

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

Meeting Minutes

5:30 PM Chairman Donna Clark called the meeting to order.

Ms. Clark asked if anyone would be recording the meeting. and Mr. Menin said he would be recording.

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

Attendees: Patty Page, Theresa Page, Matthew Scannel, Patrick Burke, Laurie Filiere,
Mark Babbitt, Ron Pichierri, Stephen Sears, Jack Mahoney, Charles Goldman,
Michelle Sabourin, David Sadowski, Mark Lancelotta, Sheila Lancelotta,
MaryAnne MacLeod, Maria & Keith Howlett, Robert Latini, Maureen Ruane,
Dan Mercurio, Jake Goldman, Gail Bergeron, and Doug Smith

Approve Any Available Minutes:

After review, Gary Menin made a motion to approve revised minutes of the February 14, 2019 meeting. Allen Hoffman seconded the motion. Gary Menin – aye; Allen Hoffman – aye; Donna Clark abstained as she was not present at the meeting. Motion carried.

Correspondence:

None

Health Agent Report:

Brick Mexican Grill Kitchen Fire:

Mr. Favreau reported a fire occurred in the kitchen stove top grill vents at The Brick Mexican Restaurant on Friday,

March 8, 2019. The fire was extinguished by the onsite fire suppression system. The Sterling Fire Department did respond to the call. Health Agent Favreau and Fire Department Lieutenant Tom Kokernak performed a follow up inspection on Saturday for compliance on Saturday March 9, and found everything to be in working order and the restaurant was allowed to reopen.

Update on Meeting with Board of Assessors 3/11/19 for Networking of Data Files:

Mr. Favreau and the Building Department met with the Board of Assessors to discuss processes, which can be incorporated with the Board of Health and Building Dept. regarding annual property inspections, looking for changes specific to bedrooms, which may have been added without approval. The discrepancies normally are found when a property is being sold. Title 5 designs are based on bedroom count.

Update on Meeting with Finance Committee 3/2/19:

Mr. Favreau and Mr. Hoffman attended the Finance Committee meeting for Boards and Committees to review the FY20 budget. All Finance Committee questions were answered and a discussion was held on BOH staffing issues.

Mr. Favreau also noted Town Administrator Perry had asked about monies approved by voters in an old warrant article, for the kiosks at the Police Department which are used for the disposal of old prescription drugs. Mr. Favreau anticipates these monies will be spent throughout 2020. After discussion, it was agreed to include this topic on the April Agenda.

Signatures Required:

None

Other Items:

Discuss Minimum/Maximum Hourly Values for Food and Septic Inspector:

TA Perry asked Health Agent Favreau for a salary range for the Food and Septic Inspector, who is an independent contractor and has a flat rate of pay of \$30.00 per hour without minimum and maximum salary range. Mr. Favreau researched and determined other towns in the area have a salary range of \$30-\$50, and he would like the Board to consider a range of pay for the Board's Inspector. When questioned by Mr. Menin as to what percentage of time Mr. Moore spends on his various inspections, Mr. Favreau noted the Inspector's duties vary and it is difficult to assess percentages. He also advised a salary range could be adjusted in the future, if necessary.

Mr. Hoffman made a motion to set a salary range of \$30.00 to \$40.00. Gary Menin seconded the motion. Vote taken: Allen Hoffman – aye; Donna Clark – aye; Gary Menin – nay. Motion carried.

Mr. Hoffman advised the Board he would not be available for an October 10, 2019 meeting and asked if the meeting could be held on 10/3 or 10/17. After discussion, Mr. Hoffman made a motion to change the regular meeting date to October 3, 2019. Gary Menin seconded the motion. All were in favor and the motion carried.

Appointments and Agenda Items:

Discuss Draft Violation Notice 310 CMR 15,024: 209 Worcester Road:

Members reviewed and discussed a draft letter addressed to Shea Properties LLC, Attn: Ms. Coel Kolegue, property owner, concerning a Title 5 Inspection Report which was due by January 24, 2019. Allen Hoffman made a motion to send the letter to the owner and Gary Menin seconded the motion. All were in favor; motion carried. The letter will be delivered by the Sterling Constable and states the BOH

prohibits any continued further use of the existing onsite septic system until it receives a copy of the required inspection report. The BOH will initiate and pursue legal action in housing court, if necessary, until the matter is resolved.

Continued from 2-14-19 Public Meeting:

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 of David Ross Associates again reviewed the septic plans with Board members. Bob Latini, the homeowner, was also present. Mr. Sears explained, when doing soil testing at various test hole locations on the lot, he hit ledge and shale at shallow depths and there was evidence of outcropping on this very small lot with a seasonal home. Mr. Menin presented his research for a potential alternative, (see two attachments) a pressurized drip system. This type of system would require the homeowner to obtain permission from the Town of Sterling to use some undeveloped land on Allen Street, which is Conservation land.

Mr. Favreau cautioned Mr. Menin that Board members should not be proposing and or designing systems as the hand out and discussion provided by Mr. Menin represents. This activity is of the Board of health design, approving and permitting such that the fox watches the hen house and could be a liability to the town. Mr. Menin noted his research was data only and he was not suggesting a design, but an alternative as he had indicated he would do at the February meeting. Mr. Hoffman was a Board member in 1978 and was advised by Town Counsel at that time that the BOH should never get into design of a system. He then made a motion to accept the variance request subject to a deed restriction, and that annual pumping records, from the pumpers, be submitted to the Board between January 1 and January 31 of each year; his motion also included a deed restriction for seasonal use only of this property. Donna Clark seconded the motion. Vote taken: Donna Clark – aye; Allen Hoffman – aye; Gary Menin – nay. Motion carried.

85 Chace Hill Road Variance Request:

Sterling local regulation IV.a., 1000 sq. ft. leach field using 12” of stone below the pipe required. (462 sq. ft. sand bed using Presby meets Title 5).

Steve Sears presented the plans for this variance request for a 3-bedroom home. After review of the plan and a discussion, Gary Menin made a motion to approve the request and it was seconded by Allen Hoffman. All were in favor and the motion carried.

16 Johnson Road Variance Request:

Sterling Subsurface Sewage Disposal Regulations Reg. IV.a., 1000 sq. ft. leach field using 12” of stone below the pipe required (441 sq. ft. sandbed using Presby meets Title 5). Reg. IV e., An effluent tee filter required. (An outlet tee filter not allowed with gravity Presby System). 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 ground water table & as required in Sterling Subsurface Sewage disposal Regulations IV (f)

3-foot separation between the bottom of the leach area and the estimated seasonal high ground water table is proposed.

Steve Sears represented the homeowners on this variance request. After discussion, a motion was made by Gary Menin to approve the variance request. Allen Hoffman seconded the motion. All were in favor and the motion carried.

4 Jennifer Lane Variance Request:

310 CMR 15.405 (1)(g) requires 200 foot offset from system location to tributaries to water supply, 184 feet provided. 310 CMR 15.405 (1)(g) requires 200 foot offset from a septic tank location to tributaries to water supply, 176 feet provided. Section IV. a. A variance to allow a leach bed to be 540 square feet without stone where 1,000 square feet is required using 12" of stone below the pipe required, a Presby design proposed utilizing 170 linear feet.

Ron Pichierri appeared before the Board, representing himself. The variance request is a repair and upgrade to an existing structure. Mr. Favreau noted the required 200 foot offset to a tributary, which necessitates a letter from DCR with their approval if requesting less than 200 feet. In order to continue with this variance request, the Board would like to have the engineer present at a meeting to answer questions of the design that could not be answered by Mr. Pichierri, and also have the letter from DCR. Allen Hoffman made a motion to continue with this request at the April 11, 2019 meeting. Donna Clark seconded the motion. Unanimous vote.

287 Redemption Rock Trail Variance Request:

Aquifer and water resource protection district section 4.6.j: Reduction of the required 6-foot separation between the bottom of the leach area and the estimated seasonal high ground water table 4 feet proposed. 310 CMR 15.405(1)(h): Reduction of the required 5-foot separation between the bottom of the leach area and the estimated seasonal high ground water table & as required in Sterling Subsurface Sewage Disposal Regulations IV (f) 4 feet provided. **REQUEST WITHDRAWN BY APPLICANT.**

Discuss Voluntary upgrades on select septic components at the Stillwater Meadows condominium complex.

Dan Mercurio and Maureen Ruane appeared before the Board to present preliminary plans for voluntary upgrades to septic systems in this complex. Mr. Mercurio noted none of the systems are in failure. The upgrades will replace the current 1000-gallon tanks with 2000-gallon monolithic tanks. Health Agent Favreau recommended that permits should be issued for all component repairs. Mr. Menin made a motion to approve upgrades. Mr. Favreau commented that no vote is needed as this is information only at this time. Mr. Menin thanked Ms. Ruane & Mr. Mercurio for their voluntary presentation. No second to the motion.

18 Lakeshore Drive Variance Request:

Section IV.a. A variance to allow a leach bed to be 234 square feet without stone where 1,000 square feet is required using 12" of stone below the pipe required. 310 CMR 15.405 (1)(g) reduction of system location setbacks to a private well to allow a sixty-five (65) foot setback to the soil absorption field where 100 feet is required per 15.211. 310 CMR 15.405 (1)(a) Reduction of system location setbacks to system location setbacks to property lines to allow a five (5) foot setback to the soil absorption field where 10 feet is required per 15.211.

Patrick Burke presented design changes to a preliminary plan which had been discussed at the February 14, 2019 BOH meeting. According to Mr. Favreau, there will be a 2-bedroom deed restriction on the property. Abutter Charles Goldman attended the meeting to address his concern that a well he is currently using is on the property. The well was designated as unused on the plans. According to member Hoffman, this is a technical issue and a well variance will be required. He commented that this variance must be re-advertised and note the active well. Mr. Burke said he would re-advertise immediately and the Board scheduled a meeting to review the variance on March 26, 2019, at 5:30 PM.

139 Kendall Hill Road Variance Request:

Sterling local regulation IV.a, requires the size of 1000 square feet for a leach bed design size, 800 sq. ft. provided and to eliminate stone beneath the lateral pipes. A local upgrade approval request from 310 CMR 405(1)(i) a sieve analysis in lieu of a percolation test.

Doug Smith of Soilsmith Designs presented the plans for this Presby System. After a review of the plans, Allen Hoffman made a motion to accept the plans and Gary Menin seconded the motion. All were in favor and the motion carried.

35 Birch Drive Variance Request:

310 CMR 15.104, 310 CMR 15.405(1)(i) Lab sieve analysis of soil was performed in lieu of conducting a perc test due to high groundwater in the most restrictive soil layer.

Doug Smith presented the plans for this variance request. After review, a motion was made by Gary Menin to approve the plans. Allen Hoffman seconded the motion. Unanimous vote.

66 Maple Street Variance Request:

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 a high water table). 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 ground water table & as required in Sterling Subsurface Sewage Disposal Regulations IV (f) 3-foot separation between the bottom of the leach area and the estimated seasonal high ground water table is proposed.

Jack Maloney, of Ducharme & Dillis, presented plans for the variance, for this two-family home. An existing tank is to be replaced on this failed system. Mr. Menin asked why a sieve analysis was done rather than a perc test. Mr. Maloney explained it was too wet for the perc test and one could not be done until possibly July, when the ground would be less saturated. Mr. Menin is not in favor of an offset with a sieve analysis a position he has consistently taken in similar situations. Health Agent Favreau has reviewed the plans and noted similar plans have previously been approved. After discussion, Allen Hoffman made a motion to accept the plans and Gary Menin seconded the motion. Vote taken: Donna Clark – aye; Allen Hoffman – aye; Gary Menin – nay. Motion carried.

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. 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) and to eliminate stone beneath the lateral pipes.

David Sadowski presented plans for a Perc-Rite system. Mike Burke is the engineer. After review of the plans, Gary Menin made a motion to approve. Allen Hoffman seconded the motion. All in favor; motion carried.

Gary Menin to Discuss Useful Links and Septic Regs:

Mr. Menin requested that the Sterling Protective By-Laws regulations should be posted on the BOH web page. According to Health Agent Favreau, the Sterling Protective By-Laws regulations are currently in on the town website on the front page under Bylaws and Regulations for all to see. Mr. Menin made a motion to include the regulations and links on the Board of Health page. No vote taken. Mr. Favreau expressed concerns that if it is copied on a multiple of pages, and not pointed to, a potential problem could occur when changes are created to the document there would be a variety of misleading documents. Mr. Favreau noted that none of the staff in the BOH office are considered web masters, however they do get by.

Mr. Hoffman suggested adding a note on the BOH page regarding the bylaw, rather than a link. He wants to review information on the website and address this topic at the next meeting.

Mr. Menin asked Mr. Hoffman to further discuss the minutes of the February 14, 2019 meeting which had been approved earlier in the meeting. He asked Mr. Hoffman to reconsider his opinion of not supporting a citizens Town Meeting article that would make Sterling a pollinator-friendly community. Mr. Hoffman restated his opinion that while he favors reduced use of pesticides, he did not agree with the proposed article.

Review of Future Agenda Items and Meeting Date:

A special meeting will be held on March 26, 2019, as noted above, to address the 18 Lakeshore Drive variance request.

The next regular BOH meeting is scheduled for April 11, 2019, at 5:30 PM.

Adjourn:

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Gary Menin. All members were in favor and the meeting adjourned at 8:07 PM.