

**Minutes of the Carlisle Board of Health
August 25, 2015**

Bills
Administrative Reports
Minutes 7/14/15, 7/28/15

129 EAST STREET

PURE 7 CHOCOLATE

DISCUSSION ITEMS

MDPH Internship – Stephanie Moore
Town Study – Depth to Bedrock
338 Bedford Road – pre-submission conference report
Benfield Farms – test results
Irrigation Policy

NEW BUSINESS

The meeting was called to order by the Chairman at 7:01 pm at town hall. Present were Board members Bill Risso (Chairman), Lee Storrs, Catherine Galligan, Donna Margolies, and Todd Thorsen. Also present Linda Fantasia, Health Agent, Alex Brewster, Carlisle Mosquito, David Freedman, Alan Lehotsky

BILLS – No bills.

ADMINISTRATIVE REPORTS

Flu Clinic – will be held 10/9/15 from 10-12 in the Clark Room. The state has a new system for tracking immunizations – MA Immunization Information System (MIIS). If Emerson Home Care does the registration there will be a charge. They have not decided on the amount. Another option would be for Fantasia or a senior volunteer to do the registration.

Office of Emergency Preparedness Contact Information – the state would like contact information for all board members. Fantasia suggested board members register on the Homeland Health Alert Network which is a statewide emergency notification system. She will forward the link.

Land Use Pre-submission Conference Policy – a memo was sent to the land use departments to request that the Selectmen establish this as a town policy. Planning Board supports the request. Conservation has not yet met to decide.

Mass. Emergency Management Association (MEMA) – the Board received power outage safety tips for residents. The information will be posted on the town website.

Ebola Screening – The Dept. of Public Health has issued new guidelines for travelers returning from affected countries.

Municipal Shelter Training – September 30th at the Army National Guard Readiness Center in Natick. Invitations will be sent to town officials and emergency managers.

429 Cross Street – a letter was sent to the realtor who handled the sale that all property transfers require a Title 5 Inspection if they are on a private sewage disposal system. A letter will be sent to all local real estate agencies.

Installation Tracking – approximately 50% of the currently active installations are completing the work with three inspections.

MINUTES – It was moved (Galligan) and seconded (Storrs) to approve the minutes of 7/14/15 as amended. Motion passed 5-0-0. It was moved (Storrs) and seconded (Galligan) to approve the minutes of 8/11/15 as amended. Motion passed 4-0-1 (Thorsen was absent for the meeting).

338 BEDFORD ROAD – Group home development. Present: Steve Garvin (Samiotes Engineering), Dafna Krouk-Gordon, President (TILL), Tom Nordberg (TILL)

Krouk-Gordon gave a brief history of the Toward Independent Living and Learning, Inc. (TILL). The company is a non-profit corporation established in 1980 to develop housing for people with intellectual disabilities. TILL has 56 residential programs providing educational, respite and family support programs to over 200 individuals. In conjunction with Davis Square Architects and Samiotes Consultants, TILL proposes to develop a duplex group home served by a septic system and private well at the site. The property, which was purchased by the town, is being leased to TILL under a 99-year lease for the development. In March of 2015 the Department of Developmental Services (DDS) awarded a contract to TILL for a nine-bedroom development contingent upon obtaining an Occupancy Permit by June of 2016. The two structures consist of a four and a five bedroom dwelling. 24-hour coverage will be provided by residential support professionals. Although each dwelling will have its own facilities, there will also be numerous opportunities for residents to interact.

Risso said earlier proposals called for ten residents and questioned if the rooms could house a couple. Krouk-Gordon said this has never been done. Staff will not be living at the houses. Typically there would be two staff on site, one for each dwelling. This ratio could increase depending upon individual circumstances of the residents. Residents will participate in daily educational, day care or work programs offsite.

Garvin provided an overview plan of the site and explained that the buildings will be served by a single nine-bedroom soil absorption system (SAS) and a single private well. Testing was done on the site for the primary and reserve areas. The soils were excellent with a 2 mpi percolation rate and groundwater at 12-13'. TILL would like the Board to consider 65 gpd/person as previously discussed. With only one person per bedroom the total system capacity would be 585 gpd. This is the reason that the lease area is only 1.36 acres. If the Board requires 110 gpd the system capacity will increase to 990 gpd. For the larger system, the reserve area will be located under the parking lot. Garbage grinders will not be allowed. The Board asked if any other development used the 65 gpd/person. Garvin thought there was one in Oxford and one in Sudbury. He was not sure if they were on town water or private wells. Galligan did not think a dormitory was a good model. Thorsen agreed and noted that the staff would be an additional burden.

At 1.36 acres, there is not sufficient land area under the lease for 990 gpd of nitrogen loading. Lehotsky said the Board had reviewed the proposal in 2014 which included the dormitory flows. The entire 5.4 acres of land was purchased by the Town and is under the control of the Housing Trust. Lehotsky felt this eliminated the question of nitrogen loading. The Board noted that there have been different answers as to whether a lease line is a real property line. The Board would like a legal opinion. Garvin said the Dept. of Environmental Protection noted in a memo that it would allow the group home but the land could not be used for another system. Any future use of the back area would need to tie into the Waste Water Treatment Plant (WWTP) at the school

The consensus of the Board was to design the system for 990 gpd. Margolies agreed that more treatment area (990 gpd) provides better protection of groundwater.

Garvin said the proposed design is for a conventional Title 5 system. The dwellings would be served by two tanks. The well would be 90' from the property line. Since Title 5 requires a 10' setback between a system and a property line this would provide the required 100' from the well to the closest abutter's system.

Risso noted that the 110 gpd/bedroom is sufficient for two people per bedroom should the need arise. A deed restriction might not be necessary. Krouk-Gordon said DDS no longer allows more than six bedrooms. Lehotsky said a waiver had to be granted by DDS for the nine-bedrooms. Garvin did not believe that a lease line is the same as a property line. The entire parcel is under one ownership – the Town of Carlisle. Alternatively a 65 gpd/person

design would alleviate the need for recording of a Nitrogen Loading Restrictive Easement and save time and legal fees. Galligan said she was concerned that with the limited land area available under the lease, if there are any problems encountered in the field, there is no safety margin.

The Board agreed that it wants a design based on 110 gpd/bedroom in accordance with state and local regulations. They would like the Housing Authority to check with town counsel on whether a lease line is considered real property. Lehotsky said he would have this for the next meeting.

Garvin said they would be filing the septic plans next week. The Board noted that there is a winter shut down that begins December 1st and runs through February.

BENFIELD FARMS

The Board reviewed the latest testing results submitted by Waste Treatment Services (WTS). WTS is proposing to add a carbon feed and alkalinity to the system. The Board has been concerned about the failure of the FAST System to comply with nitrogen discharge limits under the DEP Provisional Use Certification and the Board's Sewage Disposal Construction Permit. As a result, the Board has not yet issued a Certificate of Compliance for the soil absorption system. The Temporary Certificate of Compliance expires on 9/30/15.

The Board recognizes that the system is experiencing a water chemistry problem resulting in excessive amounts of Total Nitrogen and steps are being taken to add a carbon source and increase the alkalinity. The Board's primary concern is that the problem with the FAST will not be resolved before the cold weather. This will only exacerbate the situation as it did last year and make it more difficult to obtain a permanent solution. The Board agreed that it needed to take stronger action on having the problem solved.

The Board decided to issue an Enforcement Order in that the system is failing to protect the public health and the environment due to failure of the FAST system to comply with Discharge Limits under Provisional Use Approval-Revised, Pursuant to Title 5, 310 CMR 15.000 for MicroFAST 9.0 Model Number 9.0; Manufacturer BioMicrobics, as certified for Provisional Use under 310 CMR 15.286 pursuant to DEP Transmittal Number X233489, on March 11, 2011 and the Carlisle Board of Health Letter of Approval dated December 14, 2012 and Sewage Disposal Construction Permit #12-24B.

An Enforcement Order is a mechanism whereby the Board of Health can require a permit holder to take corrective action. This process is helpful when there are time-sensitive issues to be addressed. It also details the actions to be performed for the record. In the current situation, the Board feels that more data points are needed in order to show whether this is a permanent solution. The Board also wants to see whether too much oxygen is being returned to the first tank which could be part of the problem. The Board agreed to weekly testing of the required influent and effluent parameters and also weekly testing for pH, Biochemical Oxygen Demand (BOD) and Dissolved Oxygen (DO) in the Equalization Tank. The Board will want two full months of discharge limit compliance before issuing a Certificate of Compliance.

It was moved (Galligan) and seconded (Thorsen) to issue an Enforcement Order to Benfield Farms for failing to comply for over one year with the conditions of the FAST Provisional Certification and the Sewage Disposal Permit issued by the Board and further move that FAST system testing be increased to every week with reports submitted to the Board. Motion passed 5-0-0.

The Order will be sent to NOAH along with an opportunity to appeal the Board's decision.

129 EAST STREET – Two-family new construction. Present were Dan Gainesboro (NOW Communities, LLC),

A revised plan had been submitted addressing the items noted in the previous engineering review. The design includes an Infiltrator Quick 4 Plus Standard Chamber leaching system. The proposed system will serve a two family dwelling with a total of seven bedrooms in accordance with state and local requirements. The system is not designed for a garbage grinder.

Draft condominium documents were submitted for the Board's review. Gainesboro explained that some of the legal documents will not be finalized until the houses are sold. He did not expect that the changes would affect the conditions imposed by the Board. The Board agreed to accept the draft documents for the time being and the final documents prior to issuance of the Certificate of Compliance and Occupancy Permit.

It was moved (Storrs) and seconded (Thorsen) to issue a Sewage Disposal Construction Permit for 129 East Street, Carlisle, MA, conditional upon Board of Health approval of the Master Deed, Declaration of Trust, Purchase & Sale Agreement and Financial Reserve Account prior to release of the Certificate of Compliance and issuance of an Occupancy Permit by the Building Commissioner. Motion passed 5-0-0.

DISCUSSION ITEMS

Housing Production Plan Comments. Present: David Freedman and Alan Lehotsky.

Margolies felt the use of acronyms made reading the document difficult. Risso said there was not sufficient time to review the lengthy document. He questioned some of the comments about tying into the WWTP, noting that a pump station alone would cost around \$120,000. Freedman pointed out that the document refers to four units per acre for nitrogen loading rather than four bedrooms per acre. A unit can have multiple bedrooms. Lehotsky apologized for the brief comment period stating that the town has a very tight deadline they are trying to meet.

The Board agreed to submit the following comments:

- Glossary – members agreed that a quick reference guide or glossary would have been helpful in understanding the terms in the Plan. In particular, a list of acronyms or list of abbreviations is warranted, given the substantial number of acronyms in the document and the difficulty finding the original abbreviation in any section.
- Four Units Per Acre – This is misleading. Title 5 states as follows:

15.214 (2) Nitrogen Loading Limitations: No system serving new construction in areas where the use of both on-site systems and drinking water supply wells is proposed to serve the facility shall be designed to receive or shall receive more than 440 gallons of design flow per day per acre from residential uses except as set forth at 310 CMR 15.216 (aggregate flows) or 15.217 (enhanced nitrogen removal).

The design flow for a bedroom is 110 gpd. Therefore a one acre lot can only sustain four bedrooms without aggregating flows or enhanced nitrogen removal.

- Pre-submission Conference – the Board would like the Plan to include a strong recommendation that in addition to the formal process for organizing a Town Advisory Group, potential developers have an initial pre-submission conference with the land use staff administrators. The pre-submission conference allows the land use staff to identify issues for the developer as well as share information with other departments resulting in a more seamless and efficient permitting process for both the town and the applicant.

Pure7 Chocolate – Food Establishment License.

The missing documentation (water test, floor plan, machine specifications) was provided. Randy Phelps will conduct an inspection when the establishment is in operation.

Irrigation Policy – The Board continued its discussion on developing an irrigation policy or regulation for Carlisle. Galligan had prepared a table on water recharge rate and irrigation systems. The Board would like the policy to be applied to both developments and single family residences. Risso suggested a statement that if there is a water emergency, as identified by an appropriate agency, the Board has the authority to stop all irrigation systems. The Board agreed that the data was useful as a justification for the policy but would like a simpler narrative that could be handed out to a homeowner. Galligan agreed to work on a summary.

Bedrock Study – Risso and Steve Hinton are working with Scott Horsley of Witten Horsley on a scope of work for the study.

Meeting dates: 9/15, 9/29, 10/13, 10/27, 11/10, 12/1, 12/15.

There was no further business. Meeting voted to adjourn at 8:55 p.m.

Respectfully submitted,

Linda M. Fantasia
Recorder