

May 11, 2023
Sterling Board of Health Meeting
Butterick Building, Lower Level Conference Room
1 Park Street, Sterling, MA 01564

Meeting Minutes

6:00 PM Chairman Allen Hoffman called the meeting to order.

Roll Call: Allen Hoffman, Chairman – present
Anne Marie Catalano, Member – present
Cathie Martin, Member – present
David Favreau, Health Agent – present
Elaine Heller, Administrative Assistant – present

Attendees: John Farnsworth, Kelly Mack, Lynne Garafalo, Edwin Furman, Vito Colonna,
Mark Gauthier, Laura Ricci, Don Brown, Matt Scannell, Shea Hauver,
Gail Hassett, Dan Donovan, Chris MacKenzie, Chris Caiazzzi, Mark Elbag,
Kimberly Sykes, and Michael Gaston

Call to Order: Chairman Hoffman called the meeting to order at 6:00 PM.

The meeting was recorded by Sterling-Lancaster Cable Television.

General Business Updates:

Approve Any Available Minutes: April 13, 2023:

After review, Martin made a motion to approve minutes, with revisions, of the April 13, 2023 meeting. The motion was seconded by Catalano. Roll call vote: Martin - aye; Catalano - aye; Hoffman - aye. Motion carried.

Correspondence: None

Health Agent Report: Summary of T5 Inspections:

In his summary of Title 5 inspections, Health Agent Favreau noted that 31 inspections have been performed since January 1, 2023 to the current date. Of this number, 25 passed inspection, 6 failed due to sewage backup, and 2 systems were in groundwater, which is just 6.4% of the total inspections.

Signatures Required: None

DPH - Interagency Updates: According to Ms. Martin, May is Mental Health Awareness month. The MA Department of Mental Health has a 24/7 support behavioral health help line - 833-733-2445. The Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter 11 (the Housing Code) will go into effect on May 12, 2023.

Other Items: The Health Agent noted soil testing is currently being done. There may be 4-5 variances for the next meeting, which is scheduled for June 8, 2023.

He also commented that Medical Reserve Coordinator, Judy O'Donnell, lost her husband recently, and the Health Agent will be sending condolences from the Board of Health.

Appointments and Agenda Items:

Variance Request: 31 Bean Road:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (600 sq. ft. Bed with 6" of stone beneath pipes). Reg. IV.g., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 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 (3-foot separation provided between the bottom of the leach area and the estimated seasonal high groundwater).

John Farnsworth presented septic plans for this 2-bedroom home which currently has a cesspool in need of replacement.

Health Agent Favreau has reviewed the plans and noted a 2-bedroom deed restriction is required. Board members also reviewed plans and Martin made a motion to approve the variance with a 2-bedroom deed restriction. Catalano seconded the motion. Roll call vote: Martin - aye; Catalano - aye; Hoffman - aye. Motion carried.

Variance Request: 6 Goulding Road:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.g., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed). Reg. IV.f., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 310 CMR 15.404(3)(b): Reduction of the required 4-foot separation between the bottom of the leach area and the estimated seasonal high groundwater table (3-foot separation provided between the bottom of the leach area).

Design Engineer Mark Elbag spoke on this variance request for a 3-bedroom home. According to the Health Agent, the plans meet regulations. After review, Catalano made a motion to approve the variance and Hoffman seconded the motion. Roll call vote: Catalano - aye; Hoffman - aye; Martin - aye. Unanimous.

Variance Request: 25 James Road:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.a., Leach beds to be 1000 square feet minimum, with 12" of stone beneath the pipes (603 sq. ft. of Presby type system provided with no stone beneath pipes)., Reg. IV.g., Leaching facilities 9-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3-feet separation is proposed).

Local Upgrade Request: 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 (3-foot separation provided between the bottom of the leach area and the estimated seasonal high groundwater). 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 wet conditions at time of testing is proposed). 310 CMR 15.405(1)(j): Reduction of the required 12-inch separation between the tank inlet and outlet tees and the estimated seasonal high groundwater table. (Less than 12-inch separation between the tank and pump chamber inlet and outlet tees and the estimated seasonal high groundwater table is proposed).

Chris McKenzie of Dillis and Roy presented the plans for this variance request. This is a 3-bedroom home with a failed septic system. A Presby system is proposed. Health Agent Favreau has no issues with the plan. A motion to approve the plan as presented was made by Martin and seconded by Hoffman. Roll call vote: Martin - aye; Hoffman - aye; Catalano - aye. Motion carried.

Variance Request: `12 James Road:

Sterling Subsurface Sewage Disposal Regulations: Reg. IV.g., Leaching facilities 0-1,499 GPD shall be constructed with the following minimum 4-foot separation distance to estimated seasonal high groundwater (3 feet separation is proposed).

Local Upgrade Request: 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 (3-foot separation provided between the bottom of the leach area and the estimated seasonal high groundwater). 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 wet conditions at time of testing is proposed). 310 CMR `15.405(1)(g): Reduction of system location setbacks from water supply lines, private water supply wells (but not within 50 feet of the well), tributaries to surface water supplies, surface water supplies, but not within 100 feet of the surface water supply or tributary thereto or open, surface or subsurface drains which discharge to surface water supplies or tributaries thereto: (36 feet proposed SAS to drain discharging to a tributary) and (40 proposed from septic tank and pump chamber to a wetland bordering tributary).

Vito Colonna represented the applicants on this failed system. He is using an Elgin system. Mr. Hoffman would like more gallonage than 330, which is the minimum requirement of state code. Mr. Favreau suggested the possibility of adding a chamber to each trench. Mr. Colonna will revise the plan and present it at the June meeting.

Other:

At this point in the meeting, several residents requested clarification of the recently-approved deep hole observation regulation. Mr. Hoffman observed that a potential petition to repeal the regulation cannot be binding, per Town Counsel. Any town can enact regulations that are more stringent than state regulations. He read into the record:

“The BOH is responsible for some of the confusion on the required septic system inspection at the time of real estate transfer. We inadvertently used the same name (deep hole test) as the name of the test hole that is already used to design a new septic system. We apologize for that confusion.

A resident expressed his concern that he does not want his yard dug up in order to do this observation hole. The Health Agent explained the process for a T5 inspection, which requires the components of the septic system be exposed, so some digging must be performed. The observation hole for the test can be exposed by the homeowner if he so chooses. The evaluation would need to be performed by a licensed soil evaluator which needs to be deeper than the bottom of the existing system to confirm the system is not in the water table. A soil evaluation is the most specific and scientific way to determine groundwater.

The Board of Health has always assessed a permit fee for witnessing Title 5 inspections; no other fees have been implemented due to this new regulation.

It was noted, at a minimum this new regulation is a \$2,500.00 plus expense to residents of Sterling.

The SBOH surveyed engineering professionals as well as individual licensed soil evaluators and found the range of \$150.00 for individual licensed soil evaluators to \$200.00 for professional engineers. If a Title 5 inspector does not provide necessary equipment, a small machine may be required to dig an observation hole. This equipment cost has been surveyed between \$200.00 - \$400.00. However, most title 5 inspectors have equipment to excavate a deep observation hole to a depth below the bottom of the septic system and would be accomplished as part of the inspection, so this cost would be moot. Cost should be <\$600.00

Another resident commented that an observation hole is needed when a D-box needs to be replaced. Contrary to the misinformation circulating on social media, an observation hole is not necessary. This regulation only applies to Title 5 inspections that have no soil testing data or soil data previous to April 1995.

Ms. Catalano, **RN**, gave this analogy:

- If a person went to the Emergency Room with chest pains, an X-ray would be taken to check for coronary artery disease, but the X-ray may not find the problem. For a definitive answer, an angiogram would be the best choice. Like the angiogram, the observation hole is a definitive test to determine groundwater.

All questions raised by residents were answered by the Board members and/or Agent.

Adjourn:

A motion to adjourn was made by Martin and seconded by Catalano. All members were in favor and the meeting adjourned at 7:36 PM.

Materials:Minutes