

February 25, 2016  
Sterling Board of Health Meeting  
Butterick Municipal Building, Room 205  
1 Park Street, Sterling, MA. 01564

Meeting Minutes

Board Members                      Allen Hoffman, Chair  
   Donna Clark  
   Gary Menin

BOH Agent                              David Favreau

4:30 PM                              Chair, Allen Hoffman, called the meeting to order  
Roll Call                              Board Members              Allen Hoffman, Donna Clark, Gary Menin  
   BOH Agent                      David Favreau  
   Admin. Asst.                      Elaine Heller

Attendees:                              Steve Sears of David Ross Assoc., Chris MacKenzie, Ann Belair, Steven  
   Warren, Charles Maria, Dana Altobelli, Susan Henry, Michael Cove of  
Cove Construction

**Approve Minutes:**

January 7, 2016. Gary Menin's revisions and Allen Hoffman's revisions were both accepted. Mr. Menin made a motion to approve; second by Mr. Hoffman. All in favor; motion carried.

January 21, 2016. Gary Menin made a motion to approve the minutes, as amended; second by Allen Hoffman. Menin - aye, Hoffman - aye. Donna Clark abstained as she was not present at the meeting. Motion carried.

**Agenda Items:**

**20 Fox Run Road variance request:** To reduce the minimum separation distance from high groundwater and the SAS as required in 310 cmr 15.405(h) from 4 feet to 3 feet & as required in Sterling Subsurface Sewage disposal Regulations IV(f).

All abutters were notified; 7 of 8 abutters signed return receipts; one apparently did not sign and/or accept the notice. After review of the variance request with Mr. Sears of David Ross Associates, representing the homeowners, Gary Menin made a motion to accept, seconded by Donna Clark. All in favor and the motion carried.

**330 Leominster Road variance request:** From Sterling Subsurface Sewage disposal Regulations IV(a) requiring 1000 square feet 12" stone beneath for a bed, proposing 400 square feet with 6" of stone beneath. Request to reduce the minimum separation distance from high groundwater and the SAS as required in 310 cmr 15.405(h) from 4 feet to 3 feet & as required in Sterling Subsurface Sewage disposal Regulations IV(f). Request to reduce the system location from a slab 10' required, 9' proposed.

Variance request reviewed with Mr. Sears, representing the homeowners. Two abutters were notified, with return receipts from both. Gary Menin made a motion to approve the variance,

second by Donna Clark. All in favor and the motion carried, subject to a two-bedroom deed restriction.

**2 Main Street variance request:** Owner, Susan Henry, present. Mr. Sears, speaking for the owner on the variance. Allen Hoffman recused himself as he is an abutter. All certified mail returned. Gary Menin made a motion to approve the variance, seconded by Donna Clark. Menin - aye, Clark - aye. Hoffman - no vote. The motion carried. The permit for this location is to note a riser requirement for the distribution box.

**296 Princeton Road variance request:** To reduce the minimum separation distance from high groundwater and the SAS as required in 310 cmr 15.405(h) from 4 feet to 3 feet & as required in Sterling Subsurface Sewage disposal Regulations IV(f).

Five abutters were notified, with four signed receipts received and one notification unreturned. Two abutters in attendance: Steven Warren of 1 Holden Road and Charles Maria of 4 Holden Road. The owner, Dana Altobelli, was present. Speaking on the variance request was Chris MacKenzie.

With nearby wetlands, Mr. MacKenzie met with the Sterling Conservation Commission to see about a Request for Determination of Applicability. He noted a negative determination was received from the Conservation Commission.

A motion to approve was made by Gary Menin and seconded by Allen Hoffman. Donna Clark, an abutter, recused herself. Menin - aye, Hoffman - aye. Clark - no vote. The motion carried, contingent on a two-bedroom deed restriction

Follow-up to Jim Morin letter regarding actions at 14 Glendale Ave:

Allen Hoffman drafted a formal letter of confirmation regarding Mr. Morin's actions at 14 Glendale Avenue which involved his erroneous sign-off of the associated Certificate of Compliance prior to actual job completion. A confirmation letter in this regard was requested from Mr. Morin by Mr. Hoffman, but Mr. Morin did not comply, necessitating Mr. Hoffman's letter. Board members reviewed the draft letter, with changes noted. A motion to accept the letter as amended was made by Gary Menin and seconded by Donna Clark. All were in favor and the motion carried.

### **Public Session:**

Michael Cove presented to the Board to comment on the suspension of his installer's license, which occurred as a result of his actions at 14 Glendale Avenue. Michael stated that at a previous meeting he was told that his character was disparaged, Michael Cove was not present during the referenced previous meeting; also, the suspension of his license was extended from 6 months to 9 months and he questioned the reasoning behind this change. This decision had been made after the Board reviewed facts from all involved parties and historical facts related to Mr. Cove's previous license suspensions. Gary Menin expressed his concern - that since the Board had previously held two separate Executive Sessions regarding the subject residence septic system replacement - discussions at the January 7<sup>th</sup> meeting too, should have been held in Executive Session - as it was reasonable to expect (based on the January 7<sup>th</sup> agenda) that the character and reputation of Cove Construction would be discussed. However, there was an additional session on December 10, 2015 at which Mr. Cove waived his rights to be in an executive session meeting. Mr. Hoffman disagreed with Mr. Menin on the issue of whether the January 7<sup>th</sup> meeting should have been held in executive session and noted that he had

subsequently consulted with the Town Administrator on this matter. Further, Mr. Menin was troubled that after the two previous Executive Sessions, resulting with the Board formally ruling that a "6 month" suspension was appropriate - the Board, after meeting with new homeowners (at the January 7<sup>th</sup> meeting – the fourth consecutive meeting on the property) changed its ruling to a 9 month suspension. Mr. Menin acknowledged that he was party to this increase based on a presentation by the new property owners but considered that the earlier ruling need not have been made had it been known that additional corroborating testimony was in the offing.

Mr. Cove stated he has not been made aware of meeting dates for the Board of Health, making it difficult to get his name and topic of discussion on an agenda. Mr. Favreau submitted copies of correspondence between Mr. Cove and Admin. Assistant Kathie Nickerson regarding meeting dates. In the most recent communication, dated February 11, 2016, Mr. Cove noted he wanted to reschedule his appearance until the following month (March).

Mr. Cove requested the suspension be dropped from nine months to six months. Gary Menin suggested Mr. Cove make a formal appeal in writing, with written depositions from any witnesses. Mr. Cove was handed a certified letter regarding his installer's license suspension.

**Next Posted Meeting Date:** Allen Hoffman set March 14, 2016, 6:30 PM, as the date for the next meeting, At Gary Menin's request, a discussion of the Zika virus will be on the agenda.

**Appointments and Agenda Items:** David Favreau mentioned the Board of Health members will be meeting with the Finance Committee on February 27, 2016, regarding the FY17 budget.

David also noted a horse was tested for rabies, which was not confirmed.

He also spoke on the February 17, 2016, Board of Selectmen meeting at which abutters and neighbors of the Hartnett residence expressed concerns about the condition of the property. The Selectmen did not have copies of letters that had been sent to the Hartnett's by the Board of Health. The Selectmen have asked that Board of Health members attend the March 9 meeting to clarify the situation. David feels all Board members should attend this meeting. David's opinion notwithstanding, Gary Menin considered that - as the Board has taken distinct action in the form of formal directives to the Hartnetts and that progress on those directives is being monitored by the Agent – the Chair (alone) can adequately represent the Board in this regard.

**Adjourn:** Gary Menin made a motion to adjourn and it was seconded by Donna Clark. There was no discussion and all members voted in favor. The meeting adjourned at 6:25 PM.