

**Minutes of the Carlisle Board of Health
January 6, 2015**

Minutes – 12/9/14

Bills

Administrative Reports

- 149 Judy Farm Road (Plavner) – Accessory Apartment

DISCUSSION ITEMS

- 100 Long Ridge Road
- Benfield Farms – DEP Notice of Non-Compliance
- Chestnut Estates – noise complaint update
- Enchanted Kitchen – 2015 Permit and Fee
- Swine Permit - definition of Piggeries

The meeting was called to order by the Chairman at 7:00 pm at town hall. Present were Board members Bill Risso (Chairman), Lee Storrs, Catherine Galligan, Donna Margolies and Todd Thorsen. Also present was Linda Fantasia, Health Agent, also present: Ed Rolfe of the Planning Board, Lyn Lemaire, resident, Marty Galligan, Zoning Board, David Freedman, Planning Board.

BILLS – Payrolls and Food Establishment inspections for Carlisle School, Ferns, Enchanted Kitchen (latter two are reimbursable); and invoice from David Estabrook MA to be paid from DPH Grant for the Farmer’s Market project.

It was moved (Galligan), seconded (Margolies and unanimously voted to approve the bills as presented. Motion passed 5-0-0.

MINUTES – It was moved (Storrs) and seconded (Thorsen) to approve the minutes of 12/9/14 as amended. Motion passed 3-0-2(Galligan and Margolies were not present for the meeting)

ADMINISTRATIVE REPORTS

Underground Storage Tank Permitting – After January 1, 2015, UST requirements will be enforceable by the Department of Environmental Protection although the Dept. of Fire Services will still have certain responsibilities. Fantasia agreed to look into the changes to see if they affect the Board which has its own local regulations.

Septic System Maintenance – the Mosquito will be doing a feature article and has asked for Board recommendations prior to the meeting on 1/9/15. Fantasia provided a list of FAST System recommendations which may apply to all alternative technologies.

Epi-Strike Team Workshop – this is a free workshop sponsored by Public Health Region 4A on how a town can establish volunteer medical and non-medical teams for deployment during an emergency. Carlisle has many volunteer organizations (Council on Aging, Churches, Parents Association) but they are not necessarily coordinated. Fantasia will attend.

Tick Borne Disease survey – Susan Rask, Concord Health Director, provided a summary of the survey responses for the Tick Testing program in a memo to the participating communities.

Region 4A – A spending plan needs to be submitted by 2/13/15. Suggestions: hiring a consultant to improve the Board’s website; printing additional emergency handbooks and covering the cost of mailing to every household. The Board has a balance of \$1531.24 in its local spending account.

Waste Water Mini-Course – will be hosted by Acton for health department staff. Fantasia will check to see if Frado is eligible to attend. The workshop is free.

149 JUDY FARM ROAD – accessory apartment application. Kathy and Seth Plavner, owners, appeared before the Board.

The Plavners are applying to the Planning Board for a Special Permit to construct an Accessory Apartment in their home for an elderly relative. There are currently seven rooms including three bedrooms in the house. The apartment will consist of a studio apartment with a kitchenette. Including the studio, the house will have eight rooms with four bedrooms. The septic system capacity is for four bedrooms. The system was installed in 1968. The system passed a Title 5 Inspection on March 14, 2012 and has been pumped annually. The system appears to be functioning. It was pumped on 12/22/14. The addition of the studio apartment will not exceed the existing septic capacity. There is a garbage grinder in the house but it is used infrequently. The Plavners agreed to remove the grinder. The Building Inspector will verify its removal prior to final occupancy of the new apartment. The Board reviewed the proposed floor plan to verify room count.

It was moved (Galligan) and seconded (Storrs) that 149 Judy Farm Road has shown adequate septic system capacity for the addition of a one bedroom suite accessory apartment contingent upon removal of the garbage grinder and verification by the Building Inspector prior to issuance of the occupancy permit. Motion passed 5-0-0.

Note: The Board was concerned about the wording of the Planning Board's form which indicates that the Board of Health finds that the accessory apartment is in compliance with the zoning bylaws. The Board crossed out the wording. The Board will discuss changing the form with the Planning Board.

DISCUSSION ITEMS

Benfield Farms – The Board received another complaint about a noticeable odor near the pump house. DEP also issued a Notice of Non-Compliance (NON) for the Public Water Supply due to a missed test for Minute Particulate Analysis (MPA) on 12/15/14. Small Water Systems Services (SWSS) has entered into a compliance plan with the state to collect two additional samples between 4/1/15 and 10/15/15. According to an email from Toby Kramer (NOAH) the October and November water tests were in compliance and showing improvement following an adjustment to the filtration system. The Board is concerned that it is not being copied on the water tests. Fantasia will follow up with Kramer.

Enchanted Kitchen Permit – the temporary permit expired in December. The operation was inspected by Randy Phelps with no problems noted. The Board agreed to issue a One Year Food Establishment Permit for the operation which is conducted in the First Religious Society kitchen. Pam Ely, owner, paid the \$414 annual fee.

Swine Permit – a Carlisle resident is interested in raising pigs commercially. Fantasia located a Board of Health Regulation for the Keeping of Swine that was adopted in 1947, mainly for the O'Rourke farm which had over 1000 pigs. The regulation has never been revised. The Board agreed to review the regulation in light of current practices. The resident will be asked to meet with the Board to describe his proposal.

100 Long Ridge Road - Lifetime Green Homes (LGH) 40 B Application

A revised plan dated 11/14/14 was submitted to the Zoning Board along with an engineering response from Meisner Brem dated 12/8/14 to the peer review letter. The revisions address road width (24'), a new Bio-Retention area, three storm water buffer zones, two additional private wells for no more than two units per well, use of the existing well as an irrigation well, swapping of the location of septic system 1 with housing unit 1 and information on the E/ONE individual pump grinder systems. The applicant considers this to be the final design plan for construction of driveways, drainage system, and sewer lines. The number of units remains 20.

The Board stated that it is strongly opposed to the use of private wells for the water supply and has made its position clear to the applicant, DEP and the Zoning Board that the development should be classified as a Public Water Supply (PWS). Margolies said there are simply too many wells on too little land. Galligan noted that a safe drinking water supply is critical because of the number of people that will be living in the development (nineteen three-bedroom condominiums and one four-bedroom existing house). If one well is contaminated there is a good possibility that others nearby will be affected. The density of the development and proximity of wells to each other and the three septic systems puts the water supply at tremendous risk. She would prefer to have a PWS which would include a protective radius, regular monitoring and oversight. It is not unusual for new equipment to have operational difficulties during the first year. A PWS would have a Certified Well Operator to address any maintenance problems.

Storrs agreed that the density is a problem. LGH is proposing to provide legal documents identifying ownership responsibilities for each private well. Storrs said legal documents will not prevent environmental or health risks. They provide a means of addressing problems after the fact. Thorsen was concerned about the location and number of private wells and proximity to the leaching areas. Bedrock wells obtain water through fissures in the bedrock. The potential for hydraulic connectivity should not be underestimated. Storrs felt the Board should insist DEP make a determination. Risso agreed that some of the wells are down gradient to two septic systems increasing the risk of contamination.

The Board unanimously agreed that the water supply needs to be classified as a PWS for the protection of the residents and the environment. Nothing in the revised plan changes this position.

Lemaire suggested that it was important for the Board to keep the Zoning Board informed. She questioned why a more detailed plan of the septic system was not submitted. The Board explained that LGH is not required to provide a construction plan for the Board of Health until applying for a septic permit. There is no obligation to do this until a comprehensive permit is approved. Freedman said the plan currently before the Board does not meet the Board's regulations and requires waivers. LGH argues that the septic system is a series of systems and therefore does not qualify as one facility. The design no longer requires the local waivers that pertain to large systems. Freedman noted that there will be no single point of contact for the Board as there is at Benfield Farms. This will make compliance with conditions more difficult to enforce. Even with a property manager it can be difficult for the Board to enforce compliance. If the need for waivers is still valid, LGH should be required to show that granting the requested waivers does not run against the intent of the regulation.

Fantasia noted that the project as proposed needs relief from two state codes: 310 CMR 22.00 Public Water Supply since it cannot provide a Zone I as currently laid out and 310 CMR 15.00 Title 5 because it needs additional credit land from an adjacent lot to meet nitrogen loading requirements. Freedman said that the Zoning Board will be looking for concurrence from the Board of Health on the Comprehensive Permit so it is important for the Board of Health to spell out its concerns.

M. Galligan asked about the LGH's proposed well testing protocol. A PWS would be more appropriate for the development given its density and the Board of Health should continue to work toward that, but if the water supply remains private the Board needs to consider what it should do to protect the residents.

Risso said the question of nitrogen loading requires a more detailed study than the applicant has provided. Lemaire suggested that the Board list what it needs for the Zoning Board in order to provide comments. LGH believes that condominium documents can address the Board's concerns. Lemaire stated that if there are factors that imperil health and safety there should be no comprehensive permit. Fantasia noted that the Board does not have any funds to do the type of reviews that it needs.

Other items discussed were stockpiling of snow away from the leaching fields and whether the roadways would be public. Freedman said the road layout does not have sufficient right of way to be accepted as public. Galligan noted that some of the wells do not meet the local setback to a street because the setback only applies to public roads. If the roadway is private there will be no school bus pick up. Families will need to walk their children to the bus stop even though there are no sidewalks. Alternatively families will drive to the bus stop creating a traffic hazard at the

entrance. Risso said the Zoning Board voted to do the hydrogeological testing using peer review funding. They are also discussing possible town funding should other studies be needed. The town is considering hiring its own consultant. Lemaire thought it would be helpful for the Board to clearly state what happens when a septic system fails, how wells are contaminated and the health consequences. A layperson may not fully understand what the consultants are talking about.

The Board agreed to submit another memo to the Zoning Board on the following:

1. Applicant must show how the EONE Grinder pump complies with the 25% limit set by Title 5
2. Grinder pumps should not be located in the houses
3. No reduction in the 150' setback from the leaching area to the abutter's well
4. Provide a reasonable escrow account for septic and well systems
5. No granting of local waivers without valid reasons

Thorsen agreed that the proximity of septic systems 1 and 2 could be problematic as far as groundwater mounding. Freedman said LGH's position is that septic systems 1 and 2 are separate which does not make sense environmentally. Risso would like to see the escrow accounting based on the model used for Garrison Place. M. Galligan suggested prioritizing the issues for the Zoning Board. Storrs agreed that the Board should send a response to the Zoning Board on the revised plan. In particular the Board should make it clear that the systems are counted in aggregate and local waivers still apply. The Board's position is based on an opinion issued by DEP to Coventry Woods that was based on a similar design. Risso said Nitsch Engineering should be looking at the Title 5 issues rather than deferring to the Board of Health. Other items for consideration include a water balance plan for the irrigation system and an Operations and Maintenance Manual.

Freedman asked if the Board would consider less than 150' setback if the well testing proved adequate supply. The Board was uncertain that this could be achieved without putting the town at risk. Board members agreed that the testing of wells needs to be done and LGH should pay for it. There is no guarantee that the results will justify granting the necessary waivers. Galligan was concerned that testing is only a single point in time and not a guarantee. Fantasia said the Board would be setting a precedent by allowing an applicant to more easily overcome a regulation. Tom Letteri asked what the neighbors could do to help. Risso said they should make their wells available for testing if asked. Galligan suggested contacting state legislatures to voice their concerns about the 40B law. Freedman suggested writing to the DEP. Risso said the state needs to be aware that all of the federal money available to towns to develop sewer and water systems is gone. It will be up to the town to address any future problems. Fantasia will prepare and distribute a draft memo for the Board to review. The next Zoning Board meeting is 1/28/15.

Freedman thanked the Board for allowing audience input. Letteri said the Board is doing a good job. Lemaire said the 40B statute needs reform not repeal in order not to cause harm to the towns.

Chestnut Estate Noise Complaint – Risso reported that he, Storrs, and Fantasia had met with developer Lou Baldoumas following noise complaints from abutters about the use of a hoe ram at the site last December. The abutters had asked the Board to issue a Cease and Desist Order which the Board considered but did not issue. At the meeting Baldoumas explained that the hoe ram was only used for a few days on Lot 5 to break up small pieces of ledge for the foundation and driveway. The work has been completed. There are two lots remaining. It may be necessary to use the hoe ram again for small rock crushing.

Previously Baldoumas had agreed to notify the town when he was planning on using a hoe ram. This was an agreement he made with the neighbors. Baldoumas said he told the Building Inspector but the abutters were not notified. Since the abutters had no idea how long the noise would continue, they complained to the town. Baldoumas agreed to provide notice to the Board of Health who will notify abutters on any future hoe ramming. The Board will also do a site visit to inspect the amount of work to be done and how to mitigate the sound. Blasting might be an option. Baldoumas said he does not want to blast because of the 1000' survey required by the Planning Board. Freedman said this probably does not apply to construction of a single lot, only the roadway.

Galligan said she was aware of a hoe ram being used on Cross Street last summer. It was difficult to locate because the sound was somewhat muffled by the topography. The quality of the ledge can make a difference in how loud the sound is and how far it travels. Chestnut Estate has some very hard rock. The Board agreed that communication between the developer, town and abutters will help in the future. They hoped that there will be limited use of the hoe ram.

FY 15 Budget – no problems noted. The Board also closed out the final funding for the DPH min-grant which was used to pay for a consultant to prepare a self-certification form for the farmer's market.

There was no further business discussed. Meeting voted to adjourn at 9:40 pm.

Respectfully submitted,

Linda Fantasia
Recorder