



BOARD OF HEALTH

MINUTES

Tuesday, August 13, 2013
Hildreth House

Thomas Philippou, Chair *Lorin Johnson* *Sharon McCarthy*

Board members present: Tom Philippou; Sharon McCarthy; Lorin Johnson

Also present: Ray Lyons, Esq., Harvard Christine Smith, Westminster; Gary Smith, Westminster; Gregory Wheeler, Esq., Leominster; Benjamin Hill, 29 Shaker Rd.; Laura Vilain, 3 Oak Hill Rd.; Julia Kacmarek, Harvard Hillside; Ira Grossman, NAHB

This meeting was called to order at 7:00 p.m.

Restrictive Covenant, Arsenic – 10 South Shaker Rd.

Representing homeowners Bill and Leslie Lichtman, was attorney Ray Lyons. Mr. Lyons stated that the Lichtmans have installed a water treatment system to reduce arsenic levels and will be recorded as such with the Worcester Registry of Deeds. Mr. Grossman reports that a newly tested water sample revealed radon levels over the limit. Mr. Lyons requested that the Board approve the Covenant with the added words “and radon”. Mr. Philippou made a motion to approve the restrictive covenant for 10 South Shaker Road for arsenic and radon, as amended. Motion approved and Mr. Philippou signed the restrictive covenant.

ZBA Request for Comment – 19 Craggs Road

Mr. Grossman reports that the homeowners are proposing to construct a deck and a “bump-out” on the house. There is no exact known location of the leaching area, and the well and septic are located less than the fifty-foot requirement. Mr. Philippou will send a memo to ZBA noting that because it is all pre-existing, the Board accepts the construction as far as septic and water are concerned.

29 Shaker Road – Owner Complaint against Installer

Property owner, Ben Hill, is seeking the Board of Health’s assistance in persuading the SDS installer, Gary Smith, to submit as-builts and certification, thus allowing the home to become in compliance with Title 5. Mr. Grossman states that there are some contractual issues that have yet to be worked out between the Mr. Smith and Mr. Hill. Mr. Smith states that he is prepared to hand over the necessary documentation as soon as he receives payment for his work. Mr. Wheeler, the attorney representing Mr. Hill, requested a hearing to resolve this matter. A tentative date is scheduled for the next meeting, August 28, provided the Board is able to discuss the circumstances with town counsel, Mark Lanza, beforehand.

Public Comment

Laura Vilain, a property owner in the Sewer District, is seeking additional information with regards to the Community Septic Management Program. The Board confirmed that the program’s first measure to be considered for acceptance is that the owner’s septic system is in failure.

Discussion – Pond Road Sewer Line Damage by DPW

The Board reviewed a letter (in the form of an email message) from DPW Director, Rich Nota, addressed to the Sewer Commissioners bringing to their attention an inadvertently damaged sewer line attributed to operator error. The repair work has been completed to industry standards but with the realization that the Department lacked “a replacement parts inventory to make timely repairs” and did not have “important safety equipment to protect our employees from pathogens contained in raw sewage”. The Board agreed that this was a matter for the Sewer Commission and that there was no reason to intervene.

Discussion – Properties Required to Connect to Town Sewer

The Board received an update – via memo - from Paige O’Brien, BOH Clerk. Mr. Grossman added that property owners with I/A systems at 12 Oak Hill Road and 25 Fairbank Street have intentions to comply but may be requesting additional time to sort out the particulars.

Update – Community Septic Management Program

Ms. McCarthy reports that she has not yet heard from Recap Solutions with regards to the town’s acceptance into the program by the Water Pollution Abatement Trust. She will inquire with Jim Starbard.

Radon Policy Draft Review

Ms. McCarthy changed the word “determined” to “promulgated”, to better reflect the EPA’s process. Mr. Philippou made a motion to table the final vote of the policy until the next meeting when the latest changes have been included. Mr. Johnson seconds; vote, aye, unanimous.

Permits

- No permits to review.

Approval of Minutes of July 23, 2013

Mr. Philippou made a motion to accept the minutes as amended, Mr. Johnson seconds; vote aye, unanimous.

Adjournment

Mr. Philippou moved to adjourn meeting at 7:45 p.m., motion seconded by Mr. Johnson. Vote: aye, unanimous.

The next scheduled board meeting is Tuesday, August 27, 2013
7 p.m. at Hildreth House.

Minutes prepared and submitted by Paige O’Brien.

Documents cited:

- Email message, dated 7/26/13, from DPW Director to Sewer Commissioners
- Memo Update from Paige O’Brien re: properties in need of immediate connection
- Letters to property owners ordering immediate connection