

Minutes
Sturbridge Board of Health
August 24, 2015

Present: Linda Cocalis, (LC); and Bob Audet, (BA). Alyssa Rusiecki Health Agent, and Lynne Girouard Administrative Assistant.

Linda Cocalis opens meeting at 5:30pm.

Variance request: “Your Health Matters” 139 Main St., Sturbridge, MA. Request to utilize an off-site three-bay sink for cleaning the coffee grinder and the peanut butter nut grinder, (location of 3-bay sink is located in an adjacent unit at Rom’s/Giovanello’s), and to use an off-site mop sink, at the same location.

Bob asks if this variance would be good for certain amount of time. Linda states that it would be required to reviewed at the time of each permit application, and if it comes up at any inspections.

Agent’s written recommendation to approve, attached. Motion by LC to grant the request as written for the off-site sinks as requested. BA seconded, APPROVED (2 – 0).

Variance request: Mark Farrell, 30 Goodrich Rd., Sturbridge, MA. Property owner and septic designer Mark Farrell requests a variance for less than fifty feet to his own proposed well from his proposed tight tank. At this time, there is additional discussion regarding the monolithic tank vs. the split seam tight tanks.

Agent’s written recommendation, to approve with conditions, including but not limited to the use of a single compartment top seam monolithic 2,000 gallon septic “tight tank.”

Mark said that the Board agreed to “defer the well” to the Building Inspector. He said that the Agent told the Building Inspector that a well is needed per MA General Laws. Mark stated that it is the smallest property in Sturbridge. The Building Inspector concurred and a well installation for potable water is required for a Building Permit.

Mark states he wants to use a split mid-seam tank, and he can do so per Title 5. The Agent states the top seam (monolithic) tank is more protective in the event of leakage and she has witnessed leakage at split mid-seam tanks; the Agent states that top seam tanks have become the industry standard and are promoted by proactive Boards and professionals. Linda states they didn’t vote on the top seam tank and it shouldn’t be required after the fact. The Agent states that historically she has recommended top seam (monolithic) tanks for new tight tank installations. Linda wants to only use Title 5 because we are streamlining the regulations. Bob asks the reason to use a top seam tank and the Agent states that if the “tight” tank were to leak, it would be less likely to do so because the seam is at the top and not the middle. Mark says that top seam septic tank costs “way more” than a split seam septic tank and that top seam tanks are not required in Title 5. The Agent states that there are numerous “tight tanks” in Sturbridge that are leaking. Mark Farrell states that this will be a better tank and it will not leak at the

mid seam because it will be a new tank and not in the groundwater. Linda wants to follow Title 5, and the Board allows Mark Farrell to use a mid-seam tank and not a top seam (monolithic) tank – and does not take the advice of Health Agent Alyssa Rusiecki. LC makes motion to approve the 30 Goodrich Rd. well installation less than fifty feet to a tight tank installation. BA seconded. APPROVED (2 – 0) pending the submittal of completed paperwork from Mark Farrell, (letter variance request, copy of plan, and application for a well and fee).

Variance request: Mark Farrell, 215 Podunk Rd., Sturbridge, MA. The Agent states that there is additional information from DEP for their policy entitled “Alternative to Perc Testing,” (attached). The Agent recommends following the DEP policy because the soils are too wet to perc. Mark states that he is using the “DEP Presby Approval Letter” (attached) which is one of the patented sand filter system which allows use the design standards to solve problems and he can put them in when they have perched at an elevation of 2 feet of soil and got a very good perc rate. Mark states that he believes meets the remedial use approval; 3 years ago he did the same in Sturbridge on Podunk Road.

The Agent states that the two DEP documents (Alternative Perc Policy and the Presby Remedial use Approval Letter) are mutually exclusive, and that a designer cannot choose to use one over the other. The Alternative Perc Policy must be used and the Presby approval letter cannot be substituted for it. It’s like apples to oranges.

Mark says “that three years ago Podunk Rd. is what we have used it before. I believe that the system is over-designed and it will work for 25 – 35 years out of it. What she’s recommending is that we pump downhill.” The Agent states that it is not her personal recommendation, but the interpretation of the DEP policy, which she had reviewed and confirmed with DEP (David Boyer, Wastewater Division Director in the Central office of DEP). The Agent presents Mr. Boyer’s email which states that the Alternative Perc Policy must be used. Mark states that he is just re-iterating it that’s another option and you can use that as one of the options. Mark goes on that the soil below is on the impervious, hardpan side and he believes that these alternative design standards were made for this, he as designer, discounted the C horizon. “We put extra pipe in there, I am very confident that this system would work for 25 years. If you use what she says you have to pump downhill to get pressure distribution. Two different documents. If you put a Presby system you can’t pressure distribute. Other towns have allowed Presby to be put in.” Linda asks if there is another type of system that could be put in. The Agent states that there is a possibility to use a distributed system that is uses secondary treatment. Mark Farrell different systems would cost \$40-\$50,000. Bob states that this is a complicated issue and he will have to rely on Alyssa. Linda states that we will make you a copy of this (email from DEP), and asks How long has Presby been around? Mark states fifteen years. Linda states that they probably wrote this stuff before Presby was around. My thing is to put it on the agenda, talk to Mr. Boyer. Mark goes on to say that Presby says you can’t have pressure distribution, and or look at some of the all the other alternatives. Fully compliant, fully sized system or put an alternative system in. It is just a huge sum of money to put in a fully compliant or Alternative technology as she is interpreting. The Agent states that she has confirmed that the Alternative Perc Policy requires a fully sized system or an alternative technology. Mark said that he is not using the Alternative Perc Policy. Mark wants to use the standard that he chooses. Linda asks how many standards are there and did you tell Mr. Boyer of these other standards.

The Agent states that DEP staff has told her that the designer cannot “choose” the standard he wants. Linda states that Mark will have to come back because we only have two members here we have to wait until we have a full Board. Mark reading, this system does not have any negative impacts. Linda reads Alternative Perc policy. AR explains that one policy cannot be chosen over the other. Mark is saying that there are multiple documents. He is now not using the sieve test from the Alternative Perc Policy and that is his choice. So Mark wants to use another standard and use the Presby. Linda suggests that Mark contact Mr. Boyer at DEP. Mark states that the system will work and this clearly meets all the requirements of Title 5, and is the best solution. Linda states to make sure that Alyssa’s interpretation from DEP is correct. Linda tells Mark that your best advantage is to come back. Mark gives the remedial use approval letter for Presby to Linda. That’s what I designed under, states Mark.

The Agent states that the Presby approval letter and the DEP Alternative Perc Policy (sieve) are two different policies. The Agent states that this is not a simple question of whether a Presby system can be used, certainly they have been used in many upgrade situations around town. The Agent states that the issue is when the Alternative Perc Policy is used and the soil is compacted, then the designer must use an Innovative/Alternative secondary treatment device. Linda states, here is the question, Mark, ask them if you use the sieve test, and it is a compacted soil, then can you use the Presby system? That is the question. Mark agrees to ask the question himself to Mr. Boyer at DEP. Linda states we will have another meeting dependent upon the answer Mark receives from Mr. Boyer at DEP.

Variance: 30 Old Village Rd. Tony and Lisa Sciuлло request for a variance to local regulations > 20 mpi, the State is up to 60 mpi. The Agent states that all other conditions are compliant with Title 5. Motion as written, seconded and (2 – 0) APPROVED.

Agent’s report: The tablets are being set up but the inspecting software has not been purchased as of yet. All of the inspecting software will be reviewed at the Yankee Environmental Health Workshop on September 16th and 17th, 2015. (Report continued below).

Alyssa wants to clarify, (relative to the above discussion of 215 Podunk Rd.) that she confirmed with Town Counsel that when she learned new information about the DEP Alternative to Perc Policy, it is the best policy to follow that new information. The Board agreed and re-iterated that they support Alyssa.

Food Processing update on residential kitchen buttercream frosting testing. A reference was contacted at the Food Science Department of the University and provided follow-up resources for lab testing. The question was answered that each flavor would need to be tested, with a resultant pH of 4.6 or less and water content of .85 or less, as previously discussed. The Agent states that there is a third party that needs to be contacted known as a “processor.” The information will be forwarded to all residential kitchen applicants interested in PHFs (“potentially hazardous foods”) such a buttercream frosting made with butter as this is the State requirement.

Housing: 468 Main St. housing issue (heat, plumbing-hot water). The Housing Court Judge Ordered that the tenant vacates the property, but the tenant was not in court. The alternative is that the owners could fix the violation.

There were complaints received regarding the Sturbridge Host, the Agent went to inspect the pool as an initial inspection. The pool and the spa were both closed. Combined chlorine in the pool was self-reported at .4, .6. This is above the state limits and the pool must be closed.

29 Bennetts Rd., Wendi and the Building Inspector observed a house falling down and campers and tents camping in the yard. These are zoning issues and the Building Inspector to follow-up.

Beaches: The Yogi Bear beach failed and is closed.

Septic failures: 136 Podunk Rd., and 138 Podunk Rd. were in Housing Court and they have 90 days to remediate. Order by Judge Horan. The Agent states that we went to mediation, and both owners agreed to comply. If they cannot get the systems installed by November 1, 2015, then they agree to have the tight tanks, which are failing, pumped out every 20 days until the new systems can be installed. Alyssa stated that the Board does not want this condition to go on, it must be remediated. To date neither party has pumped out those tanks. We will need to return to Housing Court to file a complaint.

Lack of inspection reports, order to send in As-Builts. Non-compliance will result in Orders to follow-up with a witnessed Title 5 inspection. Alyssa reports that Judy, our part-time clerk, is developing a new database to follow-up on Title 5 inspection reports and I/A operation and maintenance, as well as timely tight tank pump-outs.

InterDepartmental reviews: CVS – the building in which Bentley's is housed will be torn down. No other comment from the Board in GW district, less impervious covering than what is existing. Linda makes a motion to make no additional comment regarding the less impervious area for parking lot, (no change from current conditions), BA seconds (2-0) APPROVED.

Community Health, no issues.

Region2 meeting coming up in September.

Landfill administration: Contracts are discussed for the LF, and there will be a revision regarding the EA landfill inspecting. The Agent found that there should a decrease in fees for this contract. There will be a revised contract to be voted upon and signed by the Board of Selectmen at a future meeting.

New fees from John Booth at the Recycling Center will be published on Friday, then uploaded to website. It is suggested that they are also posted at the RC.

Linda forgot some documents typed up from John Booth – Linda will bring it next time, or ask for an email from John.

Office Administration: Schedule vacation, the Agent is trying not to carry-over vacation time, as requested by the Board previously. Lynne is going on vacation for a couple of weeks. The Sr. workers are back. Education is on Sept 9 one day, Sept 16 & 17 Yankee, October 21-23 MHOA. The next meeting date is discussed. Bob can meet on September 10th. Linda will get back to us.

Correspondence (request): Quiet Corner Popcorn request for a seasonal fee for the concert series for next year. LC made a motion, summer concert on the common \$50 for 8 – 12 for non-PHF's (non-potentially hazardous foods) only. Discussion: Bob clarifies that the seasonal permit would have to be site specific, not for everywhere. The Board agrees. Linda makes a motion to have a seasonal permit for \$50 for concerts on the common, for non-PHF's. BA seconds, APPROVED (2 – 0).

Recycling Center – backfill position, (2-day a week position). Linda states that we need to re-advertise, we need a fresh set of people. We have a couple of good people, but just to comply, but John Booth knows what we need, let John Booth do it. Let John Booth interview people them – have them come there and go down there – we don't have to interview the people. There is discussion about the guy that John Booth knows and whether he will be available on the weekends or not. Linda states that the item for the Recycling Center is that she discussed getting bids for the trash compactor with John Booth. They will be sealed bids. Linda states that the paper compactor had been ordered. Also, have to adjust the Hazmat Collection days in the future, as you know Brian Towns, our Sr. chemist has been out and the second chemist, is willing to do it only in the spring and in the fall. We'll have to notify DEP – we'll have to have post less months. Bob asks if the secondary chemist needs to be trained. Linda stated that John has been hovering over him and we have some time now and we'll have to change the dates on a future meeting or we could just do it now. Bob asks if we are still doing the Hazmat collections. Yes, we are still having Hazmat collections on the third Saturday of the month. Linda states that we may save some money and we won't be paying Brian overtime.

Correspondence: There is a notice about mosquito spraying. The process for opting out (or in) is reviewed.

Regarding the Southbridge Landfill groundwater testing, Linda states that there's a hydro geologist who has been submitting comments, we can bring him on as a consultant, on these matters. He would be a volunteer. He's willing to do that. Bob asks if there are any formalities to have him act as our consultant, Linda says no, we can bring on anyone we want for a consultant. The hydrologist can review the results for us. He has a masters' degree and worked in Colorado.

Regarding the Southbridge Landfill proposed processing facility, Linda reviewed the DEP response and Provisional Permit and Green Seal Environmental report. Numerous questions jumped out at Linda, it would need to be site-assigned, and the hours of operation, (deadline) until 10 pm at night could result in nuisance conditions - it's late and it could be noisy. The response to DEP needs to be done by the close of business on August 26th. Bob makes a motion to grant Linda permission to work on the response letter from the Board of Health, Linda seconded. (2 – 0) APPROVED.

DEP notice on elevated perchlorate in the Town well water. The Agent stated that she spoke to DPW Director Greg Morse about the matter and he said that it is being diluted. The Board asks did they blend it to bring it down and are we in compliance? Is it exceeding, and do we need to send a reverse 911 call to those people affected? We will follow-up with DPW Director Morse.

Public Comment/Concerns of the Members: Bob will come in tomorrow, Tuesday, to go over draft regulations with Alyssa then we review it as a Board before setting the next public hearing date.

Minutes: July 20, 2015 Linda makes a motion to approve, Bob seconded, APPROVED (2 -0).

Concerns of the members: Linda has received comments from people concerned about the proposed Sunset Motocross, their BoH (Charlton) should be looking at it. People have been comparing to what happened in Palmer, they have been fined \$450,000 for a wetlands protection act violation. There are a lot of complaints for surrounding noise in Warren and maybe, the Monson, side. It got rubber-stamped, they went beyond the 25-ft buffer zone, not a whole lot we can do, and Linda offered to help them. Bob states that it's still up to them, there's nothing we can do. Linda replies not until it becomes a nuisance and the decibels go over 10 dbs. LC will forward the information to Alyssa.

LC motion to go into Exec Session, to discuss strategy with respect to litigation, by roll call vote: LC aye, BA aye, for 181 Shepard Rd., not to return to open session. Regular meeting adjourned at 7:40pm. Motion, LC; seconded BA.

Adjourned 7:40pm.

7:40pm Convene in Executive Session for litigation strategy, per roll call vote above.

Respectfully submitted,

Alyssa Rusiecki Health Agent