

**Minutes of the Carlisle Board of Health
February 24, 2015**

Minutes
Bills
Administrative Reports
625 Rutland Street – addition (Newman)
• Deed Restriction
• FAST system agreement
• Letter from Owner 2/23/15
• Floor Plan
• Bedroom Deed Restriction
63 Old East Street – addition (Bruce Ringwall) #2
• Application 2/20/15
• Floor Plan
98 East Riding Drive - failed septic system
• reduction in separation to groundwater (Presby)
• 40% reduction in area
• Letter of Application 1/26/15
• TCG Review 2/16/15
100 Long Ridge Road (Brem)
• piggery application 2/12/15
DISCUSSION ITEMS
Benfield Farms – #5
• Perc-Rite reporting 1/5/15
• Kramer email 2/13/15 including WTS email from Moreau
Deer Management
• Talk – report
• Ballot Question

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, and Todd Thorsen. Donna Margolies was absent. Also present Linda Fantasia, Health Agent and Alex Brewster (Carlisle Mosquito)

MINUTES – next meeting.

BILLS - December and January engineering invoices need to be reviewed.

ADMINISTRATIVE REPORTS

Mass Dept. Public Health (MDPH) Intern – two projects were submitted for a summer intern: (1) develop a policy and procedure for deer hunting on public land; update information on tick borne disease on the website.(2) assess sources of noise that may adversely affect the public health of residents, workers and visitors to the town. The latter would build on the Capstone Project being done by Scott Zdankiewicz (UMass Lowell).

DISCUSSION ITEMS

Benfield Farms – There is still a noticeable odor around the pump house. Fantasia said the two alternative technology systems have different service providers: Waste Treatment Systems services the FAST and Clear Water Industries services the Perc-Rite. The Board decided to invite all of the service representatives to a meeting to discuss the issues at Benfield and whether the Board should be concerned about permitting these technologies in other large developments.

The FAST system had high levels of sodium (76 mg/l) in the last test. This poses a health risk for anyone on a sodium restricted diet. There were also high levels of nitrite in the system which is unusual. The system is not functioning properly and not in compliance with the DEP standards. The nitrifying population of bacteria may not be well established. J&R Engineering and WTS have been trouble shooting the problems. One possibility for the

high sodium maybe spillage of water softener chemicals into the floor drains in the pump house. The water softener discharges a separate drywell but the bags of salt are stored in the maintenance building. Fantasia spoke with Dana Hill of DEP to see if the state had similar experiences with these technologies. Hill recommended contacting the manufacturer of the FAST System, Biomicrobics, Inc. about the problem.

The Board agreed that it is important for all parties to be aware of the problems rather than just servicing the equipment under their contract. The Board was surprised that different companies were under contract instead of a single service provider who could do both. Benfield Farms has been close to full occupancy since October and should now be fully functional. The Board is concerned because it has issued a similar permit for Garrison Place and has two other sites that may be interested in these systems. The Board may even consider a moratorium on future permits until the problem is resolved. The Board decided to invite the manufacturers, vendors, service providers and facility manager to a meeting. The Board will make it clear that the meeting needs to be technically focused and not for marketing purposes. The Board will want to know what kind of trouble shooting checklist the companies use when dealing with a problem. Toby Kramer of NOAH, the project owner, will also be invited. Fantasia will set up the meeting.

625 RUTLAND STREET – addition requiring a bedroom deed restriction.

At a previous meeting the Board asked the owner, David Newman, to clarify the current room count. The system is a FAST system designed for four bedrooms (nine room total). It was installed in 1999 to replace a failed system. There are currently eleven rooms in the house. This requires a five bedroom system. Newman, who was unable to attend the meeting, explained in a letter to the Board that the previous owner had finished an existing hot tub room which was probably not counted in 1999. Newman purchased the house in 2009. He is proposing to finish a room in the basement. With the basement renovation, the house will have twelve rooms including four bedrooms. The system was last pumped on 7/3/13 and the FAST system was inspected on 1/5/15. No problems were noted. Newman agreed to provide an updated Operations and Maintenance (O&M) contract since the one on file with the Board is in the previous owner's name. The contract is with the same service provider, Waste Treatment Systems. Newman is willing to record a four bedroom deed restriction if approved by the Board. He would like the Board to waive the Title 5 Inspection since the system receives quarterly inspections and annual effluent testing for the FAST System. The July pump out report was not filed with the Board. The FAST was inspected on 1/5/15 with no problems. The last Title 5 of the system was done in 2009 when Newman purchased the house. Fantasia said there have been no problems with the FAST operation since its installation.

The Board agreed that a four bedroom deed restriction would be appropriate. The new room is in the basement and unlikely to be used as a bedroom. The Board also agreed to waive the Title 5 Inspection based on the ongoing inspections of the FAST. This is a good indicator of whether the system is functioning properly. An updated O&M Contract is required along with documentation of the latest pump out by Wind River Environmental.

It was moved (Galligan) and seconded (Storrs) to issue a four bedroom Deed Restriction for 625 Rutland Street to be executed and recorded by the owner to accommodate the proposed basement renovation, conditional upon submitting the July 2014 pump out report from Wind River Environmental and an updated O&M Contract. Motion passed 4-0-0.

It was moved (Galligan) and seconded (Storrs) to waive the Title 5 Inspection for the system at 625 Rutland Street as required in order to execute a bedroom deed restriction. Motion passed 4-0-0.

63 OLD EAST STREET – use of garbage grinder allowance to accommodate addition.

Bruce Ringwall, GPR Inc. appeared before the Board. The proposed renovations include a conference room, two offices, a full bathroom, a mini-kitchen and exercise room to be used as a home office.

The existing house has a total of nine rooms including four bedrooms. The proposed renovations will increase this to thirteen rooms including four bedrooms. The septic system was installed in 1998 for five bedrooms. The design includes an additional 50% allowance for a garbage grinder for a total capacity of 825 gpd. The system includes a

2000 gallon two compartment septic tank. Ringwall also pointed out that because of the garbage grinder additional capacity the septic capacity is equivalent to a six bedroom system, sufficient for the proposed renovations. The owner is willing to execute a Garbage Grinder Deed restriction on the property title. If the house has a grinder installed it must be removed. The system is pumped every year and only has two occupants. The last Title 5 Inspection was done in 2012. The soils are good. Ringwall was confident that the system was in excellent condition. The owners have spoken with the Building Commissioner and there are no zoning issues related to the home office. There may be two to three employees working part-time.

Fantasia noted that historically Boards of Health count the additional rooms as residential rather than office space which has a smaller design flow (75 gpd/1000 sf). This is because a future owner may use the space for residential purposes. The Board asked that the owners provide the latest pump out report. Since the system was inspected in 2009, pumped regularly with limited use, the Board did not feel it necessary to have a Title 5 Inspection done. Ringwall said it would not be possible to do an inspection now because of the snow cover. The owners want to move forward as soon as possible.

It was moved (Galligan) and seconded (Thorsen) to issue a Garbage Grinder Restriction for 63 Old East Street, to be executed by the owners and recorded at the Registry of Deeds, to accommodate a four room addition in the basement, conditional upon submitting the latest pump out report and verifying that there are no grinders installed at the property. Motion passed 4-0-0.

98 EAST RIDING DRIVE – replacement of a failed septic system with a Presby-Enviro Leaching System. The design engineer Norse Design Services, Jeff Hannaford, was unable to be present at the meeting so Fantasia presented the information.

According to the application the existing system is in failure and causing backup of sewage into the home. A Title 5 Inspection was done on 12/16/14 which verified the system failure. The proposed design is for a five bedroom system in keeping with the existing floor plan. The system design includes a 40% reduction in leaching area and 2.0' reduction in separation from groundwater as allowed under the Enviro-Septic System approved for General Use approval dated 9/26/14. The leaching area will be 106' from wetlands. The existing field is only 70 from wetlands. A second tank will be added. Rob Frado had the following comments: effluent tee filter not recommended; explain how the system will be vented and when the existing tank will be inspected. Norse responded via email that an effluent tee will not be installed, the system will be vented through the house plumbing and the tank will be inspected at the start of construction. The tank was found to be structurally sound during the Title 5 Inspection. The applicant has not yet filed with the Conservation Commission on the wetland delineation due to snow cover.

The Board agreed that the engineering review comments had been addressed but wants a formal response or notes added to the plan. Only one copy of a proof plan was submitted pending Board review. Five copies of the final plan are required. The Board also stated that sewage back up into the house is a critical health issue and agreed to send a letter to the Conservation Commission asking to expedite their review. Work could begin on the system on March 1st. The applicant will be advised to contact Conservation as soon as possible.

It was moved (Galligan) and seconded (Storrs) to issue a Sewage Disposal Construction Permit in accordance with plan entitled "Subsurface Sewage Disposal System, 98 East Riding Drive, Map 23, Bk 35, Lot 12, designed by Norse Design Services Inc., date 12/31/14" conditional upon submittal of a revised plan eliminating the effluent tee filter and adding a note to inspect and certify the existing septic tank and to further move that the Board of Health will ask Conservation Commission to expedite their review to address the critical health concern which exists at the site due to sewage backup into the facility. Motion passed 4-0-0.

100 LONG RIDGE ROAD – piggery application.

Property owner Jeff Brem (not present) submitted a letter of application to the Board to raise and keep up to six pigs on his property in accordance with the Board's Keeping of Swine Regulation adopted in 1947. No fee was included with the application. A plan was submitted showing the area for the pen and a shelter to house chickens. Manure would be handled in accordance with the Board's regulations.

The Board noted that the town's Zoning Bylaws specifically prohibit piggeries. The Building Inspector obtained an opinion from town counsel that the Board of Health regulation cannot supersede town zoning. In the same opinion town counsel states that a piggery is commonly accepted to be the keeping of three or four pigs or more. According to the 1947 Regulation any number of swine requires a Board of Health permit. The Board was concerned about issuing a permit in violation of the zoning bylaw. The Board agreed that this needs to be clarified by the Building Commissioner.

The Board has the authority to regulate as a nuisance. In reviewing the location plan, the Board was concerned about the proximity of the pen to the roadway and nearby abutters, drainage patterns, and lack of shelter for the pigs. Board members agreed that three or more pigs should be considered a piggery based on other towns regulations. It was unclear how the applicant would address piglets. If the operation is a commercial venture it will require a permit from the state for the raising, transporting and slaughtering of the livestock. The Board noted that the applicant has a licensed barn on his property but currently this is being rented out. Eight horses are being boarded in the barn. The property owner does not have any horses. In the past the Board has had to send a number of reminders to the owner to pay for the barn inspections. The Board is concerned that there is a history of non-payment of fees on the property and would want to make sure there is nothing owed to the town before considering a new permit. The applicant is asking for a partial permit from January through May. The Board questioned the timeframe. A barn license is issued from September 1st through August 31st. The Board also noted that the same property is being commercially developed as a condominium development if the necessary permits are granted. The Board's specific concerns include:

- The fenced area is very close to the roadway and the abutter's property line.
- Applicant must get a determination from the Building Commissioner that it is an allowed use under zoning
- Demonstrate that drainage from the pen will not travel offsite
- Check that the proposed shelter complies with the 40' zoning setback to side lot lines or is exempt
- If the Zoning Board decides that the operation is allowed under zoning, the applicant must return to the Board for a permit and the applicant must present his application to the Board.

The applicant is proposing to use acid phosphate on above ground manure stockpiles. The Board was unfamiliar with this practice. The Board did agree that a heavy concentration of nitrates and phosphates can pollute the groundwater. A septic system is designed to filter these but there is not much filtration on raw land.

The Board agreed that raising chickens did not require a permit only a barn license. The chicken coop will be inspected next fall. If roosters are present, noise could be a nuisance issue. The applicant is proposing an agricultural operation that would be exempt from zoning. The Board does not know how farms are defined. Abutter David Willard, in the audience, said there have been a number of complaints about stockpiling of manure on the property. The Board had its engineering consultant, Rob Frado, do a site visit to investigate drainage patterns because of these complaints. The applicant demonstrated to the Board's satisfaction that the manure piles were being properly managed and not a health concern.

UPCOMING EVENTS

Town Caucus – March 9th. Thorsen agreed to run. Risso will check with Margolies. Both are three year terms.

Rabies Clinic – March 14th.

There was no further business. Meeting voted to adjourn at 9:00 p.m.

Respectfully submitted,

Linda M. Fantasia
Recorder

Carlisle Board of Health Minutes
Meeting Date: February 24, 2015
Approved: March 24, 2015

