

**MINUTES**  
**BOARD OF HEALTH MEETING**  
**June 17, 2013 6pm**

Those present: Linda Cocalis, Chairman, Daniel Chaput, and Richard Volpe Board of Health (BoH) members. Health Agent Alyssa Rusiecki.

John Kronopolus, Department of Environmental Protection, Central Office, (DEP-CERO); Chris McClure, engineer for Mr. Damon, and Eugene Damon, owner, Hyland Orchards.

The meeting is called to order at 6:08 pm.

**Old Business**

Hyland's Orchards – Ms. Rusiecki provides a historical overview: She stated that over the years, numerous complaints were received about large numbers of people in attendance at events Hylands Orchards, the lack of sanitary bathrooms, and liquid waste flowing across the street into a pond. Progress has been made via dual enforcement with the Central office of the Department of Environmental Protection, (DEP CERO), against both Pioneer Brewing and Hylands Orchards relative to groundwater discharge violations, underground injection control violations, and sanitary code violations. Pioneer Brewery's brewery waste must always be tight tanked. DEP has provided some input and at present the BoH is waiting for a final resolution of the sewage disposal issue. The property owners have been instructed that no outdoor activities or events may take place at Hyland's Orchards for the period in which extensions have been granted awaiting compliance. This Order regarding the cessation of activities has not been followed fully.

Mr. Kronopolus, of DEP CERO, stated that while he supports the actions of the Board he is anxious for a timeline to be established so that plans can be settled and go forward; and that the enforcement matter is still pending.

Mr. Damon, the property owner, offered his version of the history of the property for the last two years. He stated that the tenant, Pioneer Brewing, after the tornado, was without power for 8-10 days. According to Mr. Damon, when power was restored, water streamed everywhere and the drainage systems in the area were severely clogged and that an "ugly lake" formed in front of their building. He stated that the Town cleared the street drains and the water vanished. Her admitted that some septic did cross the road into the pond, leaving a residue. He stated that he hired a septic system specialist who recommended a new system be installed and he felt that the new system was a good idea. He felt that the Board of Health would not approve the first system. Another system was investigated but he rejected it himself because too many trees would need to be removed. He stated that there was a third version of the system but that plans for this were given to an engineer (from Southbridge), who felt that the system would not meet with approval, either. Attempts were made to design a connection to the Town Sewer. The Town Sewer Commissioners, (Board of Selectmen) were never presented with a final plan, only a preliminary version. Mr. Damon sought a system for \$100K and found that it would take more like \$300K for the size system that was required, according to his advisors.

The Agent reminds the Board that at this time, however, no proposed septic plan had been formally submitted to the Board of Health for review or comment and that any decisions as stated above were made solely by Mr. Damon himself and his advisors.

Chairman Cocalis stated that a requirement for monthly pumping had been instituted. She stated that "deadlines" should be imposed.

Mr. McClure, Mr. Damon's engineer, stated that he is attempting to break this entire job into segments in order to prioritize. He has started on design flows for the proposed septic system. Heavy use is sporadic at best, he explained. He said that Mr. Damon had to register the on-site well as a public water supply. A water meter was installed in September of 2011. Usage is being tracked. 1230 gallons per day present as average.

This figure represents ALL water usage including the Brewery and Bakery, bathrooms and a water softener which backwashes 150 gallons every other night. The DEP registration of the well shows a safe yield of up to 2000 gallons per day. Zone 1 restricts changes to property must be solely pertinent to the water system, septic installation must occur outside of the Zone 1 restricted area. It is also desirable to stay outside of the IWPA. Actual needs at the facility must be determined. Allowable use of the well is 2000 gallons per day. There must not be discharge of more than that amount at present but there is the potential for increasing this amount to 2400 if actual water usage cannot be defined. The Agent states that the volume of the well water is not in direct correlation to the wastewater use categories.

In order to determine proper design flow, Mr. McClure factors data on ratings from the Building Inspector and Fire Inspector. The number of attendees should be limited for events taking place at the location. There is discussion of the volume of water it takes to produce a batch of beer. There is no conclusive volume agreed upon at this point.

Ms. Cocalis inquired about the presence of porta-potties at the facility. She was told by Mr. Damon that there is one up at the pavilion. There is one existing bathroom inside the building and used among Hyland's Orchards, Pioneer Brewing and Baker Bill. He added that there is no water service supplied to the pavilion. Mr. Damon states that he agrees with the concept of installing additional indoor bathrooms in order to draw attention to their products available for sale. Mr. Kronopolus stated that there is more flow from events held at the location than just straight water usage; Ms. Rusiecki agreed that the capacity of the daily well volume is not equivalent to the potential volume of wastewater. Ms. Cocalis reiterated that porta-potties are not a desirable long term solution.

Mr. McClure again stated the need for totally practical applications. Tapping into public sewer would be the ideal solution but the cost may be prohibitive for Mr. Damon at this time. Ms. Cocalis stated that Selectmen would have to approve any sewer tie-in, as Sewer Commissioners. Mr. McClure stated that a new sustainable design is being developed and that he is aware that several factors have to meet with BoH approval. He agreed with the need for limits of usage (i.e., maximum number of attendees) at public events. Another option that he mentioned was a pump system that would hold additional flow and dispense the wastewater according to one day's limit. Ms. Rusiecki states that Tight Tank systems have not historically been sanctioned for a use such as this. She said that she would need guidance from the State to consider seasonal systems (seasonal commercial Tight Tank use) as a solution at this location.

Mr. Kronopolus was asked his opinion and he stated that he would need very specific numbers in regard to attendees and usage. Mr. Chaput asked about what the estimate of water usage would be for 1000 persons in attendance. He mentioned water use in bathrooms specifically. One thousand person's usage would demand an amount in excess of the allowable amount, according the Agent and Mr. McClure. Ms. Cocalis asked if a bank of toilets could be installed utilizing a tight tank. Ms. Rusiecki answered that the DEP must make that decision.

Mr. Chaput asked what exact scenario in place when designing the system? Will it be a "worst case" situation of a very hot day with 1000 people in attendance? Mr. Kronopolus stated that is impractical to design a system that would accommodate 1000 people a day, every day. Mr. Chaput reiterates that on some days the attendance DOES surge to 1000 and there will be a need at that time. He asked if could be possible to design a system that would rise to the need in a case of maximum attendance and usage and resume normal/modest operation afterward. He also asked if the system could be found that would resume normal use and rise to surge use without failure. Porta-potties would be an obvious solution, he stated, but their usage has been deemed a poor long term solution. Mr. Damon proposed no longer holding the large 1000 person events and just gearing the system to 20 attendees or so per day.

Mr. Volpe asked, "What is the objection to allowing porta-potties ten or so times a year?" Ms. Rusiecki reiterated that it has been determined that steady usage of porta-potties over a five-year period is an undesirable long-term solution. Ms. Cocalis asked if it might be a possibility to again consider the use of the porta-potties as a permanent solution.

Ron Woolhouse, Inspector, commented that he had been at a recent event at the Orchard with an estimated 500 people present, who then camped at a Brimfield site. He detailed the negative aspects of porta-potty use and recommends the installation of permanent bathrooms. Mr. Chaput summarized the issues at hand by stating that there is a need to define the overall nature of the business being conducted at the location and to then determine the parameters (i.e. maximum capacity) for the potential septic system.

Ms. Rusiecki said that additional soil testing will be required and Mr. McClure agrees.

Ms. Rusiecki will inquire, with the Boston DEP office, about potential tight tank construction as well as potential surge capacity, as to whether these have ever come under the “variance” status.

Mr. Volpe said that actual dates must be set for submission of plans. Mr. McClure was asked by Mr. Chaput for drafts for potential usage, understanding that there will be variations in regard to numbers of attendees at varying types of functions.

Mr. Damon asked about installing a bathroom near the Snack Bar. Ms. Rusiecki agreed, but suggested that Mr. McClure check on this possibility with the Building Inspector.

Mr. McClure asked about tight tanking the Bakery waste if no Title 5 system is approved. Mr. Kronopolus suggested contacting the DEP in Boston and to speak with Mr. David Ferris. Mr. Kronopolus agrees that the Bakery waste can, and should be tight tanked for the intervening time because it is considered Industrial wastewater, and not sanitary flow, as defined by Title 5.

Mr. Kronopolus then strongly stated the need for progress in this matter. He said that this matter has been going on for two years and must be resolved, showing milestones of progress. He mentioned that DEP-CERO may have to pursue suspended charges which have now mounted to \$13K. He would prefer that funds be spent on actually going forward with this project. He stated that the BoH has given the owner many considerations and have treated the matter with deference. Mr. Kronopolus asked Mr. McClure to provide design plans as soon as possible. He stated the need for specific plans and the time frames in which they would be implemented. Charges will have to be levied if there is no true progress within the next month.

Ms. Cocalis also advised Mr. McClure that there is a need for progress, a need that is urgent. She stated that much conflicting information has been forthcoming from different representatives of the property. In the draft sewer connection application, it was stated that the BoH was going to allow the use of porta-potties at the location. This information is most definitely not true. Ms. Cocalis emphatically stated for the record that there is to be no usage of porta-potties as a septic solution.

July 1<sup>st</sup> was mentioned and discussed as a target date for initial plan submission going forward. Specific plans and solutions being presented is much desired. Mr. McClure states that he is aware of the need and will have a plan in progress (design flows and plan for leaching field) and will be presented, to the BoH by July 1<sup>st</sup>.

Mr. Volpe urged the need for a specific date with adherence to that date for submission of plans. Ms. Cocalis also mentioned two tickets that had been written for recent infractions. The first is a \$0.00 warning and the second is held in abeyance. The fine amount for the first is possibly up to \$500. The \$0 warning ticket was issued to Mr. Damon. Mr. Damon thanked the Board for their suggestions and attention to the matter. He assured the Board that he will continue towards remediation.

### **Agent's Report:**

**16 Tantasqua Shore Drive** - Ms. Rusiecki stated that plans have changed regarding distance for drilling in relation to the well. It had been 70ft and is now revised to a 60ft. offset from the well to the soil absorption system of the septic system. Motion needed to accept change. Mr. Volpe learned from Ms. Rusiecki that 50

feet is the minimum distance allowed. A slope, Ms. Rusiecki explained, is the reason for the space limitation as proposed by the designer, Mark Farrell, RS. Motion made by Mr. Chaput to accept the revised plan. The motion was seconded by Ms. Cocalis. APPROVED (3-0), with conditions as previously approved (well testing in accordance with 310 CMR 15.303) and testing to occur and results delivered to the Board of Health between 6 and 12 months of operation.

**35 South Shore Drive** - Several complaints were received in regard to the smell of sewage and the sight of liquids emanating from the pipe near 35 So Shore Dr. owned by Seguin, and which the flows towards and to the culvert that is located generally between 31 and 35 So. Shore Dr. Ms. Rusiecki and Ron Woolhouse made a site visit and did notice swamp odors and not necessarily sewage odors present. Sudsy water was seen coming from the pipe. The DEP had taken water samples from the location, per Ms. Cocalis. She added the Mr. Allard had taken his own sample and sent it to the DEP; it was found that there were no significant contaminants. As discussed previously, natural foaming of natural waters is a common occurrence.

**Landfill & Recycling Center: (Leachate):** John Booth, per Ms. Rusiecki, had called inquiring about removal of leachate and how much would be able to be removed at this time. She asked Ms. Cocalis to follow-up with Mr. Booth since she herself will be taking a couple of days off. The request was for a Saturday removal and this would require additional manpower at the Wastewater Treatment Plant.

Ms. Rusiecki requests budget allocation for rolloff remediation bid (\$2,400) to be presented to the Finance Director for approval. Motion proposed and seconded, APPROVED (3-0).

Mr. Chaput inquired about recent restrictions at the Recycling Center i.e. the restriction on disposal of film. Such materials are now being buried with the trash rather than handled as a “burnable”.

**Administration:**

Ms. Rusiecki asked for a vote of approval on the April 22<sup>nd</sup> meeting minutes. Mr. Chaput said that Board reorganization must be approved before minutes are approved. Ms. Cocalis moves to approve the minutes and the amended minutes were seconded and approved. She also moved to ratify the vote on Board reorganization. Mr. Volpe moved to keep Board as it is, seconded and APPROVED (3 – 0). Ms. Cocalis is Chairman; Mr. Chaput is Vice-Chairman of the Board and Mr. Volpe is now Secretary of the Board.

A motion was put forward by Ms. Cocalis to close the meeting at 8:15PM. The motion was seconded by Mr. Chaput, APPROVED, (3-0).

Meeting adjourned 8:15pm.

Respectfully submitted,

Alyssa Rusiecki,  
Health Agent

**Reviewed: 3-17-2014 & 5-22-2014**  
**Approved: (2 – 0) LC RV**

