SHERBORN
BOARD OF HEALTH MEETING
MINUTES
February 5, 2020

Members Present: Daryl Beardsley, Chair, Matt Vitale, MD, Lisa Campe, Rebecca Hunnewell, MD, and David Sossen

Members Absent: None

Others Present: Gregory Kennan, Jeff Waldron, Daniel McIntyre, P.E., Paul Saulnier, P.E., and Mark Oram, Agent.

The meeting came to order at 7:05 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 and asked if there were any items not anticipated 48-hours in advance that needed to be added, but there were none.

2. 2020 Disposal Works Installer Permit Renewal – A renewal application was received from Holliston Sewer Service (#I20-16) and it was reviewed. A motion was made to approve the issuance of this renewal permit, conditional to a pre-construction conference with the Health Agent prior to any work commencing, and it was seconded and approved. APPROVED 5-0 with condition

3. A 2020 Rabies Inoculation Exemption Application was received for “Sadie”, owned by Patricia Roberts of Bogastow Brook Road. The application was reviewed and briefly discussed. In accordance with M.G.L. c.140, s.145(B), a motion was made to approve an exemption from the required rabies inoculation for calendar year 2020 for “Sadie”, due to the specific physical condition noted by Margo Roman, D.V.M. on the application, and it was seconded and approved. APPROVED 5-0

4. Dover Board of Health (see Minutes of 11/13/19, 10/16/19, and 10/2/19) – Ms. Beardsley reported that she was contacted by Gerald Clarke, Chairman of the Dover Board of Health, about possibly working cooperatively, noting that there is a grants program offered by the Massachusetts Department of Public Health promoting shared services among municipalities. Ms. Beardsley noted several examples of previous grants awarded, including the Framingham Health Department for shared public health nursing services with Ashland, Hudson, and Holliston (in partnership with the Metropolitan Area Planning Council), and the Peabody Department of Health and Human Services and nine other municipalities for the North Shore Mother Home Visiting Program (in partnership with the Metropolitan Area Planning Council). She asked if this Board would be interested in pursuing a possible shared services grant and noted that the deadline for submission is February 27th (a tight deadline).

Ms. Beardsley reported that she and Professor Clarke talked about animal management issues, and Mr. Clarke also mentioned that he was at a meeting where Innovative/Alternative septic systems were discussed, noting that some are failing prematurely. Ms. Beardsley was not sure, however, if the Boards of Health should get involved with that issue since there are other organizations that assess I/A system performance. He also suggested that the Boards look at “reserve area” provisions to see if there are other ways to accommodate reserve areas rather than the put them between trenches. Another topic discussed was Eastern Equine Encephalitis (EEE). Mr. Clarke thinks the State will be de-emphasizing spraying this year and will be emphasizing personal protection.
Returning to the discussion about a possible shared services grant, Ms. Beardsley noted that Dover has some monitoring wells that are checked regularly and perhaps there is additional, complementary information to organize and evaluate. She stated that she and Mr. Clarke talked about taking well data/logs for private properties already on file or available from MassDEP electronic records and trying to get those 3-D mapped. She noted that she has a partial database for Sherborn already from past work she did for the Groundwater Protection Committee. Ms. Campe responded that it would be useful to have the actual locations of private wells. Ms. Beardsley stated that they also discussed the possibility of evaluating septic systems with >2,000-gallons/day flow up to 9,999-gallons/day. She noted that expanded understanding of the kind of steady-state plume for nitrogen at the Fields of Sherborn would be helpful, and she felt we would need to have assistance.

Ms. Beardsley asked if the Board felt it would be worth trying to get such outside help, or if they had any other ideas for a grant application. Ms. Campe felt it would be nice to get help developing bedrock disruption regulations. Dr. Hunnewell noted that private water supplies are not protected by law, although the State has minimum drinking water standards for Public Water Supplies (that are enforced by MassDEP). She suggested that when the local drinking water regulations are waived by the Zoning Board, shouldn’t they be required to be monitored? Dr. Hunnewell stated that there is no enforcement by the State for private water supplies, and felt the Boards could apply for a grant to determine if the State is interested in that. After it was noted that the grants are for local Boards of Health, Dr. Hunnewell clarified that it might be an opportunity to get assistance with protecting private drinking water supplies in affordable housing (40Bs), noting that this is unique to us. Ms. Beardsley felt that could be a subset to the large (>2,000-galloons/day) septic systems.

Ms. Beardsley reported that the Dover Board of Health is still interested in discussing coronavirus and some school issues. Mr. Sossen stated that it is not the job of the local Boards of Health to get involved with coronavirus issues – rather, it is our job to follow it.

[Mr. Sossen declared a conflict of interest on the next item, noting that he is an abutter, and he left his position on the Board.]

5. **19 Dopping Brook Road, Evelyn Liffiton – VARIANCE HEARING – Septic Replacement #19-119** – Engineer Daniel McIntyre was present. The Administrator noted that the certified list of abutters, a copy of the abutter notification letter, and the certified mail return receipts had been provided, and all was in order. The Hearing was opened.

Mr. McIntyre presented the plan, noting that he is proposing replacing the existing 4-bedroom failed system with a 4-bedroom system (no increase in flow). An Eljen system (innovative/alternative technology) is proposed. The requested variances were reviewed and discussed:

1. **Section 8.0(1)** – to allow the proposed soil absorption system to be installed 2-feet above seasonal high groundwater rather than the required 5-feet. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 4-0**

2. **Section 8.0(2)** – to allow the proposed soil absorption system to be located in an area with less than 5-feet of natural grade above high groundwater, and in an area where groundwater is less than 5-feet below grade. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 4-0**

3. **Section 10.1(B)** – to allow the proposed soil absorption system to be located 125-feet from the existing onsite downhill well rather than the required 150-feet. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 4-0**

4. **Title 5 Local Upgrade Approval, 310 CMR 15.405(1)(h)** – to allow the proposed soil absorption system to be located 2-feet above seasonal high groundwater rather than the required 4-feet. A motion was made to approve this LUA as requested, and it was seconded and approved.
APPROVED 4-0

(5) Title 5 Local Upgrade Approval, 310 CMR 15.405(1)(j) – to allow a reduction in the requirement of a 12-inch separation between the inlet and outlet tees to high groundwater, provided all boots or pipe joints are sealed with hydraulic cement or installed with watertight sleeves, and the tank is proven watertight. A motion was made to approve this LUA as requested, and it was seconded and approved.

APPROVED 4-0

The Hearing was closed.

The Agent recommended approval of the plan as submitted, conditional to:

- The required deed recording prohibiting the installation of a garbage grinder
- The required “DEP Notice of Alternative System” deed recording
- The engineer staking the septic system area before it is installed due to the tight setbacks
- A pre-construction conference with the installer and engineer prior to any work beginning

Such a motion was made, seconded, and approved. APPROVED 4-0 with conditions

[Mr. Sossen returned to his position on the Board.]

6. **34 Great Rock Road, Steven Kurz – Septic Replacement #19-58** (see Minutes of 8/21/19) – The Agent presented the septic plan, noting that it was approved on 8/21/19 but has not yet been released because the required deed recording(s) have not been received. He noted that the Conservation Agent forwarded an email she received from a Realtor to the Board of Health, after which it was learned that the septic system leaching area is actually located on a separate lot (in 61B) than the house lot. The Agent recommended that the Board rescind their previous approval of this septic replacement plan until the lot issue is corrected since the plan as presented is not accurate because the separate lot was not indicated. In addition, the Agent noted that the property has been sold to a new owner, but no Title 5 Inspection was done. MassDEP has been contacted, and they recommend that a letter be sent to the new owner and the mortgage-holder noting the deficiencies with the plan and requiring an immediate Title 5 inspection.

A motion was made to rescind the previous plan approval due to the issues noted, and it was seconded and agreed. AGREED 5-0 / 8/21/19 PLAN APPROVAL RESCINDED

The Agent was instructed to send a letter to the current owner and mortgage holder regarding this action and requirements moving forward.

7. **109 North Main Street, Carrie Martin – VARIANCE HEARING – Septic Replacement #19-118** (see Minutes of 6/6/06 and 7/20/05) – Engineer Daniel McIntyre, P.E. was present representing the owner. The Administrator stated that the certified list of abutters, a copy of the abutter notification letter, and the certified mail return receipts had been received, and all is in order. The Hearing was opened.

The engineer presented the plan, noting that there is a passing Title 5 inspection report for a 1-bedroom system, although the house actually has 3-bedrooms. It was also noted that the Title 5 Inspection report shows that there is a garbage grinder present. In 2005, a previous Board approved a septic replacement plan (#05-26) allowing the house to go from 1-bedroom to 3-bedrooms, but that replacement system was never installed and the plan expired. In 2006, the Board agreed to call this house a 2-bedroom house, and allowed a complete renovation without the system being replaced although the Agent had recommended against it. This replacement design is for 3-bedrooms and prohibits a garbage grinder. Ms. Beardsley expressed concern that since the existing system did not fail the Title 5 inspection, and asked if there a compelling reason that this replacement will actually be installed? Mr. McIntyre responded that the Assessor’s show the house as 2-bedrooms, the Title 5 Inspection report (and Board of Health records) show a 1-bedroom septic design, and the house actually has 3-bedrooms. He felt any buyer doing their due diligence would discover this anomaly. Ms. Beardsley stated that if the Board approves this plan, this house cannot be further expanded. The requested variances were reviewed and discussed:
(1) Section 8.0(1) – to allow the proposed soil absorption system to be installed 4-feet above seasonal high groundwater rather than the required 5-feet. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 5-0**

(2) Section 8.0(2) – to allow the proposed soil absorption system to be located in an area with less than 5-feet of natural surface grade above high groundwater, and in an area where groundwater is less than 5-feet below grade. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 5-0**

The Hearing was closed.

Dr. Vitale noted that the Board cannot compel the owner to install this replacement system since there is a passing Title 5 Inspection, however, he asked the engineer to let his client know that the Board would like the existing garbage grinder removed as soon as possible. The existing septic system is undersized for the house and is ancient.

The Agent recommended approval of the plan as presented, conditional to:
- The required deed recording prohibiting the installation of a garbage grinder
- The required “DEP Notice of Alternative System” deed recording
- The engineer staking the septic system area before it is installed due to the tight setbacks
- A pre-construction conference with the installer and engineer prior to any work beginning

Such a motion was made, seconded, and approved. **APPROVED 5-0 with conditions**

8. **129 Hollis Street, Gregory Kennan – VARIANCE HEARING – Septic Replacement #20-01** – Owner Gregory Kennan was present with his engineer, Daniel McIntyre, P.E. The Administrator reported that the certified list of abutters, a copy of the abutter notification letter, and the certified mail return receipts had been received, and all is in order. The Hearing was opened.

Mr. McIntyre presented the plan, noting that the existing system is in failure as it is in the water table. The house has been assessed as a 5-bedroom house, but the existing system was designed for 4-bedrooms. This replacement system has been designed for 5-bedrooms. Mr. McIntyre noted that the replacement system has been designed with the Geomat system, an innovative/alternative technology, and needs only local variances (it is Title 5 compliant). He stated that he did provide proof to the Agent that a conventional system is possible, as required for this I/A technology. The requested variances were reviewed and discussed:

(1) Section 8.0(2) – to allow the proposed soil absorption system to be located in an area with less than 5-feet of natural surface grade above high groundwater, and in an area where groundwater is less than 5-feet below grade. A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 5-0**

(2) Section 10.1(B)(C) – to allow the proposed soil absorption system to be located 134-feet from the existing onsite downhill well rather than the required 175-feet (in soils with <3-minute-inch percolation rate). A motion was made to approve this variance as requested, and it was seconded and approved. **APPROVED 5-0**

The Hearing was closed.

The Agent recommended approval of the plan as presented, conditional to:
- The required deed recording prohibiting the installation of a garbage grinder
- The required “DEP Notice of Alternative System” deed recording
- A pre-construction conference with the installer and engineer prior to any work beginning

Such a motion was made, seconded, and approved. **APPROVED 5-0 with conditions**

9. **157 Farm Road, Dudley Willis – New Well #19-81** (see Minutes of 12/4/19 and 10/2/19) – Engineer Paul Saulnier, P.E. was present representing the owner. The Agent presented the plan, noting that there was one well that served 2 houses. He noted that the Board previously reviewed this plan in October
2019. The Agent noted that this new plan shows the pipe from the other well being sealed off at the house. Mr. Saulnier stated that he previously offered to cut the pipe both at the well head and at the house. A motion was made to approve the plan conditional to the existing well line from 177 Farm Road being cut off both at the well head and also at the inside of the house at 157 Farm Road, and it was seconded and approved. APPROVED 5-0

10. **24 North Main Street, Gary Lybarsky – Septic Alteration #19-107** (see Minutes of 1/15/20, 12/18/19, 12/19/18, 12/5/18, 11/7/18, and 10/17/18–#13[4]) – Engineer Paul Saulnier, P.E. was present, representing the owner. The Agent presented the septic alteration plan to add a 1,000-gallon exterior grease tank with discharge to the FAST tank, and noted that the plan notes that it is for a fast food coffee shop with up to 22-seats, using all disposables. The Agent noted that the maintenance of the grease tank falls under Title 5, and he stated that they must have it checked and/or pumped every 3-months. Ms. Campe asked about the mechanism for restricting the use of the 2nd and 3rd floors, and Mr. Saulnier responded that there will be a deed restriction. There will be a locked door to restrict public access to those levels. The engineer stated that they will use those floors for storage only – non-perishable dry food storage and paper goods. The Agent stated that the facility must be operated as a fast-food facility – it can have no dishwasher or dishware.

The Agent recommended approval of this plan as presented, conditional to a deed recording of the 2nd and 3rd floors and up to 22-seats (including any outside seating) with single-use utensils. He also suggested that a garbage grinder be prohibited. Mr. Sossen asked if there would be any food preparation (cooking) onsite, noting that could use a lot of grease, but the engineer was unsure. Mr. Saulnier noted that this facility has a water meter, so the flows can be checked on a regular basis.

A motion was made to approve this plan as presented, conditional to:
- A deed recording prohibiting the installation of a garbage grinder (if there is not already one on this property)
- Another Title 5 Inspection shall be conducted after 6-months of occupancy (since the current inspection was conducted when the facility was vacant)
- A deed recording limiting the 2nd and 3rd floors to storage only, with no public access allowed

The motion was seconded and approved. APPROVED 5-0 with conditions

In response to a question about the basement level, Mr. Saulnier stated that it is unfinished. The Agent noted that the Food Inspector will be involved with the review of the facility, and that there would be a water testing requirement as part of the food establishment approval process. It was noted that the Food Inspector could check the 2nd and 3rd floors as part of his facility inspections.

11. **2 Whitney Drive, Ning Guan – Septic Replacement #19-108** – The Agent presented the plan, noting that the existing system failed a Title 5 inspection. No variances are needed for this replacement system. The Agent recommended approval of the plan as presented, conditional to a deed restriction prohibiting the installation of a garbage grinder, and such a motion was made, seconded, and approved. APPROVED 5-0 with condition

[Ms. Beardsley declared a conflict of interest on the next item, noting that she is an abutter, and she left her position on the Board.]

12. **51 Forest Street, Hayjon LLC – Septic Replacement #19-111** – The Agent presented the plan, noting that this is a direct replacement for an existing commercial building used for carpentry. The system has been designed to accommodate up to 35-employees. The Agent recommended approval of the plan as presented, noting that no variances are needed.
A motion was made to approve the plan as presented, conditional to a deed recording prohibiting the installation of a garbage grinder (as noted by the engineer on the design plan), and it was seconded and approved. 

**APPROVED 4-0 with condition**

[Ms. Beardsley returned to her position on the Board.]

13. **28 Pleasant Street, Eric Hill – Septic Alteration #20-05** (see Minutes of 10/2/19, 4/29/15, 10/20/14, 10/1/14, 6/20/07, 5/16/07, 4/19/06, and 3/1/06) – The Agent presented the plan, noting that a bathroom is proposed in the new sports barn. The Agent noted that there is dual jurisdiction on this since the plumbing inspector must approve the pipe 10-feet outside the building(s). The Agent recommended approval of this plan as presented, conditional to review and approval by the plumbing inspector, and such a motion was made, seconded, and approved. 

**APPROVED 5-0 with condition**

14. **General Chemical, Framingham** (see Minutes of 1/15/2020, 11/20/19, 11/13/19, 6/11/19, 1/16/19, 8/15/18, 7/18/18, 4/11/18, 3/22/18, 12/4/17, 11/1/17, 9/6/17, 5/3/17, 2/15/17, 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, 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, 6/16/12-#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-#10, 11/9/06-#32, 11/1/06, 10/18/06, and 7/19/06) – Ms. Beardsley reported that Andrew Smyth of TRC observed most sampling of private wells done by MassDEP on Friday, January 17, 2020, and reported that the protocol followed was acceptable. He noted that the volatile organic compound (VOC) analyses they did were based on method 8260 versus the typical method 524. Ms. Campe noted that the 8260 method is usually done for groundwater. Ms. Beardsley reviewed a telephone call she had with MassDEP personnel (Stephen Johnson and Christopher Pyott) with the Board.

It was noted that a Public Meeting is scheduled for tomorrow night (2/6/2020) from 7:00-9:00PM at the Woodrow Wilson School in Framingham. Ms. Beardsley stated that she would attend, and Mr. Sossen stated that he would also attend.

15. **Board of Health Annual Report** (see Minutes of 1/15/2020) – Ms. Beardsley noted that Dr. Vitale provided draft sections for the “Mission Statement” and “Board of Health Engagement with the Master Plan”, and that she provided edits.

[The televised portion of the meeting ended at 9:02 PM.]

16. **Warrants / Payroll** – The Board reviewed and signed Warrant #17(2) and Payroll #15 and #16.

17. **Minutes** – The Board reviewed the Minutes of 1/15/2020. A motion was made to approve these Minutes as amended, and it was seconded and approved. **APPROVED 5-0**

18. Ms. Campe noted that she would be unable to attend the 3/18/2020 meeting

19. **Budget meeting with Advisory Committee** – The Administrator noted that the Board of Health FY21 budget would be reviewed with the Advisory Committee at their 2/12/2020 meeting. Ms. Beardsley noted that she and the Administrator would attend this meeting, and she invited the other Board members to attend if they were available.
20.  **59 North Main Street, Unit 2** (see Minutes of 1/15/2020-#7) – Ms. Beardsley noted that today she received a “thank you card” from the buyer of this unit because of the staff’s and Board’s help in reaching the point whereby the BOH could issue a certificate of compliance so this unit could obtain an occupancy permit. Ms. Beardsley stated that she had several lengthy discussions with the buyer to keep her appraised of the water quality issues and progress made by the developer.

The meeting adjourned at 9:15 PM.

Respectfully Submitted,

Ellen J. Hartnett
Administrator

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

**DOCUMENTS REVIEWED AT THE 2/5/20 MEETING**
*(All items stored in the Board of Health files unless otherwise noted)*

1. **19 Dopping Brook Road** –
   - Septic Replacement #19-119, drawn by McIntyre Engineering & Septic Services and dated 12/21/19
   - Variance Request letter dated 12/23/19 from Daniel McIntyre, P.E.
   - Application for Local Upgrade Approval, Form 9A
   - Certified list of abutters from the Assessor’s office dated 12/23/19
   - Copy of abutter notification letter dated 1/6/2020 from Daniel McIntyre, P.E.
   - Certified mail return receipts and/or usps.com printouts from abutter notification letters
   - Local Upgrade Approval, Form 9B
2. **109 North Main Street** –
   - Septic Replacement #19-118, drawn by McIntyre Engineering & Septic Services and dated 12/23/19
   - Variance request letter dated 12/23/19 from Daniel McIntyre, P.E.
   - Certified list of abutters from the Assessor’s office dated 1/13/2020
   - Copy of abutter notification letter dated 1/7/2020 from Daniel McIntyre, P.E.
   - Certified mail return receipts and/or usps.com printouts from abutter notification letters

3. **129 Hollis Street** –
   - Septic Replacement #20-01, drawn by McIntyre Engineering & Septic Services and dated 1/2/2020
   - Variance request letter dated 1/6/2020 from Daniel McIntyre, P.E.
   - Certified list of abutters from the Assessor’s office dated 1/7/2020
   - Copy of abutter notification letter dated 1/8/2020 from Daniel McIntyre, P.E.
   - Certified mail return receipts and/or usps.com printouts from abutter notification letters

4. **24 North Main Street** –
   - Septic Alteration Plan #19-107, drawn by CIVILized Solutions and dated 7/25/2001 with last revision date 1/16/2020

5. **2 Whitney Drive** –
   - Septic Replacement plan #19-108, drawn by GLM Engineering and dated 10/30/19, revised 1/20/2020

6. **Minutes** -
   - 1/15/2020 Board of Health meeting Minutes

7. **Warrants / Payroll**
   - Payroll #15, 16
   - Warrant #17(2)

8. **51 Forest Street** -
   - Septic Replacement plan #19-111, drawn by GLM Engineering and dated 11/6/19, revised 1/20/2020

9. **28 Pleasant Street** -
   - Septic Alteration plan #20-05, drawn by MetroWest Engineer and dated 10/4/19 (received 1/21/2020)

10. **2020 Permit Renewals** -
    - 2020 Disposal Works Installer Permit Renewal – Holliston Sewer Service - #I20-16

11. **Rabies Exemption Request** -
    - Application for Exemption from Rabies Vaccination for calendar year 2020 from Patricia Roberts for “Sadie”

12. **34 Great Rock Road** –
    - Septic Replacement Plan #19-58, drawn by GLM Engineering and dated 6/18/19 (approved 8/21/19)
    - Memorandum from BOH Administrator to Health Agent dated 1/21/2020 detailing telephone message from Claire Golden, MassDEP, with attachments

13. **157 Farm Road** –
    - Well Location Plan #19-81, drawn by CIVILized Solutions and dated 9/12/19, revised 11/5/19 and 12/16/19

14. **59 North Main Street, Unit 2**
    - “Thank you” card from buyer to BOH Chair

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