

April 11, 2019
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:31 PM The meeting was called to order by Chairman Donna Clark.

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: David Duarte, Jack Maloney, Steve Sears, Ron Pichierri,
Wender Machado, Laura Ricci, Chris Knuth, Jonathan Walu,
Becky Kaija and Claire Kaija

The meeting was recorded by Sterling-Lancaster Cable Television and Gary Menin.

Approve Any Available Minutes:

A motion to approve revised minutes of the March 14, 2019 meeting was made by Allen Hoffman and seconded by Gary Menin. All in favor, motion carried.

Allen Hoffman made a motion to approve minutes of the March 26, 2019 meeting and Donna Clark seconded the motion. Hoffman - aye; Clark - aye. Menin abstained as he was not present at the meeting. Motion carried.

Correspondence: None

Health Agent Report:

Health Agent Favreau advised members of a public records request, submitted on April 9, 2019, by Michael Rivers regarding his property at 3 Fox Run Road. It was noted that the Board has 10 days to respond and comply with the request and will do so without issue.

Mr. Favreau also spoke on a beaver permit issued to Sterling National Country Club as beavers have built several dams on the golf course.

The Health Agent commented that there still has been no response to the violation notice sent to the property owner at 209 Worcester Road.

Other Items:

A complaint had been received regarding an odor of marijuana emanating from the facility on Chocksett Road. According to the owners, it will be approximately 2-5 weeks before they complete the upgrade to develop a plan to correct and mitigate the odor. The odor does not affect health, but is considered to be a nuisance. The facility owners have expressed their willingness to work with the town for resolution of the problem.

Member Hoffman asked if the May meeting, which is scheduled for May 9th, could be changed to either May 2 or May 16. Mr. Menin was unsure as to which date would work for him and will report on the best date to the Health Agent.

Signatures Required: All paperwork was signed.

Public Session: None

Appointments and Agenda Items:Discuss: Septic System Failure Complaint at 3 Fox Run:

The Board of Health received a formal complaint, filed by David Duarte, an abutter to 3 Fox Run Road. Mr. Favreau stated that Mr. Rivers was notified of the complaint and that the complaint is on the agenda for the Board of Health to discuss. Bob Moore, the Alternate Inspector, went to the property today and made observation from the property line of the abutting property and street edge. A report of Mr. Moore's inspection has been provided, and notes that he could see the breakout of the septic system, which is a public health issue.

Mr. Duarte said the system has been in failure for many years and he has lost his patience with the situation.

The owner, Mr. Rivers, had been asked during previous meetings to pump the system and provide system pumping records, but none have been provided to date. Mr. Rivers will not give his permission for BOH members to walk the property. Mr. Menin suggested the Board obtain a warrant to walk the property, pull samples, and prove there is an issue. Members agreed a warrant would be the best option. Mr. Favreau will obtain one that entitles all Board members to walk the property with the police or a constable and make an evaluation of the situation.

Discuss FY18 ATM Article #36 of Meeting:

This article related to the medical waste disposal kiosk at the police station. Mr. Favreau said the balance of monies in the account for the kiosk will soon be expended for sharps containers.

Continued from 3/14/2019 Public Meeting - 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 as required, a Presby design is proposed utilizing 170 liner feet.

Engineer Chris Knuth spoke on this variance request and noted DCR has sent a letter of exemption in regard to the system location to tributaries. After review of the request, Gary Menin made a motion to approve the variance and Allen Hoffman seconded the motion. All were in favor and the motion carried.

65 Clinton Road Variance Request:

Sterling Local Re. IV. a, 1000 sq. ft. Leach field required: (630 sq. ft. using Presby meets Title 5). Reg. IV. e., An effluent tee filter required. (Outlet tee filter not allowed with gravity Presby System. The roof vent is utilized.) 310 CMR 15.104, 310 CMR 15.405 (1)(i) Lab Sieve analysis of soil as performed in lieu of conducting a perc test due to groundwater saturation of the most restrictive soil layer.

Steve Sears, the Engineer on this project, explained this variance request. After review, Gary Menin made a motion for approval and Allen Hoffman seconded the motion. Unanimous vote.

5 Belmont Ave Variance Request:

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 between the bottom of the leach area and the estimated seasonal high groundwater table is proposed). 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, see sieve analysis results).

Jack Maloney of Ducharme and Dillis presented this variance request for a system upgrade. After Board members reviewed the plans, Allen Hoffman made a motion to accept the variance and Donna Clark seconded the motion. Vote taken: Hoffman - aye; Clark - aye; Menin - nay. Mr. Menin noted he does not approve of concurrent variances for both ground water offset reduction and sieve analysis and has maintained that position in the majority of instances since he's been on the Board. Motion carried.

Laura Ricci to Discuss Clothing, Shoe, and Book Collection Boxes and Outside Bin(s):

Ms. Ricci came before the Board to explain the citizens petition that is on the warrant for Sterling's Annual Town Meeting. The purpose of the petition is to establish a bylaw to limit the number of outside collection boxes allowed in town. There are currently 8 such boxes in Sterling.

Mr. Menin empathized with Ms. Ricci's concern in that he, too, has noticed that these collection sites have often turned into unkept dump sites and thus certainly a nuisance and a possible health concern. Further, he offered that these sites are inherently misleading in that they are not "charitable" in nature – indeed, they are a "for profit" enterprise.

Mr. Hoffman commented that he would not support the article as written; the Board of Selectmen should establish any regulation as the Board of Health cannot do so without following a well-defined legal process. Also, the Board of Selectmen or Building Inspector would need to enforce any regulation. Mr. Menin disagreed with this interpretation but agreed with Mr. Hoffman that the Board could and should take action regarding any Collection Bin area that has turned into a "dump" site due to inadequate maintenance.

Discuss Concerns of Open Meeting Law:

Allen Hoffman noted that the "pollinator" town meeting article was discussed at the March 14, 2019 BOH meeting. Later that evening Mr. Menin emailed him asking that he reconsider his stated position on the article. The Health Agent presented emails sent to Allen Hoffman and to Donna Clark by Gary Menin regarding this issue. Mr. Hoffman and Mr. Favreau suggested that these emails were in violation of the open meeting law. Mr. Menin agreed, stating he had let his emotions get away from him.

Gary Menin Discuss Hydrogeologic Properties:

Mr. Menin noted he was not prepared to discuss this subject at this meeting. He suggested this topic be on the agenda for the May meeting, but after continued discussion he clarified that his issue concerned the apparent “missing” of a neighbor’s water supply well during a design review on an adjacent proposed system upgrade. It was explained by Mr. Hoffman that the design engineers actually did not “miss” the well, rather it had been shown as abandoned on a prior plan submitted by the abutter. Therefore, the well had not been missed and the need for the re-review was moot. Issue closed.

Adjourn:

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Gary Menin. All in favor, motion carried. The meeting adjourned at 7:20 PM.