

**SHERBORN  
BOARD OF HEALTH MEETING  
MINUTES  
April 11, 2018**

**Members Present:** Daryl Beardsley, Chair, Rebecca Hunnewell, MD, and Lisa Campe

**Members Absent:** Matt Vitale, MD

**Others Present:** Peter Liffiton, Chris Owen, Zachary McBride, Sarah Dunn, Ardys Flavelle, Marian Neutra, and Mark Oram, Agent.

The meeting came to order at 7:20 PM in the second floor meeting room (Room 204A) in the Town Hall. The meeting was televised LIVE on Dover-Sherborn Cable TV.

1. The Chair reviewed the Agenda, noting the following items not anticipated by the Chair 48-hours in advance of the meeting, requesting that they be added to the Agenda:

(1) Review of food establishment inspection reports received

(2) 59 Prospect Street, Christopher Dunn – Septic Tank Relocation #18-22 – for approval

A motion was made to amend the Agenda as stated, and it was seconded and approved.

**APPROVED 3-0**

2. **Food Establishment inspection reports** were received from the Food Inspector for the Sweet Meadow Farm Stand, Rustic Pizza, Sherborn Market, and Pilgrim Church, and they were reviewed. No critical violations were found at these establishments.

3. **5/3/18 and 5/16/18 Agenda Items** – The Administrator stated that two (2) variance hearings were already scheduled for the 5/3/18 meeting. Scott Horsley will give his presentation on the Mounding Study at 7:15 PM on 5/16/18.

4. **Minutes** – There were no Minutes ready for approval at this time.

5. **8 Washington Street / 6 Maple Street (new lot), Sarah Dunn / Zachary McBride – Preliminary Building Application #P18-19** – Sarah Dunn, owner of the property, and Zachary McBride, prospective buyer of 6 Maple Street, were present to discuss with the Board various questions regarding this potential new lot.

Agent Oram reported that he had conducted the previous testing on this site with the engineer, and he stated that they must still evaluate to determine how the engineer determined the groundwater adjustment used on his soil reports. Mr. McBride asked if he could be allowed to continue the testing previously conducted, noting that since some previous testing failed, additional testing would be necessary. The Administrator noted that since this is a new applicant, any additional testing would require a new application. Agent Oram suggested the Board extend the soil testing application deadline for new construction to Monday, 4/16/18 this year and also extend the testing season through Saturday, 5/5/18, due to the wet conditions and high water table conditions. This was later voted (see #6 of these Minutes).

Mr. McBride stated that he had assumed they wouldn't be able to conduct further soil testing until the fall of 2018 because due to the onsite wetlands, they first need to get through the Conservation Commission. Mr. Oram noted that they will also need to determine groundwater at the proposed house location as well as the septic area.

Mr. McBride then asked about the existing well at 8 Washington Street and the close proximity of the proposed driveway (existing cart path) for 6 Maple Street, noting that the well is located only 5-7 feet from the driveway. Ms. Beardsley expressed concern, stating that this could possibly put another person's well in jeopardy, and she felt that clouds this request for a design situation that has only previously been allowed when the driveway and well are on the same property. The Chair felt that either the existing 8 Washington Street well would need to be relocated, or the driveway for 6 Maple Street would need to change. Following discussion, the Board was in agreement that they would *not* be inclined to allow the driveway for 6 Maple Street in the current cart path location with the existing well for 8 Washington Street so close (5-7 feet away).

**AGREED 3-0**

6. 2018 Testing Season / Application Deadline (see #5 of these Minutes) – Following the Agent's recommendation during the previous discussion, a motion was made to extend the application deadline for soil testing for new construction to Monday, 4/16/18 [Note: This was later extended to Tuesday, 4/17/18 due to the Monday holiday.], and it was seconded and agreed.

**AGREED 3-0**

A motion was made to extend the testing season for new construction to Saturday, 5/5/18 due to the current wet conditions and high water table, and it was seconded and agreed.

**AGREED 3-0**

7. **General Chemical Corporation, Framingham** (see Minutes of 3/22/18, 12/4/17, 11/1/17, 9/6/17, 5/3/17, 2/15/17, 2/1/17, 4/6/16, 3/16/16, 1/6/16, 9/16/15, 8/19/15, 8/5/15, 7/22/15-#3 and #13, 6/17/15, 6/3/15, 5/20/15, 3/18/15, 1/21/15, 1/17/14, 8/20/14, 6/18/14, 4/3/14, 12/4/13, 11/6/13, 7/17/13, 6/19/13, 6/5/13, 7/18/12, 6/19/12, 6/6/12-#6 and #20, 5/2/12, 4/11/12, 3/21/12, 3/7/12, 2/15/12, 2/1/12, 1/18/12, 1/4/12, 12/21/11, 12/7/11, 11/16/11, 8/18/10, 1/19/07, 12/20/06, 11/15/06-#20, 11/9/06-#32, 11/1/06, 10/18/06, and 7/19/06) – Ms. Beardsley reported that MassDEP is moving ahead with the next stages of addressing the contamination problems at the General Chemical site. She stated that both Agent Ethan Mascoop and consultant TRC have informally advised the Board of Health that this would be the time for the Board of Health to review and weigh in with MassDEP. Ms. Campe stated, however, that what was provided by MassDEP is a "Focused Remedy Evaluation" – it states that they will do a source area remedy using thermal treatment. The document generally states what they are going to do – it is an informal interim step. She stated that the *next* step is a detailed plan. It is very clear to her that MassDEP is not accepting public comment on the current document, but they will officially accept comments on the actual plan. Ms. Campe stated that MassDEP is not covering any new ground in the current documents. She recommended that the Board and the town save their money (hold it) and have Drew Smythe (TRC) review and comment on the official document (detailed plan) to be provided later.

Ms. Campe stated that the EPA has provided comments to MassDEP, and suggested expansion of the thermal treatment. She stated that she is hopeful that MassDEP will modify the plan to include this. However, MassDEP is not going to be entertaining our thoughts now, so she felt it would be a waste of money to comment at this time. Dr. Hunnewell noted, however, that Sherborn has a more intense interest in this matter because we drink the groundwater.

Ms. Beardsley wondered why they would divert funds from bioaugmentation, and Ms. Campe responded that the primary target is the biggest, worst target, and she noted that we are talking about expanding the thermal treatment area.

A motion was made to postpone Board of Health authorization for technical support from TRC until there is a more detailed plan available from MassDEP. When the more detailed plan is available, the Board of Health will request a revision to the current proposal (dated April 2, 2018). At that time, the Board can vote on a revised proposal, and then go to the Board of Selectmen for a Reserve Fund Transfer to fund it, and it was seconded and agreed.

**AGREED 3-0**

The Administrator will advise the Town Administrator, Agent Mascoop, and TRC of this vote.

8. **59 Prospect Street, Christopher Dunn – Septic Tank Relocation #18-22** – Agent Oram stated that a Building Application for a house addition showed the current septic tank too close to the proposed new foundation. In order to gain approval of the building application plan, the existing septic tank is to be relocated, per this plan. The Agent recommended approval of this plan as submitted, and such a motion was made, seconded, and approved.

**APPROVED 3-0**

9. **21 Green Lane (Lot 2), Trask Development – Revision to a Previously Approved Plan #18-12** (see Minutes of 3/22/18, 6/21/17, and 4/5/17-#12) – The Agent presented the revised plan, noting that the bedroom count has been increased from 4- to 6-bedrooms. Although the house will be built as a 5-bedroom home, it will have a total of 13 rooms, requiring a 6-bedroom design. Mr. Oram stated that all requirements have been met, and he recommended approval of the revised plan as presented. He noted that no garbage grinder is allowed, but that the required deed restriction has already been filed at the Registry of Deeds, and a copy submitted to our office.

A motion was made to approve this revised plan as presented, and it was seconded and approved.

**APPROVED 3-0**

10. **16 Nason Hill Lane, Michael Newman – Septic Alteration #17-107** (see Minutes of 5/17/17, 2/15/17, 5/4/16, and 11/7/12-#7) – Agent Oram presented this plan, noting that it is for the septic tank and associated piping to the barn for the addition. The plan was designed by J.D. Marquedant & Associates. The Agent recommended approval of the plan as presented, and such a motion was made, seconded, and approved.

**APPROVED 3-0**

11. **Discussion of significant site work, including ledge removal** (see Minutes of 3/22/18, 2/13/18-#5, and 12/4/17-#23) – The Chair provided draft regulations, one drafted by Ms. Beardsley as a Town By-Law (addition to Chapter 21 – Groundwater Protection By-Law), and the other drafted by Ms. Campe as a new regulation (regarding rock blasting or removal in Sherborn) for review and discussion.

Ms. Beardsley stated that the Board has been discussing how we can set up regulations that could either protect or at least alert residents when there might be site work that could impact their drinking water. She noted that the Board is concerned with manganese because, although it is good for you to some degree, in excess it is dangerous. Dr. Hunnewell stated that high levels of manganese can lead to progressive neurologic toxicity. Ms. Beardsley noted that the State of Connecticut has recognized a correlation between ledge disruption activities and elevated manganese levels in groundwater.

Ms. Beardsley stated that her draft has requirements such that before ledge disruption on a property may proceed, there would have to be notice to homeowners in a certain radius around that property. That notice would alert them to the need for baseline water quality evaluation and give them enough time to accomplish it before the ledge disruption commenced. Ms. Campe, in her draft regulation, took the tactic of more responsibility on the project proponent for ledge removal. Ms. Campe stated that her proposal states that, if there is a certain volume of ledge removal, there would be a required plan/permit. In addition, the applicant would be responsible for baseline testing of abutters' wells. A blasting plan indicating what explosive products they would use, as well as Best Management Practices (BMPs), and post-completion monitoring of abutters' wells. She noted that if there is degradation of a well, there should be mitigation (which could include drilling a new well, or the installation of a treatment system).

Ms. Beardsley asked about thoughts on appropriate actions if groundwater is found to be contaminated, yet the project is not done, and Ms. Campe responded that after 2 weeks the project would get a cease and desist order. Also, if something suddenly changes, there must be a notification that something is going on – the work would stop and then there should be mitigation. She stated that the timing of the periodic testing is important.

Ms. Beardsley stated that we don't currently have this type of regulation. Dr. Hunnewell stated that she consulted with the MAHB President, and she was told that a permit given by the town must be reviewed by the Board of Health. Ms. Campe stated that she is trying to come up with a separate permitting process. Ms. Beardsley noted that Sherborn already has the Groundwater Protection By-Law that covers a variety of issues, including threats to groundwater.

Resident Peter Liffiton, who was in the audience, stated that the State puts a number of requirements on a person doing blasting, and he felt there might be something in those regulations that the Board could look at and possibly adopt. He noted that blasters must be insured for secondary effects.

Resident Ardys Flavelle, who was in the audience, noted that what happened to her was the result of ledge hammering, and she felt that one of the first questions that should be asked is "why are you building the house here when there is another part of the land where you wouldn't need to disrupt the ledge?" Ms. Beardsley responded that the roles and responsibilities would have to be spelled out in the Groundwater Protection By-Law.

Ms. Campe stated that the Board needs to be as thoughtful and judicious as possible, but noted if it is made difficult enough it will be a last resort. However, the Board cannot prohibit any development.

Dr. Hunnewell stated that it is in everyone's interest to make smart decisions, noting that it is logical, smart planning. Ms. Beardsley noted that Windham, CT had elevated manganese believed associated with a new development performing ledge blasting. [Note: During the meeting, Ms. Beardsley noted that the town might have been Newtown, CT but corrected it during minutes review.] Ms. Campe noted that there is a lot of ledge and granite in NH, and about 30-35% of the State is supplied by private wells. She stated that NH approaches it by requiring a plan coupled with some kind of monitoring program. Ms. Campe felt that it is workable, but noted that it is not going to be easy.

The Chair asked if the Board wanted to do this "step-wise" by getting something basic in place quicker, following it up with the more complex version, or go the other route and work on the comprehensive regulation from the start. Dr. Hunnewell stated that she felt the Board should start with something, noting that they could amend it after thoughtfully going through it.

Ms. Campe stated that she doesn't feel it is appropriate for the homeowners to have to pay for the water testing, as Ms. Beardsley's proposal suggests. Ms. Beardsley appreciated that issue but is concerned about getting something in place to protect neighbors and to highlight the liabilities of ledge disruption to the applicants. Dr. Hunnewell stated that we are not trying to create economic burdens on developers, but the effect on the abutter is more burdensome.

Ms. Flavelle stated that her fixtures are corroding due to pH levels, and the porcelain is discolored. She is not drinking her water and she is not bathing in her water. She thanked the Board of Health for discussing this and taking steps to address it.

Agent Oram noted that 527 CMR 1.00 is the State Regulation for blasting, and while most of it is related to safety and fire, the Board could look at it as a framework. He felt the Board might be able to work this into their current EHIR Regulations.

Ms. Flavelle commented on the trucking out of the pulverized rock, stating that it should not stay onsite, and discussion followed. Ms. Campe stated that there is a difference between boulders, large rocks, and "muck". On the overall effort to address the suspected correlation between ledge disruption and drinking water impacts, Ms. Beardsley stated that the Board shouldn't have projects stumble blindly into a more serious situation and have to deal with it later.

12. **Board of Health Building Permit Review Guidelines Flowchart** (see Minutes of 3/12/18, 2/13/18, and 1/3/18) – This discussion was postponed to the 5/3/18 meeting.

13. **59 North Main Street, Sherborn Village (40B)** (see Minutes of 3/22/18-#3 and #15, 3/12/18, 2/13/18, 12/20/17, 12/4/17, 11/13/17, 11/1/17, 10/18/17, 7/19/17, 7/22/15, 12/17/14, 11/5/14-#14(2),

10/1/14, 9/24/14, 9/10/14-#3, 12/3/08, 5/7/08-#14, 9/5/07-#12, and 8/15/07) – Ms. Beardsley reported that both she and Health Agent Oram attended the 4/5/18 ZBA meeting at which this project was again discussed. She noted that the applicant is creating a large sewer system for 12 homes, and the Agent’s deficiency checklist was discussed. It was noted that the type of septic system (a “bed”) was a major concern. In addition, the applicant is missing some water quality tests from the well head, and additional tap testing within the units is required. It was noted that *one* revised septic plan was submitted tonight. Maintenance and “standard operating procedures” was discussed at the ZBA Hearing. Ms. Beardsley reported that the main concern (the septic system as a “bed” system) was addressed, and the applicant is now going to a “Presby” system, which is an I/A, pressure-dosed, bed system permitted by MassDEP.

14. **Conservation Commission – Proposed regulation regarding wastewater** – Ms. Beardsley reported that the Conservation Commission is trying to look at the health of wetland resource areas, particularly in areas with large nitrogen loading. She stated that they circulated a draft proposal some time ago, but now they can get some outside assistance from an expert. Ms. Beardsley felt the Board of Health could piggyback on that and try to get some input on possible Board of Health regulations. She stated that the BOH involvement would be around the size of the systems. A motion was made to inform the Conservation Commission that the Board of Health will collaborate with them in this endeavor, and it was seconded and agreed.

**AGREED 3-0**

Peter Liffiton, who was in the audience, commented that since 1995, in order to adopt any regulation more stringent than Title 5, the Board needs to submit the regulation along with a preponderance of scientific data showing that it is reasonable

[The televised portion of the meeting ended at 9:53 PM.]

15. **Warrants / Payroll** – The Board reviewed and signed Payroll #20, Warrant #21 (3), and Payroll #21.

The meeting adjourned at 9:58 PM.

Respectfully Submitted,

Ellen J. Hartnett  
Administrator

cc: Town Clerk; Board of Assessors; Fire Chief; Building Inspector; Mark Oram, Agent; and File. [cc: via email to: Planning Board; Conservation Commission; Selectmen]

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**DOCUMENTS REVIEWED AT THE 4/11/18 MEETING**  
**(All items stored in the Board of Health files unless otherwise noted)**

1. **Food Establishment Inspection Reports –**
  - Sweet Meadow Farm Stand
  - Rustic Pizza
  - Sherborn Market
  - Pilgrim Church
  
2. **6 Maple Street –**
  - 4/4/18 “Preliminary Building Application Review” #P18-19 letter from prospect buyer Zachary McBride
  - 9/2/15 letter addressed to the BOH regarding “8 Washington Street” from Desheng Wang, PhD, P.E.
  - 9/3/15 email from James Murphy, Esq. addressed to Ellen Hartnett and John Keefe re: “soil report and preliminary septic layout design – 8 Washington Street”
  - Plot Plan of land dated 1/20/16 with handwritten “Question #2 re: adequate protection for 8 Washington well”
  - BOH Administrator’s handwritten questions/issues
  
3. **Building Permit Review –**
  - Board of Health Building Permit Review Guidelines Flowchart
  
4. **Rock Blasting and Drinking Water –**
  - 3/23/18 email from Rebecca Hunnewell, MD to BOH Administrator, with attachments
  - “Rock Blasting and Water Quality Measures That Can be Taken to Protect Water Quality and Mitigate Impacts”
  - PowerPoint “Development of BMPs for Rock Blasting Activities to Protect Water Resources”, by Brandon Kernen, PG, NH Department of Environmental Services
  - 3/24/18 email from BOH Chair to BOH Administrator and Agents recapping BOH progress on the emerging issue of ledge disturbance
  - 3/14/18 email from Michael Lesser to BOH Administrator re: “Manganese contamination of bedrock wells associates with new development”
  
5. **General Chemical –**
  - 3/1/18 letter to Rodene Lamkin (MassDEP) from Eva L. Davis, PhD., subject: “Focused Remedy Evaluation – General Chemical Corporation Site, Framingham, Massachusetts 18-R01-004”
  - 3/15/18 letter to Brian Cote, LSP from Stephen Johnson (MassDEP), subject: “General Chemical Corporation Site, 133 Leland Street, Framingham, RTN 3-19174, Focused Remedy Evaluation Letter Report”
  - 3/27/18 email from Ethan Mascoop to David Williams, Diane Moores, Daryl Beardsley, and BOH Administrator re: “TRC Services regarding General Chemical”
  - 3/12/18 “Focused Remedy Evaluation – General Chemical Corporation Site” addressed to Rodene Lamkin (MassDEP) from Aptim Environmental & Infrastructure, Inc.
  - 4/2/18 “Proposed Scope of Work – General Chemical Corporation Facility Remedy Evaluation and Environmental Impacts Pertinent to the Town of Sherborn” addressed to David Williams from David M. Sullivan, LSP of TRC
  
6. **59 North Main Street, Sherborn Village 40B –**
  - 3/27/18 FAXed deficiency checklist regarding New Septic #17-112
  - 3/28/18 “Draft Conditions for 59 North Main Street 43/27/18 FAXed deficiency checklist regarding New Septic #17-112
  - 3/28/18 email “Draft Conditions for 59 North Main Street 40B” from Jeanne Guthrie
  - 4/218 email “59 Main (sic) Street DRAFT Decision and Conditions” John Gelcich of Beals and Thomas via Jeanne Guthrie
  
7. **Warrants/Payroll –**
  - Warrant #21(3)
  - Payroll #20 and #21

8. **59 Prospect Street** –
  - Septic Tank Relocation Plan #18-22 drawn by GLM Engineering and dated 4/9/18
  - Building Application #18-08 (located in the Building Department files)
9. **16 Nason Hill Lane** –
  - Septic Alteration Plan #17-107, drawn by J.D. Marquedant & Associates, Inc. and dated 11/6/17
10. **21 Green Lane** –
  - Revision to a Previously Approved Plan #18-12, drawn by Bruce Saluk & Associates, Inc. and dated 1/11/17 and revised 3/30/17, 5/16/17, 6/20/17, and 2/15/18