

**Minutes of the Carlisle Board of Health
September 25, 2007
Approved 10/9/07**

Present: Board Members Jeffrey Brem (Chairman), Michael Holland, Bill Risso, Chris Deignan; Leslie Cahill; also present: Linda Fantasia (Agent), Rob Frado (TCG), Hilary Shepard, Carlisle Mosquito

The meeting was called to order at 7:41 p.m. at the town hall.

MINUTES – It was moved (Risso) and seconded (Holland) to approve the minutes of 7/17/07. Motion passed 4-0-1 (Cahill who was not present for the meeting abstained). It was moved (Risso) and seconded (Deignan) to approve the minutes of 8/21/07 as revised. Motion passed 5:0.

BILLS – It was moved (Risso) and seconded (Deignan) to approve the bills as presented and approved additional members (to be decided) to attend the MAHB Training. Motion passed 5:0.

ADMINISTRATIVE REPORTS

KIMBALLS ICE CREAM STAND – Brem explained that he was contacted by the Westford Health Agent the evening of 9/24/07 informing him that the water supply at Kimballs in Westford tested positive for E coli. Since he did not have the actual test results, Brem asked for a voluntary closing at the Carlisle operation since the ice cream it sells is made in Westford. The owners agreed to close until new ice cream product was available. Fantasia followed up on 9/25/07 with a site visit. DEP had been contacted about the well and was working with the owners on the problem. The well had been chlorinated and taken out of service. All product manufactured in Westford was placed under an embargo. The ice cream delivered to Carlisle was being held in storage. New ice cream was delivered on Sunday and the Carlisle operation was allowed to open. There were no problems with the Carlisle water supply.

Fantasia then informed the Board that the state had conducted a comprehensive inspection of the manufacturing plant in Westford. Problems were uncovered with the operation. The local Board of Health is the approving authority for manufacturing and processing frozen desserts (105 CMR 561.00). Kimballs had been applying to the state for an annual wholesaler's license. Due to the confusion over the licensing requirements, neither the state nor the local Board of Health was doing the annual inspections. The state inspector allowed Westford to continue making ice cream even though results for coliform slightly exceed the standard. The coliform gram standard is 20 grams for hard pack ice cream and 50 grams for soft serve. The levels which were in the 100-300 gram range were not considered a serious health risk. Twelve of the twenty-seven embargoed flavors tested high. A private grease hauler was hired to dispose the melted ice cream. Approximately 434 containers of ice cream still need to be disposed. The manufacturing operation will be evaluated after they close for the season. The Board questioned whether the public should be notified about the problem in case there are containers of ice cream in home freezers. Cahill said Boston notifies the public about restaurant violations. She thinks this is a good idea. Fantasia will follow up with the state whether to notify the public. The Board agreed that the problem centered on the manufacturing operation in Westford. The Carlisle stand can operate as long unless the state determines otherwise.

PUBLIC HEARING 90 PAGE BROOK ROAD – replacement of failed septic system. Local Upgrade Approval requested: 15.405(1)(b) Depth of cover, 36" allowed, 48.5" proposed; Carlisle Supplementary Regulations waivers requested: 15.211 Distances – 100' to wetlands required, SAS, septic tank, pump chamber 65.1', 54.9' and 46.8' proposed respectively. Plan entitled: "Subsurface Sewage Disposal System, #90 Page Brook Road, Map 13, Block 57, Lot 0, prepared for Reed, designed by Norse Design Services, revised 9/4/07."

The public hearing was opened. Present were Jeff Hannaford (Norse Design Services), David and Florence Reed (owners). Hannaford submitted the green abutter cards.

Hannaford explained that the proposed design requires a local waiver for setback to wetlands and from Title 5 for depth of cover over system components. In order to locate the new system in the best possible area, a new well is being drilled. The existing system is closer to wetlands than the proposed. There is a large knoll that runs from the street line through the property. It is not possible to move the system closer to the street because of this knoll. Working around the knoll results in additional cover over one corner of the leaching area, but it is the best fit for the system on the site. The site is limited due to wetlands, high groundwater, abutters' wells and a gas line easement. The owners also hope to preserve as much of the landscaping as possible. The plan will be reviewed by the Conservation Commission. The closest point to wetlands is 46' for the septic tank. The design falls under the maximum feasible compliance review which allows depth up to 6'. The proposed depth is 4'. Brem asked whether a retaining wall was considered. Hannaford said that economics and soil characteristics dictated his decision. The soil consists of sand and gravel which makes containing breakout more difficult. It would require a larger offset to the property line and pushing the system over the driveway. Moving the driveway would be prohibitively expensive. He feels the proposed design is the best overall for the site and will have the least impact. The system is vented. Brem asked about a pump system. Hannaford said it would still involve a retaining wall and problems for the driveway.

The Board asked about the status of the adjacent Lot 13. This lot was before the Board last summer and was denied. The owners may still be considering building on it. Fantasia said the new well location is only 70' from where the SAS for Lot 13 was proposed. This would create a hardship for the abutter. Hannaford said the well location was chosen for access and tree removal. The owners are very concerned about preserving the mature trees and the additional cost of removal. Brem said he would prefer keeping the 100' setback. He also suggested a condition that the new well be operational prior to construction of the system. Dave Reed said it will cost an extra \$3000 to take down the additional trees needed to move the well. Since there is no permit or application for a permit on the adjacent lot, he questioned why the Board would take it into consideration? Brem explained that the 90 Page Brook Road design requires a number of waivers from the Board. The Board needs to consider all possibilities and impacts in its reviews. Since there have already been discussions with the Board on developing Lot 13, the Board should consider this information in fairness to the abutter. Risso felt that moving the well farther away would mitigate impacts on the abutter's lot. Reed was still concerned about the additional cost, loss of trees, and a gas line which runs along the side of his property.

The Board asked Frado to comment on whether the design meets the maximum feasible compliance standard for cover over the system. Frado said that it does and in his opinion, the request is justified. Reducing the cover will mean raising the bed and bringing it closer to the house. This may require a second retaining wall and would be expensive and difficult to do. The Board agreed with Frado's opinion.

It was moved (Risso) and seconded (Deignan) that the proposed design requiring a waiver for maximum depth of cover over a soil absorption system meets the standard of maximum feasible compliance. Vote: 5:0. Motion passed.

The Board then discussed the request for setback waivers and the well location. The design is for a five bedroom system with a garbage grinder. An original design placed the new well closer to the house. Hannaford said that it was moved after a site visit. Brem suggested moving it closer to the road. This would save the trees, cost less, and maintain the setbacks to the abutting lot. Reed said he would consider this. Brem suggested having Frado, Reed and Hannaford meet at the site and choose a location for the well keeping in mind the concerns of the Board and the Reeds. The Board would be willing to reduce the 25' property line offset to accommodate the new location; Brem suggested up to one-half.

It was moved (Deignan) and seconded (Risso) to allow a well setback of no less than 12 ½ feet from the front property line for 90 Page Brook Road to be determined in the field by the Board's consultant Technical Consulting Group and conditional upon relocating the well from the location shown on plan dated 9/4/07. Vote: 5:0. Motion passed.

Frado asked that a note to inspect the existing tank be added to the plan and Hannaford agreed.

It was moved (Risso) and seconded (Deignan) to grant the following waivers from the Carlisle Supplementary Regulations for minimum setback distances of soil absorption system, septic tank and pump chamber to wetlands, 100' required, 65.1', 54.9' and 46.8' provided respectively, conditional upon (1) adding a note to the plan to inspect and if necessary replace the existing septic tank and (2) that the new well be operational prior to construction of the new soil absorption system. Vote: 5:0 Motion passed.

There was no additional discussion. It was moved (Deignan) and seconded (Risso) to close the public hearing. Motion passed 5:0.

172 NATHAN LANE – voluntary upgrade of a soil absorption system.

Present for the meeting was Judith Graves of David Ross Associates and Susan Pepple, owner.

Graves explained that the proposed four bedroom design is intended to accommodate the addition of a master bedroom over a new garage. The existing system has a three bedroom capacity. The design includes a PERC-RITE Drip Dispersal System an innovative/alternative technology which is approved for General Use. The design reduces the extensive breakout grading needed and will keep grading out of the buffer zone. The design works similar to a dosed system. It has a two compartment tank sized for 150% garbage grinder requirement. A proof plan showing a conventional Title 5 system was submitted. The site has low groundwater, 8 mpi percolation rate and is sloped. Holland asked whether it would be trenched. Graves said the entire bed would be excavated. The design requires 4" below the tubes to be excavated which are then covered with 6" of soil. Brem asked what would happen if the house is not occupied and the system is not in use. Holland said the tubes drain back into the tank so there is no standing liquid if not in use. Risso is concerned about the lines freezing since there will be so little cover. Graves said the system is used in cold weather states without problems.

The Board asked Frado to comment. Frado had reviewed the plan noting a few minor items. These have been addressed. Brem asked about the location of inspection ports. Frado said they are in the middle. Graves said they will show even distribution. Brem asked about uses over the field since the depth is so shallow. The Board discussed how livestock might compact the cover and agreed that no livestock over 250# should be allowed over the field. The Board said it would be interested in observing the installation which is the first of its type in Carlisle. The owner will contact the Board.

It was moved (Risso) and seconded (Cahill) to approve plan entitled "Sewage Disposal System, 172 Nathan Lane, map 20, Parcel 50, owned by Pepple, designed by David Ross Assoc. revised 9/19/07 and in accordance with Certification for General Use for the PERC-RITE Drip Dispersal System, issued by DEP on 3/15/07."

ADMINISTRATIVE REPORTS (cont)

FY09 BUDGET – The Finance Committee and Finance Director have issued memos on the budget process but no guidelines yet. New growth has decreased significantly reducing the amount available to fund requests. Risso and Deignan agreed to work on the budget.

CARLISLE FARMSTEAD CHEESE – Tricia Smith, owner/operator, submitted an application for the annual Milk Pasteurization License. Although a local license is required, the state also inspects the operation and the Board defers to the technical expertise of the state inspectors. All inspections and sampling results are copied to the Board. There have been no problems. Brem signed the license.

FERNS WATER TEST – as required by the Board, Ferns tested the water on 9/20/07. Results were negative for coliform bacteria. In June Bearfield said he would replace the wellhead if the problem continued. The Board was satisfied with the results. No further testing is required at this time. Annual testing is done in May. The Board wants to see the operational worksheets when the license is renewed in December. The Board discussed the status of the renovations and whether a public restroom is required. The

state had determined that if a restroom is required, including a sink, the well would have to be reclassified as a public water supply. The building department classified the proposed layout as a place of assembly under the Plumbing and Building Codes. A resident asked the state for clarification and the state did not agree with the local interpretation. There has been no additional information. The Board asked Fantasia to check with the Building Dept.

68-84 SOUTH STREET – change in use. Fantasia explained that Assurance Technology proposes to convert the rental units which had been damaged in a fire into office space. This will result in a decrease in flows to the system. The applicant submitted design flow calculations which Frado will review. The Board discussed whether a new permit is required and asked Frado to check Title 5. If a permit is not required, there is no need for the applicant to meet with the Board if Frado is satisfied with the calculations.

EDS EXERCISE – Fantasia and Risso attended the EDS presentation at the Region 4A monthly meeting. Risso explained that it was a mock set up of an EDS with the various stations and job descriptions. Carlisle would like to do this at the school for its MRC Volunteers. Fantasia is looking into availability for a week night which was the preferred time from volunteers. If that does not work a Saturday morning or Sunday may work. This would be the first MRC event sponsored by the Board since the membership meetings last fall.

COVENTRY WOODS PEER REVIEWER – only GZA is interested. Fantasia will check that GZA does not have a conflict with the developer.

PERSONAL TIME OFF – approved by Personnel Board and Selectmen, retroactive to July 1st.

SPAGHETTI SUPPER – One Day Temporary License approved.

EMERGENCY PREPAREDNESS PT POSITION – The Board agreed on \$27/hr through 12/31/07 up to a maximum of 70 hrs. This is a grant funded position. The Board's summer intern, MaryKate Martelon, has agreed to the position. She will complete the EDS plan and work on the walk-through.

BARN LICENSING – 44 applications have been received. The state recommends unannounced inspections.

VOLUNTARY WELL TESTING – to be scheduled for May 2008. Brem suggested alerting barn owners about the discounted testing when the barns are inspected. This will help in keeping the barn water supply safe.

CITIZENS EQUIPMENT GRANT – proposal for training mannequins and clothing submitted.

DEAD BIRDS – state has closed testing of dead birds for WNV.

LIAISONS – Tim Hult and Bill Tice are selectmen liaisons to BOH. After a brief discussion, Brem made the following appointments: Holland for Conservation Commission, Deignan for Planning Board, Cahill to COA, Risso to School Committee.

CARLISLE SUPPLEMENTARY SEWAGE DISPOSAL REGULATIONS (CSR)

The Board continued its discussion of the proposed revisions. Brem suggested the following table design flow requirements instead of the current garbage grinder regulation:

No Bedrooms	GPD required	Total GPD	With Garbage Grinder	
3 Bedrooms	165	495	495	
4 Bedrooms	150	600	660	
5 Bedrooms	125	625	825	
6 Bedrooms	110	660	990	
> Bedrooms	110	110 per bedroom	165 per bedroom	

Brem explained that this is approximately 25% less than what would be required with a standard allowance. It will address the oversized, underused systems that concern the Board. New homes typically have low flow devices that reduce the total flows. Frado agreed that the additional 50% capacity for a garbage grinder is a lot. The Board would still require two tanks or a dual compartment tank for additional settling.

As for setbacks, Brem and Holland favor staying with Title 5 for all components except for larger systems. Cahill is not in favor of reducing setbacks to Title 5 requirements. She is concerned about encroaching on wetlands and there is no reason to eliminate the additional protection. Reducing the setbacks would be encouraging development near wetlands which are already being asked to do a lot. Holland said filtration is one of the jobs of a wetland. Cahill questioned how much a wetland should be asked to handle and at what consequence to the environment. Carlisle needs to be careful about putting its natural resources at risk since the town is solely dependent upon them for water. She would be concerned about back to back systems 50' from wetlands. Holland feels there is sufficient science behind the 50' Title 5 setback and no literature that 100' is a benefit. He would be interested in seeing more nitrogen reducing systems. Brem said a reduced setback would allow for better siting in some cases without requiring a variance. The back-to-back systems are a density problem, and the town already has two acre zoning which addresses this issue.

Risso asked why the Board is looking to increase development. Local regulations not only protect the environment but help to regulate growth. This is not something that should be abandoned easily. Using Coventry Woods as an example, Risso explained that initially each Board addressed only its own concerns but eventually focused on the overall impacts to the town. The Board of Health needs to consider the impact of its changes on other permitting boards. Cahill suggested hearing from the other land use boards. The Board agreed to send drafts to the Planning and Conservation Commission and invite their members to attend the next meeting for a discussion of the garbage grinder allowance, setbacks to wetlands, and regulating large systems, which David Freedman has specifically requested be a part of the revised regulations.

There was no further business. Meeting voted to adjourn at 10:00 pm.

Respectfully submitted,

Linda Fantasia
Recorder