

**Minutes of the Carlisle Board of Health
November 22, 2011**

Present: Board Members Jeff Brem (Chair), Bill Risso, Cathy Galligan, Mark Caddell, Donna Margolies; Linda Fantasia (Health Agent). Anne Marie Brako (Mosquito), Robin Emerson, Larry Bearfield, Kevin Ritchie, Andrew Sims, Bill Dufresne, Connie Wright.

The meeting was called to order at 7:00 p.m. at town hall.

BILLS – It was moved (Risso) and seconded to approve the bills as presented. Bills included animal inspector stipends for barn inspections, salaries, flu clinic and food inspections. Brem asked to table the vote.

MINUTES – It was moved (Galligan) and seconded (Risso) to approve the minutes of 10/18/11 as amended.

PERMITS

Ferns Country Store –Larry Bearfield and Robin Emerson, proprietors, were present. Bearfield asked the Board to sign off on their annual Victualler's License for the sale of produce. The Selectmen are the issuing authority. Ferns has also applied to renew its annual Food service permit. The Board reviewed the inspection report submitted by Randy Phelps dated 11/17/11. The report said the facility was incredibly clean and a model of food service management. Fantasia noted that this was an unannounced semi-annual inspection. The Board was very pleased with the report. The Board discussed whether to keep its ongoing conditions which include regular inspections of the Clivus composting toilet, annual septic tank pumping and inspection by the Board's consultant, and the Public Water Supply monitoring. The Board agreed to keep the same conditions. Fantasia noted one change in the operation. Plastic wine glasses are now being washed for reuse. Bearfield said the eating area only has 19 seats. Washing the plastic glasses does not add significantly to the water usage. Phelps approved the washing and sanitizing operation. There will be no changes to the menu. Ferns currently has a BYOB license from the Selectmen which they hope to renew. The Board asked about the power outage during the October storm. Bearfield said temperatures were checked every two hours. The new equipment helped maintain correct temperatures. Power was restored fairly quickly in the center. Residents took advantage of the heat and wireless connection at Ferns.

It was moved (Risso) and seconded (Caddell) to issue an annual Food Establishment Permit to Fern's Country Store for 2012 with same conditions as previously stated. Motion passed 5-0-0. It was moved (Galligan) and seconded (Risso) to approve the Victualler's License to be signed by the Board's agent for submission to the Selectmen. Motion passed 5-0-0.

Winter Farmer's Markets –Cindy Craft and Leslie Thomas, market managers, were present. They provided a vendors list and map of the table layout. The first market will be held at the Unitarian Church on 11/26/11. There is a growing interest in the market. Randy Phelps inspected the outdoor market during the FRS Harvest Fair. Food served by the Church at the Fair was prepared by a Certified Food Protection Manager under the Church's permit. Phelps had noted lack of proper labeling on some products and eggs not refrigerated at the outside market on the green but in general found the market well run and organized. The Board had received a complaint after the last market at Kimball's about jam sold by Price Farms that was liquid and bad tasting. Thomas and Craft have been following up with Price Farms and may not allow them to sell at the market. They have a volunteer manager, Jessica Montague, for the summer market. She will be in touch with the Board of Health. The winter markets will run once a month for six months. Under new state regulations, all commercial vendors should be licensed either locally or in the town where the facility is located. Thomas was concerned about small local vendors who only do the Carlisle market. Brem said the Board has been very observant of the market operations and conducted a number of inspections. There have been no major problems and the managers have been very cooperative. The market is very popular with residents. The Board would like more time to do some research to see how to best handle the licensing question. It is important that the market managers provide their list to the Board and that they obtain copies of all appropriate licensing. Expiration dates should be checked. Risso agreed that over regulating the market will only result in additional cost to the smaller vendors and possibly jeopardize the market itself.

It was moved (Caddell) and seconded (Risso) to approve a permit for the Carlisle Winter Market provided that a list of vendors and licenses along with market dates is provided to the Board of Health. Motion passed 5-0-0. Galligan suggested preparing a matrix of vendors, products and licenses. She will forward a form to Craft.

PH 125 BELLOWS HILL ROAD – rescheduled to 12/6/11.

DISCUSSION ITEMS

Board Authorizations – The Board agreed to wait on the agent’s authorization until it had more information. The Board agreed to authorize Risso to pay invoices. **It was moved (Galligan) and seconded (Caddell) to authorize Board member Bill Risso to be the signatory on invoices to be paid until such time as his term expires. Motion passed 5-0-0.**

Drug Take Back Program – The collection was held at the Police Station on 11/29/11. A number of residents participated. The Collection is sponsored by DEA Diversion Program.

Community Health Network Association (CHNA 15) – Galligan reported that she, Fantasia and Anne Marie Brako attended a grant workshop. CHNA is sponsoring two Healthy Communities Planning Grants of \$15,000 each. Carlisle is one of eight communities eligible to apply. The Healthy Communities process is an effort to bring together community collaborators to identify a shared vision of health for the community and to create and implement a plan to improve community well being. The planning process would take up to 18 months after which the community could apply for a \$25,000 implementation grant to work towards implementing one of the goals identified in the planning process. Brako added that the community assessment would not only be based on demographic information such as the census, but also groups and individuals not usually represented. The intent is to identify what is a healthy Carlisle from as many different prospective as possible, particularly under- represented groups. Galligan added that in its survey, Lincoln identified empty nester isolation as a need to be addressed. To pursue the grant, a Letter of Intent must be filed by 12/7/11. The completed application will be due 1/27/12. Barbara Howland, a former steering committee member of CHNA and Carlisle resident has offered to help. It was agreed to notify the Selectmen that the Board is considering applying for the grant.

It was moved (Risso) and seconded (Margolies) to support the Board’s application for a Healthy Communities Planning Grant sponsored by CHNA 15. Motion passed 5-0-0.

PH 56 PETER HANS ROAD – **It was moved (Caddell), seconded (Risso) and unanimously voted to open the public hearing.** Kevin Ritchie, engineer, and Connie Wright, owner were present.

Ritchie explained that the system had failed a Title 5 Inspection in the spring. The proposed design is intended to replace the existing three bedroom system. Design flows comply with local and state requirements (495 gpd). The property is being sold. A revised plan addressing technical deficiencies has been submitted. There is no area of the yard to site the system which meets the wetland offset and well radius. More than one location was tested. Moving the well does not provide any benefit and the owner would like to keep it since it is a good one. The proposed leaching area design is 36’ from BVW. Title 5 requires 50’ and Carlisle requires 100’. Frado had suggested siting the system at the southern end of the house in his review. Ritchie explained that the water table in that area was higher and soils were unsuitable. A 130’ retaining wall along the front and side yards would be required. It would be 5’ in height and finished grading might cause drainage back into the house. Installation of the wall would require removal of shrubbery between the lots. Frado asked about alternative technology. If the system can be lowered this would mitigate the drainage problem and height of the wall. Ritchie said this would result in additional cost and the wall might not be appreciated by the neighbor. The Board agreed they were not happy with a 36’ distance to wetlands in the present design. The plan has not been reviewed by Conservation. The Board suggested three options: move the well, install an I/A system and retaining wall, check with the Conservation Commission to see if the finger of wetland, which was most likely a constructed ditch, could be filled and replicated to provide at least a 50’ offset. The Board asked who would be paying for the work. Wright said the buyer but not if it includes a new well. Frado said pre-treatment would definitely be a benefit if the system was close to wetlands. The Board agreed that Ritchie should try to maintain the state offset and check with Conservation about filling the small area of wetland. Although the Board can grant a waiver for the 36’ distance to wetlands under local upgrade approval

(15.405) (e), it would prefer not to do so. The Board also wants the 100' well radius met. Ricthie agreed to continue the hearing in order to meet with Conservation on 12/1/11.

It was moved (Risso), seconded (Caddell) to continue the public hearing until 12/6/11. Motion passed 5-0-0.

PH 127 TOPHET ROAD – It was moved (Caddell), seconded (Risso) and unanimously voted to open the public hearing. Andrew Sims, buyer, Bill Dufresne, engineer, were present.

Sims said he could not find the “green cards” for abutter notification. He will submit them later. He submitted notifications to Conservation last week.

Dufresne said the proposed design is intended to upgrade a failed four bedroom system. Based on testing there is only one acceptable area for a system and the entire system cannot fit within that area. The leaching area will be 75' from BVW across the street; 100' is required. The design complies with Title 5; only a local waiver is required. The requested setback will not adversely impact the wetlands as the direction of groundwater flow and likely subsurface flow is not toward the wetland. There is a lot of fill on the lot. Frado asked about moving the well. Dufresne felt it was unreasonable to relocate the well due to financial hardship. The system would still require waivers and Sims did not want to lose trees in the alternate location. Risso asked why the existing system failed. Dufresne said it was hydraulic failure. Frado noted that the applicant is asking for relief but the reduced setback is actually impacting the abutter. Caddell asked about moving the system southeast. Dufresne said the system would still be in the buffer zone and would exceed the maximum 3' of cover due to its depth. Groundwater might be an issue. Brem said he would like to see a 100' offset. He asked if it was possible to move the system closer to the house. Frado pointed out that the proposed location barely catches the testing. He would recommend additional testing in the new area to make sure they do not hit refusal. Brem said this could be done during construction. Sims said the bank does not want conditions. Dufresne said he would do the testing now. He will also address some other minor deficiencies noted in the technical review. The Board asked for the following actions: an additional test pit near the distribution box; slide the system as close as possible to the building, provide an expanded narrative. Sims agreed to continue the hearing.

It was moved (Caddell), seconded (Galligan) and unanimously voted to continue the hearing to 12/6/11.

159 BINGHAM ROAD – GEOTHERMAL WELLS. Bill Gupthill, builder, and Glenn Fitzpatrick, Geothermal Drilling, were present for the meeting.

The Board of Health reviewed the application for the installation of two closed loop Ground Source Heat Pump (GSHP) wells at the above property. The wells were approved by DEP on 11/9/11 and issued Underground Injection Control registration #MAS31A051205-5CL. The GSHP will replace an existing GSHP installed in the private drinking water well. This equipment will be decommissioned and the well will only be used as a potable water supply. Gupthill explained that the current well does not produce enough heat. The wells will be located in a new location since access to the rear of the property would require driving a rig over the septic system. The wells will be 30' from the septic tank and 50' from the leaching area. They will be greater than 50' from the existing well. The wells will be drilled by Mass. Registered Driller Tom Ogden of Ogden Wells. The heating system is being replaced. The original GSHP was installed in the early 1980's. Permitting was different then. Galligan asked how the existing system would be decommissioned and whether the state needed to be notified. Fitzpatrick agreed to notify the state. Gupthill said the lines would be cut off and capped in the house. The Board also wanted signage and labeling of antifreeze. The Board wants to approve the signage. Well is intended only for non-consumptive use and cannot be connected to the household drinking water system.

It was moved (Risso) and seconded (Galligan) to approve the installation of two closed loop well borings to support a ground source heat pump system at 159 Bingham Rd., Carlisle, MA conditional upon the following: (1) Installation and operation must comply with all applicable state and local regulations including DEP “Guidelines for Ground Source Heat Pump Wells” revised August 2010; (2) Plumbing Inspector must certify capping and valve closing of the existing GSHP; (3) Well completion report prepared by the driller submitted

to the Board; (4) Copy of GSHP equipment signage (to be provided by installer) submitted to the Board for approval; (5) Copy of notice to DEP that the existing GSHP has been removed and decommissioned. Motion passed 5-0-0.

389 RIVER ROAD – Guest house septic system. Atty Alex Parra, representing the owners Gay and David Campbell, was present.

Parra explained that a septic upgrade permit to add a fourth trench to the existing three bedroom system was approved by the Board on 10/18/11. Due to an appeal to the Zoning Board of Appeals (ZBA), the Board of Health voted to hold the construction permit until such time as the appeal was decided. Parra said that initially there was only one appeal before the ZBA which should have been heard in November. Two additional appeals were filed and ZBA has decided to hear all three in December. If the appeals are denied no work on the system could be done until March. Parra claimed it would be a hardship for the owners to wait until spring. The issue before the ZBA is the kitchen. This does not change the design of the system. If the appeal is denied construction will move forward. If it is upheld, there will be an oversized system. Parra felt there was no harm if the permit was released but there would be harm to the owners if it was held. Brem pointed out that the winter shut down is a policy; relief does not require a waiver. Parra said there were no legal issues about the house. Board members disagreed noting that the facts of the case have yet to be decided. The plans referred to a guest house which may not be a legal use. Parra said the plan submitted did not misrepresent what was being done. Brem said that if the guest house is not an allowed use, the facts were incorrect. The Board noted that the plans presented at the October meeting did not include a kitchen. It was stated at the meeting however, that the applicant wanted to include a kitchen. Risso noted that the Board's approval letter required that all other local and state permits be obtained before releasing the permit. The Board asked Frado how quickly the work could be done. Frado said it should not take long. It is only one trench. Weather is the biggest variable. The Board noted that the ZBA hearing is 12/5/11 and the Board meets again on 12/6/11. Brem asked for comments. Risso, Margolies, Galligan agreed that they would prefer to wait until the ZBA has made a decision before releasing the permit. Galligan noted that one of the appellants was the Planning Board. This is an unprecedented appeal and should not be taken lightly. Parra asked to be placed on the 12/6/11 agenda.

It was moved (Risso), and seconded (Margolies) to deny the request to release the septic construction permit for the guest house at 389 River Road. Motion passed 5-0-0.

DISCUSSION ITEMS

Noise Policy – Ginny Lamere wrote a thank you note to the Board for their efforts. She particularly noted Galligan's dedication to working on the issue.

ZBA Memo – the Board discussed sending a memo to ZBA and the Building Commissioner prior to the 12/5/11 meeting expressing concern about 389 River Road and how the structure went from an approved one bedroom/loft to three and now four bedrooms. This is the equivalent of two houses on one lot. Fantasia will prepare a draft.

BILLS – it was moved (Risso) and seconded (Caddell) to approve the bills as presented. Motion passed 5-0-0.

Revolving Account – the Board would like to establish one so that it could fund future public health activities. The Board will consider various ways of saving costs for discussion with Fincom. The Health Agent could inspect the winter market rather than Phelps. Fantasia said she does the camp inspections.

October Storm – the Board praised Lyman for her efforts in setting up a warming center. The Board will prepare a letter of appreciation. Fantasia said the LEPC's expectation that a shelter could be set up in 3 hours was impractical. Typically it takes 24-48 hrs which is why residents need to be prepared to shelter in place.

There was no further business discussed. Meeting voted to adjourn at 9:25 pm.

Respectfully submitted,

Linda M. Fantasia, Recorder

Carlisle Board of Health Minutes
Meeting Date: November 22, 2011
Approved: January 31, 2012