

**Minutes of the Carlisle Board of Health
January 31, 2012**

Present: Board members Jeff Brem (Chairman), Mark Caddell, Bill Risso, Cathy Galligan, Donna Margolies; also present Linda Fantasia (Agent), Anne Marie Brako (Mosquito),

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

ADMINISTRATIVE REPORTS

Interns

- Boston University School of Public Health Intern – application submitted for intern to work on pesticide use reduction; this is a follow up to a request from Alan Carpenito about the use of chemical fertilizers. The Board will notify the Selectmen and Carpenito about the project.
- The Board has applied for the UMass Medical “Population Health Clerkship 2011” (10/17-28/12) program. The project would involve dealing with tick borne illnesses.

Healthy Communities Grant – submitted 1/27/12. Awards made in March. The Board decided that the grant application qualified as intellectual property since it could be used for future applications. The Board will limit distribution to Board members for the present.

Bureau of Preparedness 1 PHEP and MRC spending plans due 3/1/12 are \$1800 communications (I phone \$122 mo); \$3800 community allocation (PHEP) (balance \$2603.00); \$490 MRC activities (balance \$260)

Norovirus Update – Former Board member Li Nilson alerted the office about an increase in the virus. She suggested contacting the school. Fantasia spoke with Kathy Horan the school nurse. There have been a few cases of stomach flu but nothing epidemic. Horan is putting an article in the “Buzz”. The Board provided a box of hand sanitizers for classrooms. The Board suggested putting an article in the Mosquito.

Joint Exercise with Concord – the Board agreed to consider a joint training or exercise sometime in the spring.

Rabies Clinic (3/17/12, 1-2:30 at town hall) – the Board agreed to open the clinic to other towns. Tiffany Rule, DVM, has agreed. There were only 30 dogs and cats vaccinated last year. The clinic would run the same hours. The Board was concerned about running out of vaccine before residents arrived. Fantasia will work out a schedule with Dr. Rule. Community service hours are provided.

Warrant Articles: the Board submitted place holders for the following: public health revolving account; camp renewal fee (\$50) bylaw change (MGL cap).

Drug Take Back Rx safely delivered to Covanta by the Carlisle Police Dept.

Middlesex School Pollution Complaint - Fantasia sent a letter to Middlesex with a copy to the Concord BOH asking for an evaluation of the school’s heating plant due to a local complaint about oil smells in the Autumn Lane neighborhood that could be coming from the heating plant. The Board had wanted the Concord BOH to get involved since the school was located in Concord. Fantasia explained that the school was willing to do the assessment. The Concord Health Director is aware of the Board’s concerns. It may not be necessary for the Concord BOH to take any enforcement action unless there is a reason to take the complaint to the next step. Brem will call Alan Woodward, the Concord BOH Chairman, to discuss the issue.

BILLS – It was moved (Risso) and seconded (Caddell) to approve the bills as presented. Bills include retroactive pay for the administrative assistant due to an hourly wage correction. Motion passed 5-0-0. MINUTES – It was moved (Galligan) and seconded (Margolies) to approve the minutes of 11/22/11 as amended. Motion passed 5-0-0.

It was moved (Risso) and seconded (Galligan) to approve the minutes 12/5/11 as amended. Motion passed 4-0-1(Brem was absent for the meeting).

Winter Shut Down – a few sites have not completed work mainly due to problems in the field. The Board agreed that as long as the installers were actively working and weather was not a problem work could continue. Fantasia noted that two of the installers only took out licenses in late October and were not familiar with local requirements. Their work required additional inspections causing delays in completing the jobs. This should be avoided.

PH 125 BELLOW HILL ROAD –replacement of failed septic system. (Brem recused himself and left the meeting room. Caddell took over as chairman). Waivers Request: 15.221 Carlisle Supplementary Regulations - General Construction Requirements for design flow; 15.405 (Title 5) Local Upgrade Approval – separation to groundwater.

The hearing was opened. Michael DiModica, engineer, was present on behalf of the owners (Wesson). Also present: Carol and Fred Casselman, abutters. DiModica submitted the green cards.

DiModica explained that the application was being submitted by a trustee (relative) on behalf of the owners who live out of state. They would like to reduce impacts to the environment as much as possible. The current single family dwelling has only two bedrooms. It is being rented. There is an old cesspool on the property. The property is bisected by an intermittent stream, most likely a hand dug channel, which limits the use of the southerly side of the property. The soils are poor draining with a high water table and large rocks. DiModica explained that a conventional system would require a mounded leaching area, retaining wall, and significant tree removal. He submitted a demonstration plan to show the Board the impacts of a conventional system. The proposed design includes a Waterloo Biofilter, Perc-Rite technologies based on Title 5 design flows for a three bedroom system (330 GPD). The system requires a waiver from the local design requirement (495 GPD). To meet the local requirement would require an additional 17' of leaching area and possibly extend into the buffer zone. DiModica said the question of the garage had arisen. The structure is being used for storage. There is not water service. A clay pipe exiting from the structure is most likely a drain pipe.

Frado noted that the design requires a 2' reduction from groundwater and DiModica agreed. DiModica presented the Board with sampling results over a six year period from similar systems in Wayland and Sudbury. Reduction/removal rates vary between 50-75% providing a cleaner effluent for the disposal site. Quarterly monitoring is required. Fantasia asked how many of the sampling locations had two bedrooms. If a system is underfed it may not work properly. DiModica said most of the systems were probably for 3-4 bedrooms. He agreed that lack of nutrient was a problem with earlier models, such as the FAST, but the I/A technology has improved. It should not be a problem keeping the biofilter functioning. Risso said he would agree to the design conditional upon recording a two bedroom deed restriction. He would prefer the design to meet local flow requirements. The Board asked whether a Title 5 inspection was done to document the system was in failure. DiModica said the tank has been pumped more than four times in a twelve month period which is a failure criterion. The Board asked whether the owner was aware of the ongoing costs associated with an I/A system. DiModica said they were aware. Caddell was concerned about limiting the house to two bedrooms. This may not be realistic should owners want to sell the property. He felt it would be better to design for 495 GPD. Risso noted that the Board encourages I/A treatment.

Frado was concerned about the plastic manhole covers. Carlisle requires cast iron. DiModica said the covers are part of the I/A package. He is not sure if it can be changed. Fantasia said system would need to comply with two separate DEP approvals – one for the Waterloo biofilter and a second for the Perc-Rite. DiModica felt one service company should be able to cover both.

The Board asked for questions from the audience. Carol Casselman explained that her father's property directly abuts the location of the proposed system. The land drops off from the street and drainage has always been a concern in the area. She submitted a picture. She agreed that the land was very rocky. Her concerns were drainage, removal of vegetation and grading. DiModica said the area is very rocky. It is not ledge. Casselman said she is not certain where the property line is located. DiModica said the line was not surveyed although he had found a cornerstone. Risso said the line should be surveyed. Caddell agreed especially since the system may be moved

slightly closer to the lot line. Casselman would prefer to keep adjacent trees since roots will hold back water. DiModica said any drainage would shed away from their property.

Galligan said that Title 5 does not necessarily take into consideration Carlisle's need to protect drinking water. This is one of the reasons that Carlisle requires additional leaching area for smaller systems. The Board agreed that the proposed design does not prove a 495 GPD system cannot be located on the lot. It might require additional buffer zone work, but that would be up to the Conservation Commission to permit. There is a hearing scheduled before the Commission. DiModica noted that the design does not allow installation of a garbage grinder.

Casselmann asked whether the proposed location would interfere with siting a well on her father's property. The Board agreed the location would impact her rights to drill a well. This is not unusual and typically not a problem since most properties have other options for a well. Casselman said the existing well was in the rear of the property. She was only asking for future reference. She agreed that it was a difficult site but as long as it did not increase the drainage problem they did not have objections.

Caddell said that based on the Board's comments, the designer should ask the owner to create a system that complies with local requirements (495 GPD). Galligan said she would not be inclined to vote for the waiver. Risso said he would agree if a deed restriction was recorded but would prefer the larger design.

It was moved (Risso) seconded (Margolies) to continue the public hearing to 2/28/12. Motion passed 5-0-0.
(Brem returned to the meeting room).

DISCUSSION ITEMS

PROPOSED ZONING BYLAW AMENDMENT – Planning Board memo 1/26/12. Present for the discussion was David Freedman, Chairman Planning Board.

Freedman explained that the Planning Board had decided not to appeal the Zoning Board's decision to uphold the decision of the Building Inspector to allow a kitchen in the guest house at 389 River Road even though this decision contradicted the customary practice to disallow kitchens in private family guest houses. Although the Zoning Board's decision to uphold was opposed by two of the sitting members, the vote carried because state law requires a unanimous vote to overturn the decision of the Building Inspector. Freedman said the River Road case allowed two people to overturn the long standing policy on guest houses. To avoid confusion in the future as to what is and not allowed, the Planning will be proposing an amendment to the bylaw at spring town meeting. This will be a short term fix until a more intensive review of the full zoning code can occur. Freedman said the issue of guest houses was considered in 1999 but no changes were made to the bylaw. The Board asked the reason behind the no-kitchen policy. Freedman said he had no idea how the policy evolved. The only documentation was a Board of Health memo from 1984. Supposedly this opinion was based on the idea that if a kitchen was allowed in a guest house it would in fact become a second dwelling. Zoning does not allow two dwellings on one lot.

Brem said other facilities such as a laundry room use more water. He does not want it to be up to the Board of Health just because it deals with design flows to the septic system to be the arbiter of zoning. Freedman said that if the Building Inspector does not grant a permit for a kitchen the Board of Health will not need to address the zoning question. Brem said any building permit should include the number of rooms to be supported by the septic system. If adding a bedroom it must have Board approval. There is also the total room count formula that needs to be considered. This is the Board's only responsibility, not zoning. Fantasia noted any project that requires a building permit must be reviewed by the Board of Health. Typically this is done by the agent. Galligan said the terms need more definition. Freedman said the current proposal is not intended to address every possibility. The Board discussed what constitutes a kitchen – a grill, microwave, refrigerator? Employee/caretaker houses are a problem because they have kitchens. Freedman agreed that there needs to be another iteration of the amendment. The Board agreed that its purpose was to monitor water use which could double with a second structure. The Board has no other option but to consider Title 5. Zoning questions should be dealt with before a plan comes before the Board. Galligan said she was glad Planning Board was addressing the issue, but she had problems with the lack of definition under the current proposal. Brem agreed there needs to be some clarification.

Board members agreed to support the proposed amendment but will wait to vote on a final draft.

ANNUAL REPORT – draft will be sent to the Board. The report is due 2/6/12.

FY 13 BUDGET – Fincom gave the Board a guideline of \$81,198 including a 2% COLA. Fantasia said this will not be sufficient based on actual spending history, particularly nursing and flu clinic. The amount appears to have been miscalculated for wages for the administrative assistant. This position was originally a temporary Grade 3. In October it, was placed at a Grade 4. The Board reviewed the budget history and agreed to request \$82,000.

It was moved (Risso) and seconded (Galligan) to request an FY13 budget of \$82,647 to cover an additional \$500 for nursing and correction to the Administrative Assistant wage line. Motion passed 5-0-0.

53E ½ REVOLVING ACCOUNT – Fantasia was concerned that the balance had fallen to \$9309 as of 1/24/12. She had calculated pending obligations in the amount of \$15,893.00 if all sites were to be completed this year. The deficit is a result of a poor economy which has reduced the number of permit applications, the permit extension act which allows an additional two years to any permit issued between August 2008 and August 2010, an exceptionally busy December 2011; the 10% giveback to the general fund and overhead and management costs that have not been calculated into the fee structure since 2006. The Board reviewed the data provided and the recommendations which included eliminating the 10% giveback for FY 12, turning all license fees into the revolving account, reducing TCG overhead where possible (ex. meeting time, special requests), and reviewing current fees. The Board agreed that the low balance needed to be addressed immediately.

It was moved (Risso) and seconded (Galligan) to send the Revolving Account memo dated 1/31/12 with its recommendations to the Finance Director. Discussion – the Board was not certain that GY11 giveback could be returned to the 53E account since the books had been closed. Motion passed 5-0-0.

FEES – Brem was not inclined to increase fees at this time. He felt the Board could economize through efficiencies rather than fee increase. The Board reviewed the fee table proposed by Fantasia which included a cost for TCG management time and Board of Health support. The Board agreed that more of the engineering work should occur in-house rather than with the consultant. Although the Board wants to serve the public, the cost of having the engineer on call is prohibitive. Scheduling will be done on Wednesday except for time sensitive jobs. Carlisle fees are already high and the town has a reputation of being expensive to work in. Fantasia said sites are becoming more difficult which adds to the cost. Fantasia said the one activity that was clearly underfunded was the cost for renewing an expired plan. The fee (\$200) barely covers the review. No additional fee is required for the inspections which have not been done. Even without the Permit Extension Act there could be a six year lag from the payment to the work being done. This does not allow for engineering costs that would have increased annually. The Board agreed to increase this fee to \$300 per filing.

HANOVER HILL – Brem said the developer Rob West had contacted him about the conditions placed upon the release of the Certificate of Compliance for 301 Hanover Hill. The sewer line to the house had been covered before Frado could inspect it. Frado does not sign off on components he has not seen. The line was covered by someone other than the installer. The as-built noted that the line had the minimum 1% slope. Title 5 states that a 2% slope is preferred. The Board had decided at the last meeting that the developer had two options: release of a partial Certificate excluding the sewer line or exposing the line to verify the slope. The 1% slope will probably work but the Board felt the new owner should be made aware that it was not the standard in Carlisle. The Board agreed that the issue was also to send a message to builders that the Board expects satisfactory work. The Board agreed the builder could ask to meet with the Board to discuss the issue further.

There was no further business discussed. Meeting voted to adjourn at 9:50 pm.

Respectfully submitted,

Linda M. Fantasia,
Recorder

Carlisle Board of Health Minutes
Meeting Date: January 31, 2012
Approved: March 27, 2012