SHERBORN
BOARD OF HEALTH MEETING
MINUTES
January 15, 2020

Members Present: Daryl Beardsley, Chair, Matt Vitale, MD, Lisa Campe, Rebecca Hunnewell, MD, and David Sossen
Members Absent: None

Others Present: Jeff Waldron, Paul Saulnier, P.E., Peter Bemis, 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, 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) 2020 Food Establishment Permit Renewal – Sunshine Farm - #F20-12
   A motion was made to amend the Agenda as stated, and it was seconded and approved.
   APPROVED 5-0

2. 2020 Disposal Works Installer Permit Renewals were reviewed and discussed:
   (1) Ben Stevens / Trask Inc. of Southborough - #I20-12
   (2) J.C. Parmenter Inc. of Hopkinton - #I20-13
   (3) DJ Morris Contracting Co., Inc. of Sudbury - #I20-14
   (4) W.C. Rowe Corporation of Weston - #I20-15
   A motion was made to approve the issuance of the above-noted renewals, all 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 conditions

3. 2020 Food Establishment Permit Renewal for the Unitarian Universalist Area Church at First Parish Sherborn - #F20-11 – was reviewed and discussed. It was noted that the level of sodium detected in the water was 92-mg/L, requiring a posting. A motion was made to approve the issuance of this renewal permit, conditional to a sodium posting, and it was seconded and approved.
   APPROVED 5-0 with condition

4. 2020 Food Establishment Permit Renewal for Sunshine Farm - #F20-12 – was reviewed and discussed. This establishment is on Framingham town water. A motion was made to approve the issuance of this renewal permit and it was seconded and approved.
   APPROVED 5-0

5. 2019 Board of Health Annual Report – The Board members reviewed the draft Board of Health report, and discussed a request from Planning Board member Marian Neutra to include a “summary of the projects pursued, actions taken, or plans made … that are in line with the 2019 Master Plan”. Ms. Campe stated some concerns about some of the priorities identified in the Implementation Tables, commenting that one section asks the Board of Health to revisit the regulations. Dr. Vitale responded that while it suggests the Board revisit the regulations, that does not mean the Board needs to change them. Dr. Hunnewell expressed concern about some of the language in the Implementation Tables, and stated that she felt it might be valuable to have a conversation with the Planning Board about that. Ms. Beardsley noted that the Board met with Ms. Neutra several times about the Master Plan and Implementation Tables, and that the
Board had received draft copies before it was adopted. Dr. Hunnewell stated that it would be useful if the Board could address the perception of the public about what the Board of Health does, but Dr. Vitale felt that the Board cannot change people’s perception.

Dr. Vitale volunteered to write a paragraph to be included in the Annual Report to address the Board’s actions that are in line with the 2019 Master Plan.

6. **24 North Main Street, Gary Lybarsky – Septic Alteration #19-107** (see Minutes of 12/18/19, 12/19/18, 12/5/18, 11/7/18, and 10/17/18-#13[4]) – Engineer Paul Saulnier was present. The Agent presented the plan, noting that an exterior grease tank was over-laid onto a residential septic system. The plan is a 4-bedroom (440-gallons/day flow) for residential use. He noted, however, that there will be a change in use. The Agent asked how many seats they are planning, and if there would be any outside seating. Dr. Vitale, referencing recommendations from MassDEP, asked how the Board could account for all 3 floors of the house.

The Agent stated that the septic plan should specify the use of the septic system – its pattern of use. He noted that the “restaurant” design flow specified in Title 5 is 35-gallons/day, and that this would allow a total of 12-seats (based on the system’s design flow of 440-gallons/day). A “fast-food restaurant”, which uses 100% disposables, allows a 20-gallon/day design flow. The Agent stated that the plan should show the proposed use of the building (coffee shop) and the exact use of each floor.

Next steps were discussed, and it was agreed that the Administrator would provide a copy of the MassDEP email to the engineer. The engineer will provide a plan showing commercial use (rather than residential use), and it should reflect exactly how each floor will be used. In response to a question from Mr. Saulnier regarding the water, Ms. Beardsley stated that the public water supply is a state-level regulation.

Following discussion about how the Board could ensure the upper levels remain as storage-only, Ms. Beardsley suggested that the Food Inspector could inspect the upper floors when he visits the site to inspect the establishment. The Agent suggested a deed restriction as an excellent tool for limiting the use of the 2nd and 3rd floors.

Ms. Beardsley reviewed that the septic plans need updating to reflect the change to commercial use, with specificity of the use of all levels. A deed recording will be required to limit the use of the upper floors.

7. Peter Bemis appeared and asked to meet with the Board about a question he has regarding **59 North Main Street (Sherborn Villages)**. It was noted that this is not an item listed on the Agenda. The Agent informed the Board that he has been discussing the water analysis results received for Unit 2 with Mr. Bemis, and he stated that this is not an emergency situation. The applicant has already been advised as to the next steps. Ms. Beardsley informed Mr. Bemis that the Board could not meet with him at this meeting as it is not a posted Agenda item.

8. **General Chemical, Framingham** (see Minutes of 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 she attended the January 8, 2020 General Chemical meeting with MassDEP in Framingham. Town Administrator David Williams and Assistant Town Administrator Diane Moores were also in attendance, as was Ethan Mascoop (who was invited by Mr. Williams).
Ms. Beardsley stated that MassDEP will be taking the $1.8M they have for remediation and will be doing thermal treatment at a lower temperature (90-degrees), concentrating on two upgradient areas. If all goes according to plan, they expect to eliminate 40% of the volatiles that are present. She noted, however, that leaves 60% of the volatiles unaddressed. Ms. Campe stated that heat does dissipate and migrate, but since the thermal treatment will be done at a lower temperature, it will have a more modest result. The Chair noted that MassDEP will be trying to schedule a Community Meeting as soon as possible – probably in February – because they want to start this remediation in March.

With regards to the MassDEP sampling of private wells in Sherborn, Ms. Beardsley reported that the sampling of private wells in the Meadowbrook Road area began today and will continue on Friday of this week. Ms. Campe stated that she was concerned that Christopher Pyott of MassDEP did not earlier send her the testing schedule as he had agreed. Ms. Beardsley stated that DEP talked about the sampling protocol to be followed with this testing round. She noted that consultant TRC has indicated that they could observe the sampling to be conducted this Friday. Ms. Campe noted that the EPA protocol for sampling includes flushing the well for 3-minutes, and that is what is proposed, but Ms. Beardsley responded that several other attendees at the meeting thought the wells should be flushed for a longer period of time prior to sampling. Ms. Campe stated that she does not have a concern with the protocol, and that it is not aberrant. Ms. Beardsley responded that she agreed it is not aberrant – it is an EPA protocol – however, she stated that she is concerned the sample would be of water that had already off-gassed VOCs. She wants DEP to grab a sample that best represents raw, non-aerated supply. Ms. Campe stated that DEP should grab a “representative” sample, and noted that two samples will never be the same.

Ms. Campe noted that MassDEP has money that they can access if there is an imminent hazard found. She stated that the way the regulations are written in Massachusetts, if contaminants are detected, it is considered a “critical exposure pathway”. There is a 2-hour reporting obligation, and it must be assessed and dealt with. If you can mitigate it, there is an obligation to do that. The potentially responsible parties and/or this State funding would be responsible for the cost (but also sometimes the homeowners).

Discussion continued about the Board sending an observer to witness the State’s sampling of the local private wells to confirm how it is being done. The cost of those observations was discussed. Dr. Vitale stated that he had no objection to spending a modest amount of money for this purpose. Ms. Beardsley noted that the Town Administrator was not sure who had the contract with TRC, the Board of Health or the Select Board. The Administrator stated that she was sure it was the Select Board, and not the Board of Health. Select Board member Jeff Waldron, who was in the audience, suggested that the Board talk with the Finance Director to see if there is any money remaining in the contract budget with TRC and to find out who actually has that contract.

Dr. Vitale reviewed that the Board wants to verify that the protocols for sampling are followed, and he noted that a homeowner can always test their own water. Mr. Sossen volunteered to go along with MassDEP and TRC and witness the sampling, noting that he is available on Friday. He was provided with the contact information for MassDEP and TRC, and also the sampling protocol and sampling schedule (addresses to be sampled).

A motion was made to authorize an expenditure of up to $500.00 for TRC to observe the MassDEP sampling of private wells on Friday, 1/17/2020, provided there is no money left in the town contract with TRC, and it was seconded and unanimously approved. 

**APPROVED 5-0**

9. **FY2021 Budget** (see Minutes of 12/18/19-#2 and #17, 12/4/19, and 11/13/19) – The Administrator noted that the Board of Health is scheduled to meet with the Advisory Committee regarding their proposed FY2021 budget on Wednesday, February 12, 2020. A specific time is not yet known.
10. **31 Hunting Lane (Apple Hill Estates) and 41 North Main Street (Pine Residences) – Lybarsky 40B** (see Minutes of 12/18/19, 12/4/19, 11/13/19, 9/4/19, 8/21/19-#18, 7/17/19, 3/20/19, 3/6/19-#3 and #13, 2/6/19, 1/16/19, 12/19/18, 10/17/18, 9/5/18, 6/20/18, 4/24/17, and 6/17/15) – It was noted that the Board of Health comment letter was provided to the Select Board. Ms. Beardsley asked if the Board wanted to send their letter directly to Mass Housing as well, but after discussion, that was deemed unnecessary. Select Board member Jeff Waldron, who was in the audience, noted that the letter from the Select Board is more than 50-pages in length and includes the separate letters provided by various Boards and Committees.

11. **Jameson Fields soil testing** (see Minutes of 12/18/19, 12/4/19, 11/20/19, 11/13/19, and 8/21/19-#8) – Ms. Beardsley stated that there are some things in the Stantec report that don’t align with what the Board witnessed when this testing was done. She also noted that she read comments on “Next Door” that make it sound like Jameson is likely feasible. The report is also discussed on the Town Planner’s blog. Ms. Beardsley wondered if the Board should address any of the statements that are out there, to clarify the issues.

   Dr. Vitale commented that it is premature to say it would be a “go”, noting that this is a complicated topic and everyone should be careful and specific with their comments. He felt that if the town is to say that something is “feasible”, they should know for sure.

   The Agent discussed the timing of checking the monitor wells at the site, saying that we need to continue to go out and check them. The months of March and April are very important months to check. He noted that we cannot go out and check if the ground is snow-covered. The Agent stated that if the monitor wells are all dry in April, he might ask for another deep hole just to check the groundwater.

   In response to a question, the Agent stated that 2 of the 3 holes were checked in December, and after 12/29/19 the DPW Director was able to dig up one more well and cover it with insulation. In late January (with no snow cover) we should be able to check all of the wells.

   Ms. Campe noted that she felt the Town Planner’s blog was very even-handed.

12. **32 Brush Hill Road, Dennis Natale – Well Deepening #19-49** (see Minutes of 6/11/19, 9/17/08, and 9/3/08) – The Agent presented the plan, noting that it is for deepening a well that was originally drilled in 2008. The well was not producing enough water. A motion was made to approve this plan as presented, and it was seconded and approved. **APPROVED 5-0**

[The televised portion of the meeting ended at 8:40 PM.]

13. **Warrants / Payroll** – The Board reviewed and signed Warrants #14 and #15 and Payroll #13 and #14.

14. **Minutes** – The Minutes of 12/18/19 were reviewed and amended. A motion was made to approve the Minutes as amended and it was seconded and approved. **APPROVED 5-0**

15. **2/5/2020 Agenda items** were reviewed. The Administrator noted that 3 variance hearings were scheduled for this meeting.

The meeting adjourned at 8:48 PM.
Respectfully Submitted,

Ellen J. Hartnett
Administrator
DOCUMENTS REVIEWED AT THE 1/15/20 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Minutes –
   • BOH Meeting Minutes of 12/18/19

2. Warrants / Payroll –
   • Warrant #14 and #15
   • Payroll #13 and #14

3. 32 Brush Hill Road –
   • Well Deepening plan #19-49

4. FY2021 Budget –
   • Final FY2021 budget figures
   • 12/15/19 email from Stephen Leahy with attached “SAC Budget Meeting – Schedule”

5. 2020 Disposal Works Installer Permit Renewal Applications –
   • Ben Stevens, Trask Inc. - #I20-12
   • J.C. Parmenter Inc. - #I20-13
   • D.J. Morris Contracting Co., Inc. - #I20-14
   • W. C. Rowe Corp. - #I20-15

6. 2020 Food Establishment Permit Renewal Application(s) –
   • Unitarian Universalist Area Church at First Parish - #F20-11
   • Sunshine Farm - #F20-12

7. 31 Hunting Lane 40B and 41 North Main Street 40B
   • Board of Health comment letter dated 1/8/2020
   • Conservation Commission comment memorandum dated 1/10/2020

8. 24 North Main Street –
   • 1/14/2020 email from Claire Golden, MassDEP re: 24 North Main Street
   • Sherborn Café floor plans (floors 1, 2, and 3) submitted with 5/29/2019 email re: 24 North Main meeting
   • Email string dated 4/10/19 between Claire Golden, MassDEP and Gary Barsky
   • 3/8/2019 Title 5 Inspection Report for 24 North Main Street
   • 3/7/2019 notes from telephone call from Claire Golden, MassDEP, to BOH Administrator
   • Copy of 12/11/2018 letter from MassDEP to Igor Lybarsky as Trustee of Barsky Estate Realty Trust
   • 11/28/2018 Email from BOH Administrator to Claire Golden, MassDEP
   • 8/31/2006 Administrative Consent Order from MassDEP to Marna Orcutt, President, Sherborn Day Spa, Inc.

9. General Chemical, Framingham –
   • 12/19/2019 email from David Williams regarding MassDEP Gen. Chem Update Meeting – 1/8/2020
   • 1/13/2020 email string (Daryl Beardsley, Ethan Mascoop, Andrew Smyth (TRC)) with attached 1/13/2020 letter from Alpha Analytical addressed to Andrew Smyth, TRC Environmental Consultants, subject: Drinking Water Samples
   • 1/14/2020 email string (Ethan Mascoop, David Williams, Daryl Beardsley, Diane Moores, Sean Killeen), subject: “Sherborn – Private Well Testing” with attached “January 2020 Private Water Sampling Tentative Schedule”
   • 1/14/2020 – email string (Ethan Mascoop, David Williams, Diane Moores, Sean Killeen, Daryl Beardsley) re: “Notes from GCC discussion January 2020” with attached notes (unsigned) of 1/8/2020 meeting

10. Annual Report –
    • 1/7/2020 email from Jeanne Guthrie re: “2019 Annual Town Report”
    • Implementation Tables from 2019 Master Plan