

June 13, 2019
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

5:35 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 – absent
Elaine Heller, Admin. Asst. – present

Attendees: Matthew Scannell, Michael Rivers, Stephen Sears, Stephen and
Ella Skutel, Patrick Fox, and James Yang

Recording of the meeting was done by Sterling-Lancaster Cable Television and Gary Menin.

General Business Updates:

Approve Any Available Minutes:

A motion to approve revised minutes of the May 2, 2019 meeting was made by Gary Menin and seconded by Allen Hoffman. All were in favor and the motion carried.

The minutes for May 16, 2019 were discussed, but there was no consensus of opinion on revised minutes submitted by Mr. Hoffman and Mr. Menin. Allen Hoffman made a motion to approve his revised minutes and Donna Clark seconded the motion. Vote: Donna Clark - aye; Allen Hoffman - aye; Gary Menin - nay. Gary Menin's suggested minutes were not approved but are appended.

Allen Hoffman made a motion to approve minutes of the May 28, 2019 meeting and Donna Clark seconded the motion. Donna Clark - aye; Allen Hoffman - aye; Gary Menin abstained as he was not present at the meeting. Motion carried.

Appointments and Agenda Items:

54 Osgood Road Variance Request: Sterling local regulation IV.a., 1000 sq. ft. Leach field using 12" of stone below the pipe required. (896 sq. ft. Sand bed using Presby meets Title 5). Reg. IV.e., An effluent tee filter is required. (An outlet tee filter not allowed with gravity Presby System). 310 CMR 15.405(10)(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 IV(f) 3-foot separation between the bottom of the leach area and the estimated seasonal high groundwater table is proposed. 310 CMR 15.405 (10)(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. 15.405(1)(j) Reduction of 12" separation between inlet and outlet tees of the septic tank and high groundwater, provided that all boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves and the tank is proven watertight. (Expandable foam spray is not an acceptable alternative for sealing pipe joints).

Engineer Steve Sears and homeowner James Yang appeared before the Board on this variance request, which is an upgrade to an existing septic system. After discussion, Gary Menin made a motion to approve the variance and the motion was seconded by Allen Hoffman. Vote: Donna Clark - aye; Allen Hoffman - aye; Gary Menin - nay. The motion carried. Mr. Menin stated he does not approve of 2 variances within one request.

General Business Updates (continued):

Health Agent Report:

- Public Records Request re: 3 Fox Run Road deposit received May 22, 2019:

According to Town Clerk (Records Access Officer) Ms. Barbara Bartlett, payment for public records was received as noted above and the records request has been provided to Mr. Michael Rivers.

- Failed Title 5 Inspection Report - 2 Loring Way:

Mr. and Mrs. Skutel attended the meeting to discuss their failed septic system. An initial Title 5 inspection had been performed with a current soil evaluation report by a licensed soil evaluator stating estimated seasonal high ground water at 26", which means the system is below the ground water table and fails the Title 5 Inspection.

The homeowners decided to hire a second soil evaluator, who gave a different result of estimated seasonal high ground water at 62" and noted the system was not in failure. The homeowner met at the Board of Health office with Health Agent Favreau who explained to Mr. Skutel that neither evaluation was witnessed by the Board of Health; the Health Agent suggested the homeowners should have a third soil evaluation, a deep-hole test, to be witnessed by a representative of the Board of Health. This third evaluation confirmed similar results to the first inspection estimated seasonal high ground water at 29", which also confirmed that the system was below the ground water and fails the Title 5 Inspection. There was discussion about no need or requirement for a deep-hole test and Gary Menin read into the record a ruling from the Mr. Menin' Septic System Primer.

Mr. Skutel commented it is his belief that the process was incorrectly done and the first test was invalid. He would like to replace the D-box and tank, but not the leach field. Mr. Hoffman stated there is public record on file, which indicates a failed Title 5 Inspection and provides multiple supporting documentation by independent licensed soil evaluators confirming that the system is below the ground water table which fails the Title 5 Inspection. He suggested the Board obtain a determination from DEP. After further discussion, Gary Menin made a motion to allow the homeowners to replace the tank and D-box only. Donna Clark seconded the motion. Vote: Donna Clark - aye; Gary Menin - aye; Allen Hoffman - nay. The motion carried.

- Request for Reserve Fund Transfer Provided to Finance Committee for FY19:

After discussion, Allen Hoffman made a motion to approve the RFT in the amount of \$4,000.00 to cover unanticipated salary expenses for FY19. Gary Menin seconded the motion. All in favor; motion carried.

Signatures Required: Completed

Public Session: None

Appointments and Agenda Items (continued):

Discuss ZBA Application for a special permit request, NEADS, Inc, for 104 Leominster Road:
During a public ZBA meeting on June 11, 2019, the applicant had been denied the special permit request.

Discuss Water Dept./DEP Proposed Floor Drain Regulations:
A handout of floor drain regulations was given to each Board member, to review and make comments. The comments will then be discussed at the Board meeting in July.

Review of Future Agenda Items and Meeting Date:
Chairman Clark noted the next Board of Health meeting is scheduled for July 11, 2019, at 5:30 PM in the Lower Level Conference Room.

Allen Hoffman made mention of a seminar (Facts About Addiction) that had been discussed at a previous Board meeting. He attended the seminar at Houghton School and found the subject, specifically related to addiction and youths, to be very enlightening and worthwhile.

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 7:35 PM.