

**Minutes of the Carlisle Board of Health  
September 10, 2013**

Present: Board members Jeff Brem (Chairman), Catherine Galligan, Bill Risso, Vallabh Sarma and Donna Margolies; also present Linda Fantasia (Agent); Karina Coombs (Mosquito), Tom Harrington, Myares & Harrington, Steve Golson, Katie Huffman, Bob Morrison, Mark Piermarini (Bingham and Whitney), Rob Frado (TCG).

The meeting was called to order at 7:00 pm. at Carlisle Town Hall.

**ADMINISTRATIVE REPORTS**

**Benfield Farms** – Perc Rite and BioClear start up possibly this week. Work depends on getting a portable generator to do the pump test. NOAH may purchase one. Field has been laid out but not covered. Exposed to animals, weather. Rob is concerned.

**Certificate of Compliance** – Fantasia reported that good progress was being made on resolving the backlog for septic certificates of compliance. She felt it was premature to make a recommendation about fines and penalties.

**120 Peter Hans Road** – Fantasia reported that the inspector submitted a more detailed report with additional soil investigation at the site. The leaching line is most likely not perforated. It runs to a precast round leaching pit – not a drywell. The system passes the inspection based on the additional information provided. The inspector was warned about delays in responding to BOH requests.

**Wellness Grant** – Curran and Fantasia met with the COA Board of Directors. They are meeting with Fire Chief next week and will follow up with Peabody Management Company about Benfield. Curran is preparing a resource manual and final report.

**Lyme Disease Subcommittee** –Margolies reported that the subcommittee is interested in conducting a survey in the Mosquito to see if residents are interested in Mosquito Control Program. Fantasia reported that the Recreation Commission is putting up the tick information boxes, extras will be brought to the State Park.

**Audit** – Comments have not been received. The department was able to provide all of the information requested on account receivables and operations

(The following information was submitted but not discussed).

**WNV EEE** –Carlisle moderate risk for WNV. This week’s report in binders.

**Drug Take Back** – Carlisle will not sponsor one this year but will advertise locations in the Mosquito. There is a collection bin at the police station.

**Youth Concussions** – The Board may work with Recreation on offering a course with “A Head of the Game” Jeannine Donato, RN if funding becomes available.

**Emergency Preparedness Month (September)** The state is sponsoring “Together We’re Ready” a four week campaign highlighting – individual preparation; get involved; Individuals Requiring Additional Assistance (IRAA’s), get vaccinated against the flu.

**Shelter Planning** – The Board is considering organizing a “Public Shelter Committee” to organize volunteers, receive trainings, maintain inventory, etc. Concord is no longer using CCHS, using instead Harvey Wheeler due to small numbers needing shelter. CCHS is a backup only for mass sheltering. The state is preparing a shelter template for distribution on 10/1/13. This will have regional focus. Local communities should be doing their own planning.

**Health and Medical Community** – The state is proposing changes for public health regions. Each Region will be reassigned to hospital centers. Partnerships including funding will be with hospitals and LT Care facilities. Local funding will eventually disappear. Budget Period [BP]2 (2013) will hold conversations; BP3 (2014) will prepare regional formations; BP4 (2015) will implement.

**669 Bedford Road (former Blue Jay Studios)** – The town foreclosed on the property and it is planning to sell. If interested inform Selectmen by Sept 20<sup>th</sup>. The Board had no suggestions for its use.

**Wage Salary Classification Plan Review** – Human Resources Services Consultants (HRS) will do employee interviews Oct and Nov. Recommendations will be provided in December in order to budget for next fiscal year. The survey will include internal and external comparisons and review current job descriptions;

**Meeting with Town Counsel** – Atty. Tom Harrington of Miyares and Harrington introduced himself to the Board. His firm is the new town counsel. Harrington informed the Board that any member or staff may call the firm directly if it involves an ethics question such as conflict of interest which usually involves a financial consideration. The call is treated confidentially. He also noted that the Board should release any Executive Session minutes once the reason for calling an executive session no longer exists. He provided members with a summary of reasons to call an executive session and what is required to go into executive session. Individuals may contact the Attorney General's office, but town counsel may respond faster. This service is not available to residents, only town employees and board members. The Board asked when is it appropriate to go into executive session if the matter concerns an enforcement issue which involves discussion of the work done. This could affect the reputation of an individual. Harrington advised erring on the side of openness. He also noted that the right to ask for an executive session is limited to employees of the town or a board.

Harrington also addressed the revised septic loan betterment agreement. He asked that the trust documents be sent to him for review. Galligan explained that the administration of the program is undergoing change. It will no longer be cost neutral to the town. The changes do not affect the current loan from the state but will affect future loans. Under the current program towns could choose to charge 2% or 5% interest. Carlisle chose 5%. The town paid off its first loan rather than obtaining a bond after the note matured. Town Meeting approved a second loan in the amount of \$200,000. One loan for \$40,000 has been approved and subsequently paid off. The town only asks for funds for specific loans. This is a recommendation from the Finance Director.

Early repayment is a problem. An owner agrees to a betterment on the property to repay the loan in ten years at 5% interest. This is intended to cover 2.5% administration cost. If a loan is used as a bridge loan the town does not collect enough interest to cover administration costs. The Board is considering an application fee or a prepayment penalty to deal with this. Harrington had concerns about a prepayment clause and would prefer an application fee. Another significant change to the program being considered by the Board is eliminating the provision for a new owner to assume the loan. Galligan explained that there is no way to guarantee that a new owner may have the same hardship and yet they are eligible to receive financial relief under a long term low interest loan from the town. According to DEP assumable betterments are more appropriate in larger communities where subsequent owners have similar financial struggles. Carlisle does not fit the state model in this respect. For example if an owner qualifies for a loan to replace a failed system and then sells the property the new owner could raze the house and build a new, larger dwelling. The new owner should not benefit from the original owner's hardship. The Board noted, however, that its primary goal is to replace failed systems. The financial incentive is intended to protect the environment. Currently there is no application fee, only a \$75 recording fee. The Board questioned how much administrative time is involved in processing a loan. Fantasia reported that there are often a number of preliminary meetings with the applicant as well as document preparation, execution and recording. The Board discussed setting a nominal \$100 application fee plus a percentage of the loan amount. Another option would be to tie the interest to what the state is charging. Harrington would prefer setting a fixed cost rather than a variable rate. The full cost of the loan should be disclosed to an applicant prior to execution. Harrington said he would prepare a final draft for the Board's consideration.

The process to access Town Counsel, other than for ethics issues, is to inform the town administrator of the purpose of the call. He will then forward the message and counsel will then contact the person involved. The Board thanked Harrington for the information and meeting with them.

**PH 128 LOG HILL ROAD – Upgrade of a failed septic system requiring state and local upgrade approval variances for: (1) Reduction in required 4-foot separation between bottom of leaching area and high groundwater; (2) reduction in distance from leaching area to wetlands, 100’ required 50’ proposed and use of Alternative Percolation Testing (sieve analysis).**

The hearing was opened by the Board. Present for the hearing was Mark Piermarini of Whitman & Bingham and Bob Morrison, developer.

The system failed a Title 5 Inspection on 5/9/13. The property is being renovated by October Development. The proposed design is for five bedrooms. There will be no increase in flow over existing capacity. A floor plan has been submitted. Piermarini submitted the abutter notification cards.

Piermarini explained that the site is constrained due to well locations and wetlands. It is an existing residential lot with an existing building. It is not possible to reconfigure the lot lines to accommodate setbacks. Piermarini claimed that there are no other viable sites for the system. Reducing the offset to groundwater will minimize grading and reduce grading into the buffer zone. The well is in the front of the property. The system will be in the rear. Due to wet conditions at the time of testing, percolation tests could not be run. A laboratory soils analysis has been submitted and the Board’s consultant concurs that the soils consist of uncompacted material. The design calls for two 1000 gallon tanks in series and a 1500 gallon pump chamber. Buoyancy calculations have been submitted. Frado said he had done an initial review of the design. A revised plan addressing items noted in the initial review has been submitted. Frado said the dosing calculations are incorrect and need to be revised. All other items have been addressed. The plan includes a new footprint to accommodate a new family room. The total number of rooms will not exceed eleven in keeping with the existing septic capacity.

Frado said the soils were very wet during testing and had submitted a letter of concurrence as required. The reduction to groundwater separation will reduce impact to wetlands. A clay barrier might be an alternative. Brem asked whether the soils might be less than 2 mpi which would require an additional foot separation. Frado said the soils had some fines and did not think this would apply. Brem asked whether the front of the lot had been investigated. Piermarini said they had not tested in the front due to the well location. Brem said the well could be relocated. Frado said he did not feel it was necessary to investigate this option during the testing. There may be other constraints that prohibit locating the system in the front. Brem agreed that the whole site was not shown. Piermarini said the front area is also depressed and there could be neighboring wells within the setback. Brem said the waivers were significant – reduction in separation to groundwater and proximity to wetlands. The Board needs good documentation to support granting the waivers. All alternatives must be investigated. Frado agreed that one or other of the waivers might be acceptable but both together have greater environmental impacts. Additional data would be helpful.

Brem asked whether an alternative system had been considered. This might reduce the footprint of the leaching area and consequent waivers. Piermarini said he would prefer a conventional system. Brem said the Board would want an alternative system demonstrated. There could be cost savings as an incentive in addition to improved compliance. The Board must make findings when granting a waiver. Brem did not feel the proposed design provided enough information to do this. In order to grant the waivers the Board would expect the following: specific offset to wetlands (waiver only mentions greater than 50’); narrative (signed); explore using an alternative technology; review of a final plan by Frado; final building plans since the alternative testing policy is not allowed for increases in flow; correct design flow data; statement on whether a reduction in flow is an option; costs of relocating the well; location of all abutting property wells.

**It was moved (Risso) and seconded (Sarma) to continue the public hearing with the agreement of the applicant to October 8, 2013 at 7:45 pm. Motion passed 5-0-0.**

## **DISCUSSION ITEMS**

Subdivision Regulations – proposed revisions. The Board had received an electronic draft. The Board agreed to ask the Planning Board to send a representative to the next meeting. Brem noted that under the Subdivision Control

Law the Board of Health only has 45 days to respond to a proposed subdivision request otherwise it receives presumptive approval from the Board of Health. The Board is charged with determining if there are suitable soils for siting a septic system on each lot and that there is adequate setback distances. Brem said the Board also needs to consider storm water management since this could also impact septic locations. The Planning Board approves the drainage system for storm water management when it approves the Subdivision Plan. Brem said it was important to consider septic locations during the initial review even though the Board of Health will issue individual permits later. Groundwater infiltration is one method of handling draining but this should take into account whether the groundwater mounding could potentially affect downstream septic systems. Brem said this was the case on a lot at Hanover Hill. The Board agreed that this discussion should take place early in the development approval.

**22 BEDFORD ROAD (GLEASON PUBLIC LIBRARY)** - Library Trustee Steve Golson and Library Director Katie Huffman were present.

Huffman informed the Board of Health that the septic tank upgrade for the Library would need to be delayed due to insufficient funding and only a single response to the Request for Proposals.

The work was scheduled to be done in August 2013. Town meeting approved \$34,000 for the work but because it is a public agency project the estimated cost will be closer to \$50,000. Stamski & McNary had prepared the RFP without including that it was a prevailing wage job. The Trustees have not yet met to decide how to proceed. Additional funds will need to be provided by the town, most likely at the spring 2014 Town Meeting.

Golson said there was also a misunderstanding about the permit expiration date. The letter of approval had a 5/14/15 expiration date. Fantasia explained that the confusion was due to the fact that the waiver hearing before the Board did not occur until a year after the initial emergency order was issued on 4/12/12. The correct expiration date is on the permit which was picked up with the approved plans last week. Golson said the Title 5 Inspection was initially submitted as a passed system but that the Board reclassified it to a conditional pass based on the condition of the tanks on 6/19/12. He felt the two year upgrade requirement should be based on that date. Brem agreed. He also suggested that the Board could issue an Emergency Order and the town would have to provide funding immediately. The Board had expected the work to be done last August. The work itself should only take a week or two and could be done before the winter shut down. Risso was concerned about rushing the project with only one bidder. He would prefer to wait until next summer. Fantasia noted that during the original approval the Board was concerned about how the Library would address a catastrophic failure. Golson did not think there was any reason to presume this would happen. Risso said the line had been replaced and the tank temporarily repaired. The cleanout in the brook had been properly sealed. Huffman said there have been no problems. They have been extremely careful about monitoring and maintaining the system. It is pumped regularly.

The Library would prefer to have the work done in August of 2014 which is the slowest month for attendance and the least traffic. Access and parking will be a problem during the work. The Board agreed that since the system is being monitored closely and has experienced no problems it would be willing to grant a short extension on the permit which due to expire in June 2014. Brem said the RFP should state that material purchases are tax exempt for the project. This will be a savings.

It was moved (Risso) and seconded (Margolies) to extend the septic tank upgrade permit for the Gleason Library, 22 Bedford Road, until August 31, 2014. Motion passed 5-0-0.

The Board would like to be informed prior to the start of work.

**BENFIELD INSTALLATION** – Frado reported that Mark Beaudry of Meridian Engineering had called him to say that the preliminary installation as-built showed a discrepancy in the field installation from the original design. Approximately 15% of the Perc-Rite tubing was installed too low by around 10”. Groundwater mounding calculations required a 9” separation from groundwater in addition to the 5’ required by the less than 2mp percolation rate. The 10” discrepancy eliminates the additional groundwater mounding offset. The Board agreed it might accept a 2-3” discrepancy, but not a 10” one. It should be possible to bring in more fill and reinstall the tubing per the design. Frado agreed that the system should be installed per the design, but had offered to bring it to the Board since they were meeting that night. Fantasia said it is important that Beaudry keep the Board informed of issues that arise. Most things will be decided by Frado as the Board’s consultant but the record should note the activities. The Board emphasized that it expects the installation work to comply with its local regulations including “Attachment A, Survey As-Built Requirements For Sewage Disposal Systems.” No As-Built of the work done so far have been submitted. PDF copies are acceptable.

## **DISCUSSION ITEMS**

**59 Maple Street** (Brem left the room for the discussion. Risso assumed the chairmanship). Fantasia explained that the applicant is requesting a refund of the \$200 revised plan fee which should not have required an engineering review. Fantasia had consulted with Frado about the revision and both agreed he should review the plan since it involved slope calculations. The Board has a calculated rate when its engineer reviews plans that is based on an average.

**It was moved (Galligan) and seconded (Sarma) to deny the request for a refund from the engineering review of a revised plan submitted on behalf of 59 Maple Street, Carlisle, MA. Motion passed 4-0-0. (Brem returned to the meeting and resumed the chairmanship).**

**338 Bedford Road (Goff Property)** – the Affordable Housing Trust is looking for a Board of Health liaison to work with the design team of Abacus Architects in developing a flexible master plan for the property which the town purchased. Sarma volunteered and Margolies agreed to be the backup. There will be a site walk on 10/9/13 at 5:30 pm.

**Fiscal Year End Summary** (draft) – to be discussed at the next meeting.

**2013 Barn Fees** – the Board discussed whether to increase the current fee of \$25 per license. This money is paid directly to the Animal Inspectors, Larry Sorli and Deb Toher. Sorli felt the fee was sufficient even though it does not cover mileage. He splits the fee with Toher. Some sites take longer than others. Galligan pointed out that the fee does not cover the administrative costs to the town which include mailing, receivables, and data entries. Brem said a license is an obligation of the town. There should be no additional fee. It is part of the duties of the office. Galligan did not agree. There is a cost to the town to administer the barn licenses and the Board has been asked by the Finance Committee to make all fees cost neutral. The Board agreed to take another look at the fees before next year. Applications will be mailed in October. It was agreed to impose a \$10 late charge for applications received after November 1<sup>st</sup>.

**It was moved (Galligan) and seconded (Risso) to impose a \$10 late fee for barn license applications received after November 1<sup>st</sup>. Motion passed 4-1(Brem)-0.**

**BILLS** – nursing, pool inspection, engineer.

It was moved (Galligan) and seconded (Risso) to approve the bills as presented for payment. Motion passed 5-0-0.

There was no further business discussed. Meeting voted to adjourn at 9:25 pm.

Respectfully submitted,

Linda M. Fantasia,  
Recorder

Carlisle Board of Health Minutes  
Meeting Date: September 10, 2013  
Approved: October 8, 2013