to establish a cost analyses of these options.

Gary Menin: Warrant Article Declaring the Town of Sterling to be a Pollinator-Friendly Community:

Mr. Menin presented a proposed warrant article, which would be a non-binding resolution. A brief overview of the article is: that property owners, residents, businesses, etc., avoid the use of insecticides; avoid planting flowering plants which have been treated with systemic insecticides; and planting more pollinator-supporting forage on their property.

Mr. Hoffman commented that the concept of making the public aware of the harm caused by insecticides is a good one. He questioned whether the Board should sponsor the warrant article. Mr. Favreau also noted that Sterling is a right to farm community, declaring such an article might be counterproductive.

33 Redstone Place Variance Request: 310 CMR 15.405 (1)(i). A sieve analysis may be performed if a percolation test could not be performed due to high groundwater.

Steve Sears, of David Ross Associates, represented the homeowners on this variance request. After review of the plans and a discussion, Allen Hoffman made a motion in favor of the variance request. Gary Menin seconded the motion. All in favor; motion carried.

Allen Street Behind 14 Hall Ave. Request: 310 CMR 15.260 (1). Tight tank approval may be granted only to eliminate a failed onsite septic system when no other feasible alternative exists.

Steve Sears presented this variance request, for a tight tank at a seasonal home which currently has a cesspool. Mr. Hoffman noted that the request generally complies with the Title 5 requirements for approving a tight tank. Mr. Menin stated he does not approve of tight tanks, as they need to be pumped out frequently, which can be a financial burden on the homeowners, which in turn may tempt users to sidestep requirements. Mr. Menin is prepared to review the proposed plan for a tight tank and report back to the Board and Mr. Sears. After further discussion, Allen Hoffman made a motion to continue the hearing at a later date or next meeting with a two-day notice, after Mr. Menin has completed his investigation. Mr. Menin seconded the motion. All in favor.

27 Gates Road Variance Request: 310 CMR 15.405 (1)(g) requires 200-foot offset from system location to tributaries to water supply, 124 feet provided.

Brian Milisci of Whitman and Bingham Associates and the homeowners were present for the variance hearing. Mr. Milisci stated approval has been received from DCR, which is needed as the system is in a watershed area. The request meets Sterling regulations for this upgrade to a failed system. Mr. Favreau stated he has no issues with the plan. Allen Hoffman made a motion to approve the variance request and the motion was seconded by Gary Menin. Unanimous vote.

18 Hall Ave Variance Request: A local upgrade approval request from 310 CMR 405 (1)(i) a sieve analysis in lieu of a percolation test and to reduce the minimum separation distance from high

groundwater and the SAS as required in 310 CMR 15.405 (1)(h) from 4 feet to 3 feet & as required in Sterling Subsurface Sewage disposal regulations IV (f). Section IV (a) to eliminate stone beneath the lateral pipes.

This variance request was not discussed as no owner representation was present at the meeting to review the request.

18 Lakeshore Drive Preliminary Discussion to Conceivable Variance Requests:

Brian Marchetti of McCarty Engineering and Patrick Burke of WDA Design Group, attended the meeting for a preliminary discussion regarding a proposed Presby system at the noted address. A discussion ensued regarding the offset; the engineers will be requesting a 2-ft. offset, and Sterling regulations call for a 4-ft. offset. According to Health Agent Favreau, the proposed system will be 250 ft. from a lake. He noted there is adequate protection between the system and the lake. The property owners have a purchase and sales agreement and are eager to sell. Both Mr. Hoffman and Mr. Menin expressed reservations about the 2 foot offset request. The variance request will be on the agenda for the March 14, 2019 meeting, or a possible extra meeting before that date.

Discuss Violation Notice 310 CMR 15.024: 209 Worcester Road:

This property was owned by Ron Pichierri and transferred to Shea Properties, LLC, on July 24, 2018. Title 5 regulations require that a septic system inspection be conducted at or within two years prior to time of transfer, or no later than 6 months after transfer of the property. No inspection report had been submitted to the Board of Health and a letter to this affect was sent to Mr. Pichierri and copied to Shea Properties, LLC, on December 13, 2018. As of this meeting date, the BOH has not received an inspection report.

Mr. Pichierri attended the meeting, but the current owner did not. He noted the buyer had signed a purchase and sales agreement indicating that she would accept responsibility for inspection of the system. Mr. Pichierri offered to bring a copy of the purchase and sales agreement to the BOH office. According to the Health Agent, the Board has no documentation to that affect at this time. Mr. Favreau also noted that the Board of Health does not enforce purchase and sales agreements; they do enforce the state sanitary code requirements of 310 cmr 15.000. Mr. Hoffman stated this issue is up to the buyer and seller to resolve, if not resolved prior the next BOH meeting scheduled for March 14, 2019 a draft violation notice will be reviewed and issued with the likelihood that the Board will proceed to housing court for compliance to this matter.

After further discussion by Board members as to who bears responsibility for the system inspection, previous owner or current owner, Allen Hoffman made a motion that a letter, with a notice of violation, be sent to the current owner. Gary Menin seconded the motion. Unanimous vote. Mr. Hoffman will prepare a draft letter.

Review of Future Agenda Items and Meeting Date:

The 209 Worcester Road violation notice will be on the agenda for the March meeting.

Health Agent Favreau said the next meeting is scheduled for March 14, 2019, at 5:30 PM in the Lower Level Conference Room. A special meeting may be called to address topics noted above.

Adjourn:

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Gary Menin. All in favor and the motion carried. The meeting adjourned at 7:40 PM.