SHERBORN
BOARD OF HEALTH MEETING
MINUTES
December 18, 2019

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

Others Present: Natalie Weare, Jeff Waldron, Paul Saulnier, P.E., Craig D. Mills, Paul Bochicchio, Marian Neutra, 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 not televised or recorded by 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 Disposal Works Installer Permit Renewal – R.P. Luttazi Construction - #I20-09
   (2) 2020 Disposal Works Installer Permit Renewal – Curtis Septic Service - #I20-10
   (3) 2020 Disposal Works Installer Permit Renewal – B.I.G. Excavation Corp. - #I20-11
   (4) 2020 Food Establishment Permit Renewal – Saint Theresa Parish - #F20-10
   A motion was made to amend the Agenda as stated, and it was seconded and approved.
   APPROVED 4-0

2. FY2021 Budget (see also #17 of these Minutes and the Minutes of 12/4/19 and 11/13/19) – Advisory Committee Liaison Natalie Weare was present.
   Ms. Beardsley noted that the Board has hired a new Food Inspector who is set to begin work 1/1/2020. She noted that while the Inspector was hired at a lower hourly rate, changes to the Food Code result in inspections taking significantly more time. The Board’s proposal keeps the budget for this position level, but increases the hours from 100-hours/year to 125-hours/year.
   The Chair provided background on the Board of Health and noted that the Board’s responsibilities have increased over time although there has been no substantial increase in the budget in over 20-years. Specific budget lines and/or requests were discussed:
   (1) She noted that following receipt of communications from other towns that have sharps collection kiosks, the Board began investigating obtaining such a collection kiosk for town residents. Regulations at the State level regarding sharps disposal have changed, and they now have applied good disposal practice to home use of sharps. Ms. Beardsley noted that she has met with the Public Safety Committee and stated that there is support for the Board’s desire to obtain a sharps collection kiosk for the town. With respect to costs, she noted that the main cost would be for the equipment (the kiosk) and for the sharps collection/disposal. Ms. Beardsley asked if the Advisory Committee had any guidelines for purchasing such equipment. Ms. Weare noted that the Capital Budget Committee would review higher cost items, and Mr. Waldron stated that the Board should evaluate the expected life of a collection kiosk. Dr. Vitale felt it would be helpful to know the use of a kiosk, and he stated that he felt that purchasing a kiosk makes more sense than leasing. He stated that he was in favor of purchasing a kiosk with one pick-up per month plus the service plan (at a total cost of $5,520.00).
   (2) Visiting Nurses – The Administrator reported that she communicated with Elaine Stephens of the Natick-Walpole Visiting Nurse Association regarding the Board’s contract with them. The current contract is a 1-year contract, with a 2% increase over the previous year. Ms. Stephens has agreed to accept (and prefers) a 3-year contract with 1% annual increases.
Other – Dr. Vitale asked if any additional hours would be needed for any costs associated with the expected 40B, but Ms. Beardsley noted that might be done by the ZBA rather than the Board of Health. The Administrator noted the requested reimbursement by the Animal Inspector for animal preparation costs for rabies testing. An estimated reimbursement stipend will be added to that line item.

3. 104 Maple Street, Martha Groton – VARIANCE HEARING Continuation – Septic Replacement #19-104 (see Minutes of 12/4/19) – Engineer Paul Saulnier was present. The Chair noted that this Hearing was opened at the last meeting and the discussion was re-opened. Mr. Saulnier presented the plan noting that a new Innovative/Alternative Technology – the Geomat system – was proposed. He brought a piece of the Geomat technology and showed it to the Board, describing how it works. The requested variances were reviewed and discussed:

1. Section 1.2 – to allow the proposed soil absorption system to be designed in “bed” configuration, with the use of the Geomatrix (Geomat) leaching system, rather than the required trenches. A motion was made to approve this variance as requested, and it was seconded and approved.
   **APPROVED 4-0**

2. Section 5.1(D) – to allow the proposed soil absorption system to be designed on the basis of sieve analysis rather than the required two percolation tests. A motion was made to approve this variance as requested and it was seconded and approved.
   **APPROVED 4-0**

3. Section 8.0(1) – to allow the proposed soil absorption system to be located 2.5-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**

4. Section 8.0(2) – to allow the proposed soil absorption system to be located in an area where maximum high groundwater is less than 5-feet below natural surface grade, 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**

5. Section 10.2 – to allow the proposed soil absorption system to be located 88-feet from bordering vegetated wetlands rather than the required 125-feet. A motion was made to approve this variance as requested, and it was seconded and approved.
   **APPROVED 4-0**

6. Title 5, Local Upgrade Approval 310 CMR 15.405(1)(i) – to allow the proposed soil absorption system to be designed on the basis of sieve analysis rather than the required percolation test. A motion was made to approve this variance as requested, and it was seconded and approved.
   **APPROVED 4-0**

7. Title 5, Local Upgrade Approval 310 CMR 15.405(1)(j) – to allow a reduction of 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 variance as requested, and it was seconded and approved.
   **APPROVED 4-0**

The Hearing was closed.

The Agent recommended approval of the plan as presented, conditional to the garbage grinder deed recording and the DEP Notice of Alternative System deed recording, as well as the required pre-construction conference with the installer and engineer, and such a motion was made, seconded, and approved.

**APPROVED 4-0 with conditions**

4. 14 North Main Street, Bogastow Brook Farm LLC – New Septic #19-107 – Engineer Paul Saulnier was present. Agent Oram presented the plan, noting that no variances were needed. There is an existing well onsite. The Agent recommended approval of the plan as presented, conditional to receipt of the garbage grinder prohibition deed recording, and such a motion was made, seconded, and approved.

**APPROVED 4-0 with condition**
5. **24 North Main Street, Barsky Estate Realty Trust – Septic Alteration #19-107** (see Minutes of 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 it proposes to add an exterior grease interceptor. The Chair stated that she felt the Board needs an update regarding the state’s actions – specifically what they have approved. Mr. Saulnier stated that he spoke with Claire Golden at MassDEP and she has stated that as long as they stay under 440-gallons/day it would be OK. However, Ms. Beardsley recalled that there had been an Administrative Consent Order issued by MassDEP to the previous owner of this property, and that the current owner has continuing responsibilities as the current owner. She stated that the Board could not approve this plan until the status of the MassDEP issues are clarified and resolved. A MassDEP letter dated 12/11/18 was mentioned.

AGREED 4-0 / No Approval Granted

6. **Marian Neutra – Open Space Subdivision By-Law and Planning Board Regulations** (see Minutes of 12/4/19, 8/21/19, 6/19/19, 12/5/18, and 3/12/18) – Marian Neutra was present.

(A) **Planning Board Rules and Regulations** – Ms. Neutra stated that the rules and regulations are lengthy, but she stated that is where the teeth are as it pertains to the Open Space Subdivision By-Law. She stated that the Planning Board is working on both the regulations (that do not go to Town Meeting for approval) and the By-Law (which needs Town Meeting approval), and they need to have it ready by 1/7/2020. Ms. Neutra spoke highly of Health Agent Mark Oram, stating that he has provided the best input. Ms. Neutra handed out the 12/16/19 revision to the rules and regulations. Ms. Beardsley stated that she would like to look at Carlisle, noting that they are very active in ensuring water sustainability. Dr. Vitale stated that our job is to help find what a safe “yes” looks like – it should be as achievable as possible. Ms. Beardsley noted that Title 5 was based on single-family homes and dilution, and she agreed that something very safe should be achievable. She noted, however, that this is different than a typical subdivision.

Ms. Neutra noted that there are a lot of factors in the regulations, and where these items are placed is important. Dr. Vitale noted “subpart B of Section 15.100 (General Provisions) in Carlisle’s regulations, and he wondered how this has been working out for them. Ms. Beardsley noted her concerns about a slippery slope, noting that when you have nitrogen removal technology, other contaminants aren’t necessarily being removed, yet there is the impression that effluent quality is much improved rather than marginally improved. Ms. Campe noted that it is an indicator – it is not industry or manufacturing. Dr. Vitale asked what the Board would recommend – what are the other measurable contaminants? Ms. Campe expressed concern that the Board might be making it more restrictive for open space. Dr. Vitale stated that it feels tricky if the Board cannot identify other possible contaminants. Ms. Beardsley stated that it is the density of the effluent that is a concern. She noted that part of her concern goes back to hydrologic predictions about effluent plumes when Holliston was going to put a large effluent discharge on the border with Sherborn.

Dr. Vitale noted the Carlisle regulations for looking at the drinking water standards at the property line, noting that best management practices (BMPs) should be incorporated into the HOA documents. With regards to the rules and regulations, Ms. Neutra noted that the Public Hearing will be held in early March 2020, and she noted that they will apply to all subdivisions, not just open space subdivisions.

(B) **Open Space Subdivision By-Law** – Ms. Neutra handed out the latest revision (as amended 12/17/19) of this proposed by-law for the Board’s review, stating that it is simpler than previous drafts. She stated that she hopes to submit this document to the Town for the Town Meeting Warrant. She noted that this draft also incorporates a lot more environmental language. Ms. Neutra directed the Board to page 2 – Section 4.5.3(A), noting that the Conservation Committee was concerned with this section, and it was reviewed and discussed.

Due to the length of time spent discussing the newly provided drafts, the Board thanked Ms. Neutra for coming to the meeting, and stated that they would review the new drafts at a later date.
7. **31 Hunting Lane (Apple Hill Estates) and 41 North Main Street (Pine Residences) - Lybarsky 40B** (see Minutes of 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, 9/17/18, 9/5/18, 6/20/18, 4/24/17, and 6/17/15) – It was noted that the site visit was conducted on 12/12/19. It was noted that the Select Board will be compiling comments from residents and Boards to be submitted to MA Housing.

Ms. Beardsley expressed concern that if the applicant receives successive approvals along the way without the Town getting answers to questions surrounding the septic system(s) and wells, it will be more difficult to reign them back in. Ms. Campe agreed that it is important for the Board to point these things out, and she felt the Board should highlight it at a very simple level – not a technical level.

Dr. Hunnewell stated that she spoke with a member of the legislative division at the State level and they agree that the Board of Health must protect the drinking water for the people in the 40B housing. She stated that they are in favor of this but they aren’t allowed to comment. Ms. Campe responded that she is more concerned about the impact to the neighbors. She noted that the Health Agent did not oversee any testing for the leaching fields.

The Chair noted that the Select Board wants comments by 1/2/2020, but she also noted that the applicant extended the deadline 15-days, to 1/17/2020. The Select Board will be meeting tomorrow night and again on 1/16/2020 (and possibly additional date(s) prior to this date).

An abutter expressed concern about fracking, ledge disruption, and its impact on their wells. Ms. Campe responded that the Board should focus on water quality and quantity, ledge disruption, and the septic system. She felt that the Board should approach it from a Public Health perspective and that it should be very focused. An abutter commented that this development has the potential to ruin abutters in so many ways, naming wells, septic systems, manganese poisoning, loosing land behind them. He stated that the whole area will be impacted and said the Town has to figure out a way to not let this happen.

Ms. Campe stated that we have to accept that development is going to happen, and she stated that she is in favor of affordable housing.

A motion was made to authorize Ms. Beardsley and Ms. Campe to work together on a letter to the Select Board on behalf of the Board, and was seconded and agreed.

AGREED 4-0

[Dr. Hunnewell left the meeting at 9:05 PM.]

8. **Jameson Fields testing** (see Minutes of 12/4/19, 11/20/19, 11/13/19, and 8/21/19-#8) – The Board noted receipt of a copy of the soil evaluation and percolation test forms for the testing conducted at Jameson Fields on 11/5/19. It was noted that the observations noted in the report are basically accurate, but that the monitor wells must be checked between the 22nd-29th of the month in order to accurately calculate an adjustment factor. The Agent will remind DPW Director Sean Killeen about having the deep holes open during that timeframe this month (and in future months). Ms. Campe asked if Stantec could show the locations of Public Water Supplies, and required setbacks, feeling that they need to fix the report and make it relevant. It was felt that the report is not completely accurate, and that it seems they are advocating.

9. **2020 Disposal Works Installer Permit Renewals** were reviewed and discussed:

(A) R.P. Luttazi Construction of Dover - #I20-09
(B) Curtis Septic Service of Northborough - #I20-10
(C) B.I.G. Excavation Corp. of Walpole - #I20-11
(D) Fred Swain, Wind River Environmental of Marlborough - #I20-06
(E) Michael J. DeCosta Jr., Wind River Environmental of Marlborough - #I20-07
(F) Nicholas Genesco, Wind River Environmental of Marlborough - #I20-08
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 3-0 with conditions

10. **2020 Food Establishment Permit Renewals** were reviewed and discussed:
   (A) **LJM Hospitality d/b/a Heritage of Sherborn** - #F20-03 – It was noted that the level of sodium in the water supply is 108 mg/L and will require a sodium posting. The required water meter readings have been received.
   (B) **Millie & Bea d/b/a Heritage Coffee, Wine & Provisions** - #F20-04 – It was noted that the level of sodium in the water supply is 108 mg/L and will require a sodium posting.
   (C) **Pilgrim Church**, 25 South Main Street - #F20-05 – It was noted that the level of sodium in the water supply is 269 mg/L and will require a sodium posting.
   (D) **Sherborn Donuts Inc. d/b/a Dunkin’ Donuts**, 21 South Main Street - #F20-06 – It was noted that the level of sodium in the water supply is 51 mg/L and will require a sodium posting.
   (E) **Pagotini Inc. d/b/a C&L Frosty**, 27B North Main Street - #F20-07 – It was noted that the level of sodium in the water supply is 77 mg/L and will require a sodium posting.
   (F) **Saint Theresa Parish**, 35 South Main Street - #F20-10 – It was noted that the level of sodium in the water supply is 130 mg/L and will require a sodium posting.
   (G) **Sherborn Fuel LLC d/b/a Sherborn Market** - #F20-09 – It was noted that the level of sodium in the water supply is 51 mg/L and will require a sodium posting.

A motion was made to approve the issuance of the above-noted renewals, all conditional to the specific sodium postings noted, and it was seconded and approved.  

APPROVED 3-0 with conditions

(H) **Pine Hill Elementary School**, 1 Pine Hill Drive - #F20-08 – It was noted that the level of sodium in the water supply, 11 mg/L, is within the requirements. A motion was made to approve the issuance of this renewal (with no sodium posting) and it was seconded and approved.  

APPROVED 3-0

11. **2020 Tobacco and Nicotine Delivery Product Sales Permit Renewal** for **Sherborn Fuel LLC d/b/a Sherborn Market**, 21 South Main Street - #T20-01 – A motion was made to approve the issuance of this renewal permit, and it was seconded and approved.  

APPROVED 3-0

12. **2020 Ice Cream Manufacturing Permit Renewal** for **Pagotini Inc. d/b/a C&L Frosty**, 27B North Main Street - #IC20-01 – A motion was made to approve this issuance of this renewal permit, and it was seconded and approved. 

APPROVED 3-0

13. **2020 Catering Permit Renewal** for **LJM Hospitality d/b/a Heritage of Sherborn**, 33 North Main Street - #C20-01 – A motion was made to approve the issuance of this renewal permit, and it was seconded and approved.  

APPROVED 3-0

14. A **2020 Rabies Inoculation Exemption Application** was received for “Rozzi”, owned by Erica Scatchard of 42 Brush Hill 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 “Rozzi”, due to the specific physical condition noted by Margo Roman, D.V.M. on the application, and it was seconded and approved.  

APPROVED 3-0

15. **Warrants / Payroll** – The Board reviewed and signed Payroll #12 and Warrant #13.
16. **Minutes** – The Minutes of 12/4/19 were reviewed and discussed. Dr. Hunnewell had provided written edits prior to leaving this meeting. A motion was made to approve the Minutes as amended, and it was seconded and approved. **APPROVED 3-0**

17. **FY2021 Budget** (see also #2 of these Minutes and the Minutes of 12/4/19 and 11/13/19) – A motion was made to approve the budget figures for FY2021 based on the discussions and agreements made earlier in this meeting, and it was seconded and approved. **APPROVED 3-0**

The Administrator will prepare and submit the budget to the Finance Director.

The meeting adjourned at 9:30 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 12/18/19 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. 104 Maple Street –
   - Septic Replacement Plan #19-104, drawn by CIVILized Solutions, dated 7/9/19, revised 9/23/19, and signed by engineer on 10/18/19
   - Variance request letter dated 10/17/19 from Eric Dickinson, CIVILized Solutions
   - Application for Local Upgrade Approval, Form 9A
   - Certified list of abutters dated 10/24/19 from Assessor’s office
   - Copy of abutter notification letter dated 11/2/19 from Martha Groton
   - Certified mail return receipts (green cards) and/or usps.com printouts and/or returned envelopes from abutter notification letters
   - Local Upgrade Approval, Form 9B

2. Minutes –
   - BOH meeting Minutes of 11/20/19

3. Warrants and Payroll
   - Warrant #1
   - Payroll #13

4. 2020 Permit Renewals –
   - Food Establishment – Sherborn Donuts Inc. d/b/a Dunkin Donuts - #F20-06
   - Food Establishment – Pagotini Inc. d/b/a C&L Frosty - #F20-07
   - Food Establishment – Pine Hill Elementary School - #F20-08
   - Food Establishment – Pilgrim Church - #F20-05
   - Food Establishment – LJM Hospitality d/b/a Heritage of Sherborn - #F20-03
   - Food Establishment – Sherborn Fuel LLC d/b/a Sherborn Market - #F20-09
   - Food Establishment – Saint Theresa Parish - #F20-10
   - Tobacco & Nicotine Delivery Product Sales – Sherborn Fuel LLC d/b/a Sherborn Market - #T20-01
   - Ice Cream Manufacturing – Pagotini Inc. d/b/a C&L Frosty - #IC20-01
   - Catering – LJM Hospitality d/b/a Heritage of Sherborn - #C20-01
   - Disposal Works Installer – Fred Swain, Wind River Environmental - #I20-06
   - Disposal Works Installer – Michael J. DeCosta Jr., Wind River Environmental - #I20-07
   - Disposal Works Installer – Nicholas Genesco – Wind River Environmental - #I20-08
   - Disposal Works Installer – R.P. Luttazi Construction - #I20-09
   - Disposal Works Installer – Curtis Septic Service - #I20-10
   - Disposal Works Installer – B.I.G. Excavation Corp. - #I20-11

5. 14 North Main Street –
   - New Septic #19-98, drawn by CIVILized Solutions, dated 10/1/19 and revised 12/3/19 and 12/16/19

6. 24 North Main Street –
   - Septic Replacement #19-107, drawn by CIVILized Solutions, dated 7/24/01 and revised 8/7/01, 11/29/01, 6/23/03, 8/25/03, 10/2/19, and 12/16/19

7. 2020 Rabies Exemption –
   - Application for Exemption from Rabies Vaccination – “Rozzi”, owned by Erica Scatchard

8. Open Space Subdivision By-Law
   - 12/17/19 Draft copy of Open Space Subdivision By-Law (presented at this meeting)
   - 12/16/19 Draft copy of Planning Board rules and regulations (presented at this meeting)
9. **Jameson Fields** –
   • Soil Evaluation and Percolation Test Forms for Jameson Fields dated 12/5/19 from Wayne Perry, P.E., LSP of Stantec Consulting Services Inc. (addressed to Gino Carlucci and copied to Mark Oram and Sean Killeen)

10. **Sharps Disposal Kiosk** –
    • Pricing options for Electronic Kiosk for 1-year, received 12/18/19, provided by Karen Messier of Chrysalis Environmental Services

11. **FY 2021 Budget** –
    • 12/16/19 memorandum from Advisory Committee Chair Stephen Leahy with FY21 budget meeting schedule
    • FY 2021 budget detail worksheet