

LEICESTER BOARD OF HEALTH MEETING MINUTES

September 9, 2008

MEMBERS PRESENT: Christopher Montiverdi, Robin Wood, Debra Rigiero (5:45)

MEMBERS ABSENT:

IN ATTENDANCE: Darlene O'Connor, Director; Cheryl Rawinski, Nurse; Eileen Dyson, Clerk

MEETING DATE: September 9, 2008

MEETING TIME: 5.30 PM

AGENDA:

5:30 PM **Bill Review and Ratification**

Approval of Minutes:

Title V Reports 6 Memorial Drive – Fail

101 Hemlock St. – Pass

1 Westminster St. – Needs further evaluation

Zoning Board of Appeals –

6:00 PM **LUA Hearing**– 5 Rawson Drive – Coyle Engineering

31' From existing on-site well to proposed septic tank, 50' Required

12' From foundation to proposed SAS provided, 20' Required

50' From existing wells (on-site, 7 Rawson Dr.)

to proposed SAS provided, 100' Required.

5.0' From SAS to Breakout provided, 15.0' Required

D.E.P. VARIANCES

2' Offset from bottom SAS to high groundwater with 40% area

Reduction provided, 4' separation to high groundwater Required

6:15 PM **Board Discussion** - OWB Regulation Follow-up-Proposed Draft changes

6:30 PM **Board Discussion** – Clean & Lien Program

7:00 PM **Inspections:**

- Food
- Septic
- Housing and Trash

7:15 PM **Health Director Report**

A. MDPH Sharps regulations

B. Harvest Fair Volunteers

C. Septic Betterment update

D. MHOA Conference

E. MDPH Cancer Registry

Meeting called to order at 5:40 PM by Christopher Montiverdi

Bill Review

MOTION: Ms. Wood moved to accept and ratify the bills as presented

SECONDED: Mr. Montiverdi

Vote: UNANIMOUS

Minutes: No minutes.

Title V Reports – 101 Hemlock St. Pass

6 Memorial Dr – Failure Public Sewer is available. A letter was sent to the current owner to have the property hooked into the available public sewer system.

1 Westminster St. – See below

1 Westminster St.

In attendance: Mr. Edward Jarobski and Mr. Gary Jarobski.

Ms. O'Connor explained that she received a Title V Inspection report for this property done by James Brown. The report has no field located on it so Ms. O'Connor called DEP for clarification and was informed that he was no longer a Certified System Inspector.

Also while Ms. O'Connor was at the property she noticed that work was being performed on the well without a permit. The workmen on site told her that they were hydro fracturing the well and they didn't know that they needed a permit. Ms. O'Connor called DCR to inquire about the matter and they will be investigating the well company involved.

Ms. O'Connor asked the Board if they felt a permit was needed at this point or if they would like to take further action.

Ms. Rigiero asked whether a water test was done or will be done since the hydro fracturing was performed.

Ms. O'Connor stated that a water test was not done.

Mr. Gary Jarobski also stated that a new well test was not done.

Mr. Montiverdi asked the owners if they realized they needed to have another Title V done.

Mr. Gary Jarobski stated that he had already spoken to the certified septic system inspector that would be doing the new inspection but questioned whether he would need new well test.

Ms. O'Connor stated that the well test for the Title V was done prior to any work that was done on the well.

Mr. Montiverdi, so we do not have a post test.

Ms. O'Connor stated that we did not.

Mr. Montiverdi recommended that a post water test for quality be done.

Mr. Jarobski requested that the Board give him the requirements for the well test.

MOTION: Ms. Rigiero moved to require a new quality test for 1 Westminster St.

SECONDED: Ms. Wood **DISCUSSION:**

Mr. Jarobski asked how long it will take to review the new Title V and water test.

Ms. O'Connor stated that we will expedite the process and do it as soon as we are able to.

Vote: UNANIMOUS

LUA Hearing– 5 Rawson Drive – Coyle Engineering

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to proposed SAS provided, 100' Required.

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D.E.P. VARIANCES

2' Offset from bottom SAS to high groundwater with 40% area

Reduction provided, 4' separation to high groundwater Required

Mr. Montiverdi opened the hearing and read the LUA's.
Ms. Hammond turned in the certified mail list.
Ms. Hammond reviewed the plan with the Board and went over LUA's in detail.
Ms. O'Connor questioned the address change from #7 to #11.
Ms. Rigiero asked if this house was on the water.
Ms. Hammond stated yes it was on the water and this is a Presby system.
Ms. Rigiero asked if the abutter was here.
Ms. Hammond stated that no the abutter is here this evening.
Ms. O'Connor recommended a Pre and Post Title V Scan.
Ms. Rigiero asked if this plan needs to go to DEP.
Ms. O'Connor stated that it did.

MOTION: Ms. Rigiero recommended the LUA's as listed above and presented with a pre and post water test at 6 months.

SECONED: Ms. Wood Discussion:

Vote: UNANIMOUS

ZBA- 17 Fairview Drive – Special Permit Application

Ms. O'Connor stated that application was for an addition which would need to come to Board of Health if approved to determine if Septic System is sufficient for addition.
Letter sent to ZBA.

Outdoor Wood Boiler Regulations

Mr. Montiverdi opened up the Board Discussion.

He asked those in attendance if they had sufficient time to review the new amended proposed regulation and asked for any comments.

Mr. Luke Dube asked that 1.4(e) also be exempt as 1.4(d) is.

Ms. O'Connor explained the need to keep the 20 feet radius around the boiler free of vegetation. The main goal is to operate the boiler in a responsible manner for health and nuisance.

Ms. Rigiero asked if variances could still be granted for existing regs.

Ms. O'Connor stated yes.

Ms. Lavigne asked if the Board could explain Page 2 section B.

Mr. Montiverdi explained the section.

Mr. Cotter asked about Page 3 1.d. is there a question on 15 feet. What if the manufacturer specifications are different?

Mr. Montiverdi asked if he was referring to an existing unit.

Mr. Cotter stated yes and that the specifications allow for a 2 foot setback.

Mr. Missiwiecz explained that it is a double faced chimney.

Mr. Montiverdi recommended changing to (D).

Ms. Lavigne asked when the Board will be voting on this and she stated that the changes in the Regulation are a huge improvement.

Mr. Montiverdi stated that the Board would be voting on the Regulation this evening.

Ms. O'Connor stated that if the Board votes in favor of the Regulation it then will go to DEP for review.

Mr. Antanavica asked when the 30 days for the permit process will start.

Ms. O'Connor stated that once DEP approves the Regulation we will publish it in the local newspaper and put it on the website and then you will have 30 days to apply for a permit.

Mr. Missiwiecz asked if he would be required to get a variance if his is existing.
Ms. O'Connor stated that he would not need a variance.
Mr. Cotter questioned the burn dates and asked if it was originally September.
Mr. Montiverdi stated that it was not and that we have extended from the original burn time.
Mr. Cotter stated that some nights in early October are chilly.
Mr. Langlois asked about small businesses such as Coopers.
Mr. Montiverdi stated that if you are greater than the 300 foot setback you can burn all year.
Mr. Perry Dube asked what would happen if you have a clearance of 300 feet and then an abutter builds a house.
Mr. Montiverdi said if there is a nuisance problem then we will enforce the regulation.
Mr. Johnson asked if he moved his existing Wood boiler to his new lot would there be any issues.
Ms. O'Connor stated it would be considered new and must comply with setback requirements.
Mr. Montiverdi stated that DEP is still working on their Regulation and it could be stricter guidelines than the local Regulation, and if that is the case we need to follow the stricter guidelines.
Ms. O'Connor stated that she has spoken to DEP and they may not have their Regulation done any time soon and they have stepped back from existing boilers.
Mr. Montiverdi asked if there were any further questions.
Mr. Perry Dube stated that the neighbors for Mr. Luke Dube have never approached Luke Dube and felt that they should have to speak for themselves as they are the owners of the property.
Mr. Dube asked if the Board would consider changing the requirement for the tree line distance.
Ms. O'Connor stated that was staying as part of the Regulation and that Mr. Luke Dube would need to run his stove responsibly.
Mr. Perry Dube asked what would happen if it was an overcast day and that caused a smoke nuisance.
Mr. Montiverdi stated that the complaints would be handled by the Board of Health office.
Mr. Langlois asked if the DEP could make changes to our approved Regulation.
Mr. Montiverdi stated they could make recommendations.
Mr. Perry Dube asked if this regulation would be superseded the DEP regulation.
Mr. Montiverdi stated yes.
Ms. O'Connor stated that the stricter regulation is the one that is followed.
Ms. O'Connor stated that you could go to the DEP website and see a copy of their draft regulations.

MOTION: Ms. Rigiero moved to accept the Outdoor Wood Boiler Regulation as amended with page 3 1.4d striking 15 feet from house and adding follow manufacturers specifications.

SECOND: Ms. Wood DISCUSSION: None

Vote: UNANIMOUS

Board Discussion – James Brown

Mr. Montiverdi stated that Mr. Brown's Title V Septic Inspection License has been revoked.
Ms. O'Connor stated that it wasn't revoked he did not have it properly renewed.
Mr. Montiverdi stated that he had talked to some other towns on this issue.
Ms. O'Connor stated she spoke to DEP and that his license was not renewed and they discussed allowing him to take the class and test again. Dave Boyer of DEP stated they had no formal complaints against Mr. Brown and said that we could lodge a complaint in writing if we so chose.

Ms. Rigiero asked if he would be required to redo all of the Title V's if he gets his license back. Mr. Montiverdi asked if we could permit the Title V Inspectors who do reports for the town, because if not, we may not be able to limit what work he does in town. Ms. O'Connor stated at this point we will take another step and check the state list for each Title V report we receive to make sure the Inspectors are licensed. Ms. Rigiero suggested we talk to the legal department and see if we can permit the Inspectors if they have a state license. Mr. Montiverdi said at this point we will send out a letter to the new owners of the property affected and request they provide a new Title V report within 30 days. Ms. Wood stated the new owners should not have to pay for an additional report.

Inspections

Food - Leroux's, Uncle Sam's (Old Leicester Pizza)

Septic- 12 Inspections

Housing – 2

Trash – 6

Court – 169 Chapel, Old Rock Pub

Board Discussion – Clean and Lien

Ms. O'Connor explained what the Clean and Lien program was and how it was used in some area towns. We would need some funds to start the program.

Mr. Montiverdi asked if we could put this on the next meeting agenda.

Board Discussion – 275 Pleasant St. – Hillcrest

Mr. Montiverdi stated that the Installer has been selected and that we are moving forward with the enforcement for Mr. Gallo to hook in as well.

Ms. O'Connor stated she spoke to Peggy Madore, who works for Mr. Gallo, and she said Mr. Gallo and Mr. Blair were going over the requirement to hook into Public Sewer.

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Board Discussion - Job Descriptions

They have been submitted and we may have to have a meeting with the personnel Board.

Ms. O'Connor asked Ms. Rigiero to assist in getting job descriptions for a Public Health Nurse and pay chart.

Assistant Health Agent – Many towns have this position.

Health Director Report

- A. Sharp Regulation – Will go in effect in 2010. We need to start a program in this town. Selectmen Zagorski was interested to see what we were going to do. Mr. Montiverdi suggested talking to Nancy Allen.
- B. Harvest Fair – Volunteers needed for the afternoon shift.
- C. Septic Betterment update – All organized. The final existing loans have been recorded on an assessors' betterment at the registry of deeds. The O'Days are ready to move forward. Their plan is approved and the system will be in next month.
- D. MHOA Conference – Ms. O'Connor will check and see who is registered
- E. MAHB Conference – 3 Board members, and Darlene and Eileen are registered for November 15, 2008 in Marlborough

