

**Minutes of the Carlisle Board of Health
November 17, 2015**

Bills

- Administrative Reports
- Minutes of 10/20/15
- Lyme Disease Subcommittee – appointments
- 338 Bedford Road – Nitrogen Loading Facility Aggregation Plan
- Ferns Country Store- 2016 Food Establishment Permit

DISCUSSION ITEMS

- Benfield Farms status report
- Proposed Noise Bylaw – comments
- Swine Applications:
 - Clark Farm, Great Brook Farm, 299 Bedford Road
 - Staffing Request Discussion
 - 95 Hanover Road – update
 - Carlisle Public Schools – Food Inspection Results, Grease Tank Pumping

NEW BUSINESS

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. Absent was Donna Margolies. Also present were Linda Fantasia, Health Agent, Cynthia Sorn, Carlisle Mosquito.

BILLS – Emerson Home Care (Flu Clinic), Phelps Food Service (inspections) Technical Consulting Group (October) and Staples (office supplies).

It was moved (Galligan) and seconded (Storrs) to approve the bills as presented for payment. Motion passed 4-0-0.

The flu clinic included two hours of MIIS Immunization Registration. This is a new state mandate which the town is required to perform but without reimbursement.

ADMINISTRATIVE REPORTS –

Healthy Community Design and Mass in Motion Mini-grants – MA Dept. of Public Health and Mass. Association of Health Boards are co-sponsoring mini-grants for cities and towns and regional planning agencies. The three topics include: healthy aging, implementation of Mass in Motion strategies and healthy food and active living grants. Fantasia suggested designing and building a cross-walk between the new group home and Kimball’s Ice Cream stand. Potential grant collaborators might include Board of Health, Council on Aging, TILL Development. There is a grant training session on 12/10/15.

36 Forest Park Road – the Board received a memo from the Wires Inspector that the electrical trench for a pump chamber was backfilled before it was inspected. The installer will need to excavate the line for inspection. Todd Brown of Lincoln Tree and Landscaping was the installer. A comment will be entered on the new Septic Installation tracking database.

Fincom Guidelines FY17 – Fincom is proposing a 0% increase except for wages and salaries. The Board expects to meet the operating account guideline.

FY15 Year End Summary – the Board reviewed the final accounting which ended 6/30/15.

Public Water Supply Determination – the Board approved the memo sent by the chair to DEP asking that the Department abide by its policy that determination of a public water supply should be made during the design phase of a development.

Animal Management Complaint Process – The Board received a complaint about loose horses causing damage to a neighbor’s property. The horses are also a safety issue for children and traffic. Similar complaints for the same horses date back to 2010. The Agricultural Committee has agreed to work with the Board of Health to resolve livestock complaints. The Agricultural Committee is meeting 11/19/15 and will discuss a complaint resolution procedure. Storrs offered to be the Board’s liaison to the Agricultural Committee and Thorsen will be the backup. The Board would like to use the complaint resolution procedure proposed by Wayne Davis in 2003.

Personnel Safety – The Board sent a memo to the Selectmen asking that they consider personal safety for town employees when dealing with difficult people. The Board feels work place safety is important but also has a specific concern about a property owner whose behavior at town hall has been problematic.

Daisy Gasoline Station Clean Up – Cushing, Jammallo & Wheeler, Inc. submitted a Partial Phase II Comprehensive Site Assessment to the Board. The assessment included results of the private well testing which shows MTBE to still be on the decline and filtration systems working. Additional assessment activities to conclude the Phase II Assessment are needed. The Public Involvement Plan has been discontinued due to lack of public interest.

LYME DISEASE SUBCOMMITTEE REORGANIZATION – the Board reviewed the resumes of the seven candidates. The committee had decided to reorganize based on member’s schedules and interests. Regular members (voting) will be: Jean Barry, M. D., Lee Tatistcheff (ConsCom), Todd Brady, M.D., Jennifer Hawes and Hana Chandonnet; Board liaisons will be Donna Margolies (Board of Health), Peter Burns (ConsCom); Associate Members (non-voting) will be Lincoln Pinsky, M. D., Phyllis Kanki and Jeannie Geneczko. The Board was extremely pleased with the qualifications of the members and their willingness to be on the committee.

It was moved (Galligan) and seconded (Thorsen) to accept the membership recommendations of the Lyme Disease Subcommittee. Motion passed 4-0-0.

MINUTES - It was moved, seconded and unanimously voted (4-0-0) to approve the minutes of 10/20/15 as amended.

338 BEDFORD ROAD - present for the discussion was Karina Coombs, Housing Trust Chairman.

The Board received the following documents:

- Engineering review dated 11/19/15 from Rob Frado (TCG) stating that the credit land area provides sufficient area for meeting the nitrogen loading requirements (98,445.6 sf provided, 90,000 sf required) for the 990 gpd system.
- Survey plan from Stamski & McNary, Inc., dated 11/2/15 stamped by Joe March locating the additional credit land (A & B) as required for nitrogen.
- A corrected “Grant of Title 5 Nitrogen Loading Restriction and Easement” for both the facility and non-facility credit land was submitted to the Board for review.

There were no changes to the septic plan revised 10/16/15 which was conditionally approved on 10/20/15. The Board has already included a condition to test the well annually. Recording an Easement for nitrogen loading is a Title 5 condition. Although the group home is being classified as “educational” for zoning purposes, the Board considered it to be “residential” for Title 5 design flows and as stated on the application. Town counsel agreed with this position in an email to the Board dated 11/17/15.

Since the Board had just received the final documents, it was agreed to hold a special meeting on 11/23/15 to give Board members time to review the documents.

FERNS COUNTRY STORE – Food Establishment Permit. Larry Bearfield, manager, appeared before the Board.

The operation was inspected on 10/30/15 by Randy Phelps. No violations of the Food Code were noted. Phelps observed good glove use and lower level storage area re-organized. All temperatures were according to Code. Bearfield asked the Board to sign off on the store's Common Victualler's License which is issued by the Selectmen. The form was signed by Risso. The Board also had a copy of Rob Frado's site visit on 9/9/15 during the septic system inspection which the Board had previously reviewed. The system is in good working condition. Fantasia noted that the Clivus reports on the composting toilet are now being submitted electronically. The Board agreed to keep the same conditions for the permit: annual pumping and inspection of the overflow tanks and grease trap; annual water test.

It was moved (Galligan) and seconded (Storrs) to issue a Food Establishment Permit to Fern's Country Store for 2016 with the same annual conditions and to approve the issuance of a Common Victualler's Licenses by the Selectmen. Motion passed 4-0-0.

DISCUSSION ITEMS

Benfield Farms – The Board received an email from Mike Moreau of Waste Treatment Services (WTS), the FAST System operator, with the quarterly service testing report attached. Moreau said he did not realize that the Board wanted to continue the weekly testing of the influent and effluent so there was an interruption from September to the end of October. Weekly testing began again on 10/20/15. The latest November results are not yet available. The carbon feed has been online for two weeks and there has been an improvement in the denitrification. Toby Kramer (NOAH) sent an email with a proposed work plan for installing the shed and the Biovent system along with a location plan prepared by Meridian Associates dated 11/10/15. They will do the installation as soon as the contractor is available but it may be in December. They will take precautions to keep the ground from freezing until the vent is installed.

Fantasia said she had visited the site on 11/10/15 following reports from Risso and Storrs about odors at the site. She noticed a very strong "rotten egg" smell coming from the white exhaust vent at the rear of the pump house. This was different from previous odors. There was also a slight odor coming from the third manhole closest to the one labelled "septic". It was missing a bolt in the cover. Moreau's email indicated that he is aware that there have been reports of odors at the site but once the Biovent is installed the odors should be eliminated. The Board was concerned that it was not the typical odor. Galligan mentioned hearing that pharmaceuticals can disrupt the normal processing in a septic tank. Because of confidentiality there is no way of knowing how many residents might be on medications. Storrs said that hydrogen sulfide might indicate a problem with the system. Risso said a resident had spoken with him about the ongoing odor. The Board agreed to continue to check the site for odors and note what kind.

After reviewing the test result summaries, the Board agreed that the system is close to meeting the permit discharge limits, more so for the state limit than the local one which is lower. The Board would like Rob Frado to inspect the installation of the underground vent since it is part of the septic system. It was unclear whether the installer or system operator would be installing the vent. Galligan and Thorsen were concerned whether cold weather would cause another kill off of the FAST medium bacteria similar to last year. The Board agreed it was important to keep doing the weekly testing to see if the system is experiencing problems.

Proposed Noise Bylaw – the Board was asked to provide comments to the Selectmen on the proposed bylaw. Galligan was a member of the committee. She said bylaw was intended to address construction activity to remove ledge and also crowing of roosters. Both of these issues have been problematic in the town. The bylaw sets acceptable hours and days for any electric motor or internal combustion engine device used in construction. DPW and emergency responders are exempt. The ledge removal has a process and timelines for the use of impact devices. The intent is to allow these devices for smaller projects that might only require two days of use but regulate them for larger developments. The police have agreed to follow up on rooster complaints and decide what is reasonable. Commercial agriculture is exempt.

The Board had questions about the timelines and whether the two days might be split over any time period. Board members expressed concerns about the restrictiveness of the bylaw and whether it would pass at town meeting. People have different ideas of acceptable noise. Many homeowners use lawn equipment later in the day after work

or on weekends which should be allowed. Galligan agreed and noted there was not always consensus on the committee.

Jonathan DeKock of 120 Oak Knoll Road said there are other ways of controlling crowing such as a sound proof coop or shades. Priscilla Stevens said these methods do not always work. Galligan said a sound proof coop can get too hot in the summer posing a danger to the poultry. DeKock felt the bylaw would not pass at town meeting. The term “plainly audible” is a very subjective term. He questioned whether emergency generators would be banned. Not all of them emit excessive noise. Galligan said if there are no complaints the regulations will not be enforced. The Police believe it is part of their job to deal with complaints and nuisances. DeKock suggested setting specific standards such as the DEP regulation. The Board noted that DEP has a guideline of >10dB(A) above ambient. It is not a standard. Galligan said members of the committee did not want to quantify excessive noise but preferred to have it more subjective. DeKock suggested more consistency in the various timeframes and exempting homeowners tending to their own properties. Galligan suggested sending his comments to David Freedman, chairman of the committee. Risso asked Board members to forward comments to the office or directly to the committee. Galligan noted that there is no acceptable standard or scientific proof that these noises constitute a public health hazard. It falls more under the nuisance category. This is why the bylaw is a general bylaw and not a Board of Health regulation.

The Board agreed that whether the bylaw will pass at town meeting was merely an opinion. The Board did agree that giving the police department the ability to regulate roosters would have been helpful to the town during a previous disagreement between neighbors that resulted in criminal activity. The Board agreed to forward a positive comment about the rooster guidelines to the committee and Selectmen.

Keeping of Swine – three applications: (1) Duffy at Great Brook Farm, (2) Orek Lorenc at Shohet’s on Bedford Road and (3) Rogers at Clark Farm. The Board reviewed the completed applications which were created last summer and include a self-certification checklist. All of the pigs will be housed on existing farms. The largest number of pigs is unknown for Clark Farm, with eight kept by Lorenc at Dick Shohet’s farm. Great Brook did not give a number. The Board would like Great Brook to supply a maximum number. The Board noted that all of the applications met the requirements of the amended “Town of Carlisle Keeping Swine Regulations” as amended on 6/9/15. All of the farm locations have passed their 2015 barn inspections. There will be no need to do an additional inspection.

The Board agreed to approve the Keeping of Swine licenses for the three applications which will be signed and issued by the Agent.

Staffing Request – Galligan explained that it has become clear that the office would benefit from additional hours for the administrative assistant position. Currently the Agent must cover this work on days when the Assistant does not work. Over the last two years the Board has been faced with some extremely complex filings such as the 40B application on Long Ridge Road and the group home application on Bedford Road. There have also been new state initiatives and local permitting responsibilities such as geothermal wells that are now the Board’s responsibility. The Board has incorporated a number of improvements in the permitting process including self-certification checklists for barn licenses, food service permits as well as streamlining the septic installation process. The Board has also made effective use of tax workers and interns to help meet the demand but this is not a long term solution. Galligan would also like to see all property files maintained electronically as a backup. Galligan offered to work with Risso and Fantasia to identify and prioritize the workload and how the hours would be allocated. Fantasia and Lyman had prepared a list of jobs and their current state of readiness. Although the need for additional hours exists now, the Board agreed to request the increase through the regular budgeting process for FY17. Galligan will draft a memo for the Finance Committee. The Board’s Finance Committee liaison has resigned from the Committee. The Board agreed to ask Jerry Lerman to be its liaison.

Meeting Dates – Town counsel is holding a workshop on Open Meeting Law the same date as the Board’s next meeting 12/1/15. The Board agreed to meet on 12/3/15. The Board will also hold a special meeting for 338 Bedford Road on 11/23/15.

NEW BUSINESS

Carlisle Board of Health Minutes
Meeting Date: November 17, 2015
Approved: December 15, 2015

338 Bedford Road – The Board was also copied on an opinion from town counsel on the authority of town boards to regulate group homes, whether boards could impose conditions on permits and legal liability. The Board had already voted to require an annual water test. The Board agreed to include the following list of recommendations in the Letter of Approval that should help keep the septic system functioning:

1. Use of safe cleaners to reduce inhalation exposure to residents, protect the septic system and minimize environmental impacts.
2. Annual testing of the well with report to the Board.
3. Annual pumping of the two septic tanks.
4. Avoid disposing of wipes into the septic system since they do not disintegrate in the tank.
5. Install a meter on the water line and record usage; having actual data on flows could be helpful if the system needs to be replaced or Title 5 design flows change.

The Board noted that many of the recommendations were required for a similar project at 129 East Street which consists of two attached housing units. Galligan said the Board needs to consider that this is town owned land. The Board has an obligation to help protect it from environmental consequences. It is not unusual for the Board to require conditions to protect the public health and environment on town property. An example would be posting the wells at Foss Farm as non-potable.

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

Respectfully submitted,

Linda M. Fantasia
Recorder