

May 2, 2019
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes – REVISED

5:45 PM The meeting was called to order by Vice-Chair Gary Menin.
Chairman Donna Clark arrived at 5:48 PM.

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, Arden Sonnenberg, Patty Page, Mike Rivers,
Bob Proctor, and Maureen Cranson

The meeting was recorded by Sterling-Lancaster Cable Television.

Approve Any Available Minutes:

Gary Menin made a motion to approve revised minutes of the April 11, 2019 meeting. The motion was seconded by Allen Hoffman. All in favor, motion carried.

Correspondence:

Health Agent Favreau presented a thank you card received from Sterling Gymnastics regarding the Board's assistance in helping to resolve the odor emanating from The Botanist facility on Chocksett Road.

Health Agent Report:

The Health Agent gave an update only on a septic system permit issued for the property at 42 North Row Road. An extension of the permit had been granted during the February 8, 2018 meeting, but has now expired. The property owners have requested a second extension. Per the state sanitary code, the Board of Health would not approve the extension beyond this point. This is new construction with a proposed new system.

Mr. Favreau spoke on electronic permitting, which is now in the process of being implemented on the town website. A contract has been signed with a vendor, who will charge \$10.00 per permit. The Board will need to review their fees in anticipation of this new charge. This subject will be revisited at the next meeting.

Sterling Country Club beaver resolution permit:

A beaver permit had recently been given to Sterling International Country Club and 6 beaver were trapped. Another permit was requested today, May 2, for Sterling Peat.

Public Records Division Appeal Notice re: 3 Fox Run Road, etc:

The public records request was fulfilled within the 10-day timeframe allowed by the state (Commonwealth of Massachusetts Public Records Division response attached).

Appointments and Agenda Items:

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

Bob Proctor, the contractor representing the homeowner, explained that the septic system has failed and is breaking out. Per Board members, a reduction from 4 feet to 3 feet is not considered a hardship and does not qualify for a variance. The reason for the variance request is aesthetics and money savings only. Gary Menin made a motion to approve the variance and Allen Hoffman seconded the motion. Vote taken: Clark - nay; Menin - nay; Hoffman - nay. The motion did not carry and the variance was denied.

Discuss: Septic System Failure Complaint at 3 Fox Run:

A third complaint was received in the BOH office on this date, May 2.

Mr. Hoffman commented that he reviewed the file for 3 Fox Run and prepared a chronological list of findings (e.g. past septic tank pumping records). For example there was indication of a possible system failure referenced in a January 2014 pumping record that indicated that backflow from the D-Box to the septic tank was observed upon tank pumping.

In May 2018, Mr. Favreau and Mr. Menin visited the site and water to a level reaching just above the front soles of Mr. Menin's shoes was observed by both at/on the front yard of 3 Fox Run. Mr. Hoffman also spoke on meeting minutes from May and June 2018, when the system failure issue was discussed with Mr. Rivers, and a site review by Dan Mercurio in July 2018. Alternate Health Inspector Bob Moore completed a site visit on April 14, 2019 and filed a report, noting he observed (from a neighboring property) a system failure, with possible runoff into a nearby storm drain (summary attached).

Mr. Rivers was present and offered that he has just recently engaged an engineer for a system upgrade.

At this point, Mr. Menin read into the minutes a letter addressed to Michael Rivers requesting permission to enter the property at 3 Fox Run for the purpose of inspecting the area of the septic system. Mr. Menin made a motion that Chairman Clark sign the letter and the motion was seconded by Allen Hoffman. Unanimous vote and the letter was signed and presented to Mr. Rivers. The letter states Mr. Rivers must reply within seven (7) days, in writing.

Mr. Menin questioned how the Board could facilitate Mr. Rivers getting his system upgraded and Mr. Favreau asked him what timeline he would suggest, noting ample opportunity had been given to have the system upgraded. According to Mr. Rivers, the town allowed the previous owners to renovate the home and increase the bedroom count from 3 bedrooms to 6. He commented that the new septic system design will have an increased design flow because of this change in bedroom count.

The Board of Health has not received an application for soil testing to date, which is the first step in the upgrade process. Mr. Rivers said soil testing will be done when it is dry enough to do so.

In regard to his public records request, Mr. Rivers advised he still has not received all requested records. Mr. Favreau commented that all information had been provided to Mr. Rivers on April 23, 2019, within the ten days allowed by law, further this time line has also been documented through the Town of Sterling Public Records Access Officer.

BOH Appointments:

These appointments were proposed: Health Agent, Associate Health Agent, Alternate Food and Septic Inspector, Animal Inspector, Burial Agent, Plumbing Inspector and Alternate Plumbing Inspector. Allen Hoffman made a motion to approve the appointments and Gary Menin seconded the motion. All in favor, motion carried.

Appointments were:

- Health Agent - David Favreau
- Associate Health Agent - Kathie Nickerson
- Alternate Food and Septic Inspector - Bob Moore
- Animal Inspector - Louis Massa
- Burial Agent - Barbara Bartlett
- Plumbing Inspector - Bob Janda
- Alternate Plumbing Inspector - Jeremy Pierce

Discuss: Actions to Violation Notice and Next Step re: 209 Worcester Road:

Health Agent Favreau noted the property owner submitted a Title 5 inspection application on this date, May 2, and one will be scheduled shortly.

Health Agent Report (continued):

Housing Complaint: 20 Campground Road:

According to Health Agent Favreau, this is a single-family home and a resident of the address filed the complaint, making this a civil issue, not a Board of Health matter.

"Facts About Addiction" Upcoming Seminar:

This seminar is scheduled for May 22, 2019, at the Chocksett Middle School. Allen Hoffman commented that he attended a seminar recently, particularly related to youth, and how drug addiction impacts their health. This upcoming seminar will have good health-related information for all.

Review Engineering Complaint Dated March 25, 2019, David Sadowski:

The Health Agent submitted an anonymous letter that had been received in the Board of Health Office regarding Sadowski Engineering. Mr. Sadowski is not a licensed engineer; though it is understood that he subcontracts with engineers to sign off on his designs as certified engineers must do oversight on any projects that require a PE stamp.. The BOH has no evidence he is doing anything illegally.

Update to Odor Nuisance Prime Wellness/The Botanist, 32 Chocksett Road:

In regard to the odor complaint at The Botanist, the Health Agent has been advised that additional charcoal filters have been received. The owners are still waiting for other special-order equipment to

arrive, and hope to install the charcoal filter units next week. Mr. Hoffman suggested a follow-up call be placed to understand what has been done and if more work is needed. Mr. Favreau will telephone the owner next week and request a written explanation with an update on their progress.

Review of Future Agenda Items and Meeting Date:

Mr. Menin suggested a review of the protective bylaws as a future agenda item, with Ms. Clark noting a review should possibly be done in a separate meeting.

The next meeting is scheduled for June 13, 2019, at 5:30 PM in the Lower Level Conference Room.

Adjourn:

A motion to adjourn the meeting was made by Allen Hoffman and seconded by Gary Menin. With all in favor, the meeting adjourned at 7:06 PM.