

**TOWN OF STURBRIDGE, MA
BOARD OF HEALTH**

**Monday, May 23, 2017
Sturbridge Center Office Building, 2nd Floor**

Meeting Called to Order: 5:30 pm (6/20/17 – 30 min)

Quorum Check: Confirmed

Members Present: Linda Cocalis (LC), Chairman
Robert Audet (RA)

Members Absent: Richard Volpe (RV)

Others Present: Jamie Terry (JT), Interim BOH Agent
Cindy Sowa Forgit (CF), Interim BOH Administrative Assistant
Applicants and/or Audience Members: David Pelletier, John Sanborn, Russell Jennings

Approval of Minutes: March 20, 2017: Motion to Hold in Abance for review by all Members: LC ; 2nd RA Vote: 2-0
May 23, 2017 Note: No April BOH Meeting was held

5:30pm 188 Lake Road: Emergency Request; Well Variance. The request came as the need to have water while waiting for the electrical lines to be moved. The variance request is for an offset from the well to the property line. The location is the only place that would work for the well given the existing electrical lines.

Motion to Accept a well variance, for a property line offset at 188 Lake Road: LC; 2nd RA Vote 2 – 0, All in Favor

5:45pm 481 Leadmine Road: Variance Request for offset to depth of soil. This is an existing house for which the engineer was unable to get an updated plan in time for this meeting. There is no other place due to abundance of ledge. Regardless of the plan changing, the soil won't change.

Motion to authorize the Health Agent, Jamie Terry, to review the plan and approve as long as it's in line with the depth outside of this meeting: BA; 2nd LC Vote 2-0 All in Favor Reminder: The existing permit is only for a 3 bedroom and cannot be more than 3 bedrooms.

6:00pm Public Hearings: 181 Shepard Road, David Pelletier (DP), Owner – Per owner request, to provide additional information/follow up regarding Title V reports on file regarding the onsite existing septic system.

Briefing:

- DP: I have lived in Sturbridge since 2010. Purchased the property with septic issues and would like to resolve those issues.
- DP: I would like to discuss a re-evaluation of the information beyond the initial inspection in 2009.
 - 2009: The first inspection occurred when I didn't own the property: I want to reject the 1st inspection.
 - (JT): The BOH doesn't have the right to reject. Record has to show an inspection occurred at this property as was submitted to BOH office.
 - (DP) I don't feel the inspection occurred. Depressions in the soil will cave in and loosen up. It took me 2 years to locate my septic system as the plan located at the back of the inspection report gave no detail of the measurements. Since I found no depressions in the soil and no measurements, then I believe the test never occurred.
 - (DP): No one was overseeing this inspection. Once the system is installed, you have no idea if it will work. I feel someone should oversee the inspector performing the test. The tank was never emptied to look for cracks. (JT) the tank wasn't the cause for failure.
 - (JT): All Title V inspectors are licensed through the State. One takes an exam and is licensed through DEP. Our local board cannot approve, deny or oversee any Title V inspection. I agree that some inspectors have less detailed sketches than others. (DP): I feel we need some policing to know an inspector is doing their job.
- (LC): Hypothetically speaking, say it was a faulty test. When I spoke with you on the phone a few years ago, just as you were purchasing this bank owned property, it had a failed septic system. I suggested that you negotiate with the bank to get a better price for the property. Then a plan was completed. You came to the BOH and asked for an extension on the plan and in addition, we gave you more time to upgrade the system. Mark Farrell, Green Hill

Engineering, completed the plan which carried a deed restriction on the property. (JT): Since you have a 2 bedroom, the State requires a deed restriction on all 2 bedroom properties.

- (LC): We have said, that we would reconsider the old Title V and for you to get a new Title V completed. Since we have only two inspection reports, that's why we are in court, since we can't compare it.
- (JT): I ran into the same situation in another town. There was a failure of record. The new inspection was a pass, but the pass lacked info. So, when you have two inspections: (1) with a pass and (1) with a fail, Title V regulations requires you need a tie breaker, a 3rd inspection.
- (JT): Helgerson did an evaluation. Noted that it does not appear that the system is in failure. Might you consider having Helgerson do a formal inspection so we can accept that and be done with it.
- (DP): Money is an issue. (JT): The most expensive system replacement I've heard of was \$66K but this was an elaborate system. On average, the cost is \$20K – 30K for a new system, which is more than the cost of a Title V inspection.
- (DP): I feel that there are too many people saying different things therefore I'm not sure who to trust. I feel that I've done what I can with this board. I contacted Mr. Gobi and he said he feels that he fills in for the health agent in Sturbridge. LC: Anyone doing a Title V, doesn't work for BOH. DP: Barns submitted a letter. JT: A failure of record with Mr. Leblanc. Mr. Barns did pass on record. A 3rd Title V inspection is required. Mr. Gobi and Mr. Helgerson gave letters, but maybe better money is spent on 3rd Title V. JT: I asked board to put you on agenda. Please take to next step further and get another Title V.
- Long conversation transpired between DP and BOH members discussing the possibility of a resolution to this failed septic system.: I like to work with letters, not talk to people. JT: Let's move forward DP: If you want another Title V, I will get another opinion. JT: judge knows this is what we are asking for. We want resolution, we need an official title v doc.
- DP: The 2nd opinion oversees the first opinion. JT: That is not the case. We want to move forward versus going to court which costs more and more money.
- LC: if we went to court, the town will pay the beginning of Title V. if you don't take on yourself it will remain as a lien on property. So, the Town will front bill, you pick the licensed Inspector. This will be lien on property. But if the court appoints a receiver to the property, it will cost you more money and they pick an inspector of their choice.
- JT: We want to move forward. Can you talk to those who already provided letters and get a discount? Must be unrelated than the two inspectors that were already there. You need a third neutral party. It cannot be LeBlanc or Barns, however maybe call Barns for a Title V inspector recommendation. DP: why can a property changed hands without a title v being done. JT: If the sale is blood to blood relative along with other exceptions, but that is not related to your property. If you need additional info, please call our office to provide a title v info and will work with you. DP: Mr. White was on BOH, not an agent. He had no say with any property.
- DP: I need plans, but can't find from Stanley Kaitbenski. JT: I tried to get plans as you requested, but they are under no obligation to provide to our office. A septic system lifespan last on average of 15-20 yrs. I have seen a system fail in 1 year. BA: can we try to resolve this.
- DP: I understand it's up to me to look at this. JT: I feel that we have discussed, get a Title V inspection must be done to put this to rest.
- LC: Get a 3rd inspection. You pick them and negotiate with them. Helgerson and Gobi who wrote letters, ask them on who to to get a 3rd inspection from. DP; if you tell them I need another inspection, it's hard to get an inspection. JT: yes, I agree that is a hardship. DP: I just don't want a time frame from BOH. I need flexibility to find the right people. JT: no timelines requested, but please move on this and we appreciate you coming in to meet with us and discuss. JT: I provided you experience and suggestions as I'm just coming into this situation.
- DP: if I get another title v, and it passes then we are done. JT: Yes, if you can't get anyone, please call our office and let us know so we can follow up with them.

6:15pm 61 Shepard Road: Variance Request for Offset SAS to Well & Off-set SAS to Wetland. This is an upgraded plan for which Alyssa did soil testing with Mark Farrell, Green Hill Engineering. There is a vegetated wetland. The well is in front, which engineer tried to keep as far away from the wetland as possible. Conservation Commission approved it. The well is 85' from leach area, which is the best that could be done instead of required 100'. There is a 50' requirement from the wetland but it's 30' as the farthest point possible.

Motion to accept both offsets for 61 Shepard Road: LC; 2nd: BA Vote 2 – 0; AIF

New Business:

- Re-Organization of Board. To hold in abance until a full Board is present to discuss.
- Town meeting is Mon, June 5 – Asking the public to come in support of the BOH budget. Unanimously supported by Finance Committee and Board of Selectmen, but need a town vote for a Full-Time Health Inspector.

Old Business:

- **Agent's Report: 508 International – Motocross located in Charlton, MA**
 - **Agent Briefing:** The Motorcross located in Charlton boarders Ladd Rd, Sturbridge. BA: What is in your lap Mr. Jennings? RJ: Nothing. BA: Oh, I thought I saw something strange, Ok. Thank you. BA: Move over so you can see. RJ: I'm fine sitting here.
 - 508 International has had 3 events over 3 weekends.
 - First event on 4/22 – TOS BOH received a complaint on noise levels on sat. The resident Mr. Chidester lives on Podunk.Rd, Sturbridge. He left a voicemail stating music and announcements were heard at his residence. He was the only complaint received by TOS BOH.
 - BOH contacted Michelle Delmarre, DEP Contact, regarding for protocol with complaints that cross town lines. I also contacted Health agent, Jim Philbrook (JP), health agent in Charlton (TOC).
 - Site visit: I went to Chidester's residence on Tuesday. There were no motorcross events, however it seemed loud due to the current Rt. 49 traffic.
 - JP and I agreed to investigate if any complaints come in at the next event.
 - JP received 3-4 complaints and one was from Chidester also.
 - The next event was May 6 – 7. Are you taping this meeting Mr. Jennings? Russ Jennings: Yes, I am taping. JT: How so? RJ: Video and voice. JT/LC: You need to announce that. RJ: Oh, I'm sorry. Yes, I am taping with video and voice.
 - JT: On 5/7, an email chain was sent out. I followed up with JP but he was away that week. There were no complaints received by BOH from a Sturbridge resident.
 - Charlton BOH met on May 9. I walked in and was asked questions. The info provide by DEP, from us, is related noise which is good to adjust/correct their violation.
 - LC: Sturbridge complaint is only noise. JT: Chidester said it isn't just announcement noise. DEP said the Town of Sutton had campground with the same type of complaints, however it doesn't cross town boarders. LC: can we get sound meter? JT: I feel that this was permitted by Charlton Planning Board and Charlton BOH, therefore they should investigate nuisance complaints. LC: did TOC BOH make recommendations/comments to the Planning Board. Jim Sanborn (JS): I'm not sure, as I just became a BOH member. RJ: There are no noise by-laws in Charlton, so it goes to the State.
 - JT: TOC Planning Board approval stated that they were requiring DEP sound guidelines. LC: 10 decibels is the guideline. BA: do we have jurisdiction? JT; Jim and I had game plan, if complaints occurred we would meet and investigate where came through and go to each town and test the noise reading. We test by videotaping the meter reading. However, the event got rained out. In the future, we discussed that we should take Podunk Rd and Brookfield road readings when non-event occurring as ambient.
 - This approval came from planning board, the guidelines and laws are state laws. So, if a violation of said law, then planning and zoning officer are to observe and to take corrective measures to fix before violations occur. Jim thinks that a nuisance investigation set up in tandem with zoning is how they do their jobs. I feel that it's not a nuisance first, but the original approval should help to uphold the provisions. Much like issuing standards to meet a food inspection. If we conduct an inspection, find a violation, we say take these actions to come back into compliance.
 - LC: I went TOC BOH. Spoke with Charlie Konicki(sp?). He said to go to TOC BOH and explain our board concerns. Then request to provide a site assignment for a noisome trade. The burden of proof lays on the applicant to show that it's not a nuisance. RJ: You came to TOC BOH without a letter stating that you were representing Sturbridge BOH. But it's your opinion and I don't agree with it. We don't fit the definition of a noisome trade. It's just your opinion. Did Sanborn come as Charlton BOH. JS: I'm here as a resident, not official capacity. LC: I was also there at that meeting to discuss Casella. I was not on agenda, but I introduced myself as representing TOS BOH but that doesn't make a difference RJ: If you come as a representative, you then say you're in official capacity. You did say TOS BOH, then I would say you were speaking for BOH. LC: Yes, correct.
 - JT: I wanted to notify you on event this past weekend, we didn't receive any complaints. BA: Did you get complaints? RJ: Yes, I do at times. I gave TOC BOH my number and will give to TOS BOH (p)508.962.9330 so if you get complaints then call me.
 - JT: JP has been in contact w/RJ as per my understanding. RJ: Sound studies are available along with back ground ambient studies for Charlton and Sturbridge, and a peer review. The first study was Charlton sound folks, and then our info was peer reviewed by Town, Mr. Menge. BA: You have heard the complaints. Have you taken action? RJ: Yes, we have moved things around, turned volume down, relocate things on site.

- JT: some complaints in Charlton were not noise related. LC: It was the size of motors. RJ: No, I just follow MA General Law. LC: It was related to ATV's, trucks etc. RJ: Just MA General Law.
- JT: Town of Templeton has a motorcross. They can be a resource and help to figure out exceedances. Some folks were bringing in motors different than was permitted on track. LC: What can you run? RJ: Can't set that rule, just going by MA General Law guidelines. We must follow those policies. TOC can't do anything as they don't have a noise by-law.
- LC: We can get Allen Gordon to provide info, on ambient sound. JT; it's a different piece of equipment. You need the same piece of equipment. BA: my concern would be if RJ didn't do anything about it, but he is trying to react to complaints. RJ: We have made adjustments and continue to do so. We want to be a good neighbor. We are not going anywhere and we have to come to a realization between hearing something and it being a violation. Studies are the key to that.
- LC: What is going on with the traffic situation on Rt. 49 to Ladd Rd? Sturbridge had a police detail. RJ: I can't go into that at this meeting. I would ask the detail officer. LC: It's a safety concern. Did you hear concerns on traffic being a concern? RJ: I can't discuss at this meeting. LC: I will ask Chief Ford.
- LC: do you want to receive complaints? RJ: Yes, please email me, my address is on my card. LC: Remember that some won't complain since it becomes a public document. We are now closing this discussion. Do you have one more statement? RJ: If you talk about complaints, then they must have a separate agenda. Don't convoluted the two items and fear retribution. JT. That is not what she said, however you want to make a corrective action, so we will keep you in the loop of complaints. I hope you don't get more complaints and live more peacefully.
- LC: what is protocol to make complaints? JT: If a resident feels there is a possible impact to Sturbridge, then email me. JP and are in agreement of having a single point of contact.
- **Agent Report: Southbridge Land Fill**
 - Comments are due June 1st pm reconsideration. David Foss put together a draft for TOS attorney to review on why rejected. Basically, there is no new info so it should be rejected again along with the new info on McGilpin Road & Fiske Hill area.
 - There is a new proposal for deep bedrock well per DEP, MaryJo Pigsley, which is closer to Sturbridge. LC: I want to see if that made the last sampling of water we (BOH) took (last week). JT: Kevin Doust didn't think it was installed yet. And that they are working on an existing monitoring well. Cassella is paying for it, but DEP will pay if they don't after all. LC: When will DEP do a released tracking number on McGilpin? JT: They did rock testing for lead which came back at minimal levels. They also did soil sampling of impacted areas which came back with low levels. Next steps: LC, JT, and Leon Gaumond will meet on June 2. We want to find out when DEP may make some findings and possible sources so TOS can seek appropriated funding. Since everything was denied, then everything is on hold since the negative site suitability criteria was not met. So, nothing is happening.
 - LC: we will need to submit a response on June 1. We need to ask the public to write letter to DEP and tell them to uphold the site suitability, since there is no new info, in order for them to continue to deny it.
 - LC: Charlton said the basins were not properly built, so they are going to court.
- **BOH Chair Work:** BA continues to support LC in continuing to work with Town Counsel & David Foss, Hydrogeologist
- **DPH Opioid Overdose Deaths:** State issues a report. Please contact our office to view the statistics
- **Notice of Non-compliance:** The Dunkin Donut & Mobile Gas, Rt. 131, is a public water supply site. JT contacted the State, Robert Boskwick to discuss the risk. This risk is not related to quality of water, it's that they are not compliant with their paperwork. The State is asking for BOH to please work with them to help them come into compliance. JT wrote a letter, requesting when Mobile Gas will be compliant with their paperwork as we also permit food at Dunkin Donut.
- **BOH Administrative Assistant Position:** I have received 32 applicants for the 25 hrs/1 person (currently shared by Judy at 10 hrs & Cindy at 15 hrs). We are combining 2 roles together. I feel we have 8-10 qualified applicants to start phone interviews. Once I have narrowed it down to 3 strong candidates and then LC and JT interview together.
- **Cancer Incidents Rates 2009 – 2013:** This report is expected numbers vs. observed numbers. The rates of 2 types of cancer were found higher than expected number; bladder cancer and uterine cancer. JT contacted the Cancer Institute. I wanted to map them (since areas of town are under DEP investigation) for any anomalies and request their help to assess these types of cancer and if there is any relation to lead. The Cancer Institute will provide information to our office within 3 weeks. Uterine cancer is primarily due to a person, their anatomy, their genetics and their physical body shape. Bladder cancer in men is typically caused by tobacco use, but can be related to arsenic levels. The DEP is not finding high levels of arsenic in our area, but mapping will give better answers. However, there is a heavy link to tobacco users.

Recycling Center/Landfill: None discussed

Correspondence: None discussed.

Public Comment Period: None discussed.

Next Meeting: Mon, June 26th at 5:30pm

Adjournment: Motion to Adjourn at 7:44pm by LC, 2nd: BA Vote 2-0, AIF