

**Pepperell Board of Health  
September 15, 2009 Meeting Minutes**

Call to order: The Pepperell Board of Health was called to order at 7:00 PM by Mr. Lambert

Members Present: Robert Lambert Chairperson, John Marriner, Member Alfred Buckley, Member

Members Absent:

Staff Present: Kalene Garbarz RS, Health Agent, Sandra Grogan, Board Secretary,

Guests Present: Paul McDonald, Nashoba Publication, Kevin Slattery, Etchstone Properties  
Jaron Slattery, Etchstone Properties, David Petropulos, Jayron Realty,  
Joe Peznola, Hancock Associates, Jim Brown, Paul Mage, Doug Smith,  
Soilsmiths Design

Minutes to be approved: Mr. Marriner made a motion to accept the August 18, 2009 minutes. Mr. Mr. Lambert seconded it. A vote was taken. Two Board members approved them. Mr. Buckley abstained he was not present for that meeting.

Topic of Discussion	Relevant Discussion	Action taken	Vote taken
<p><b>Scheduled Appointment: 7:10</b></p> <p>Joseph Peznola, Hancock Assoc. 196 Nashua Rd.</p>	<ul style="list-style-type: none"> <li>Mr. Peznola opened his discussion with his letter that he presented to the Board on June 27, 2009. He said the purpose of the letter and why we are here today is to try to clear up some confusion of the original intent of the application for this Board. The application before this Board was for approval for the Nitrogen Aggregation permit prior to and going to. What we needed from your Board was a letter accepting that application and that would be sent to DEP. As part of the process DEP reviews the plans and calculations, and makes comments. The confusion was with the number of 2 and 3 bedrooms that were proposed during this project verses what the calculations bear out with regards to allowable maximum nitrogen loading for the overall project. There is no dispute both from DEP standpoint and from our standpoint that the nitrogen loading calculations was 168 bedrooms or 56 -3 bedrooms. Going back in history when we went before the selectmen for the comprehensive permit selectmen had desired some empty nesters in the project without having an age restriction. The idea of having to 2 bedroom homes was born.</li> </ul>		

- From that point on we were faithful to our commitment, to offer some conceptional mixes that were presented both in the narrative and on the plans that included 2 bedroom homes.

It was always our intent with the market to bear how many two's and how many three bedroom homes. When we submitted to DEP they had the same confusion they wanted to know where would be the two and three bedroom homes. So we made clarification at that the point we said we want the market to bear the mix of the conceptional and the calculations, and the science to off set the limit of the nitrogen of 168bedroom homes. We have the approval of the ZBA that all the homes can be no more than three bedrooms. We have the nitrogen aggregation permit which has an offset bedroom count of 168 for three bedrooms. We have Board of Health letter that says 44 three bedrooms and 12 two bedrooms that would appear to us as a prohibition. Again we would like the market to bear to determine we there would be two and three bedrooms. In further faith of our commitment to the Town Selectmen and everyone who we have presented this project to we have to offerings in the project. We have been taking orders for 2 bedroom houses. The position of this Board, we are standing by the commitment of selling two bedroom houses, we will deed restrict them, when they sell they will have to sell it as a two bedroom house. It's in our purchase and sale agreement and in the deed restriction. We are putting three bedroom septic systems in every house this has to do with your requirement for the 450 GPD water flow. We are not looking for any breaks there. Again if we sell a two it remains a two the same for a three. If anyone comes to you in the future and says I want to add a bedroom the deed restriction is a protection that would not allow this to happen. If you have any questions we would be happy to answer.

- Mr. Lambert asked if the two bedrooms was the same square footage as a three bedroom.
- Mr. Peznola said no.
- Mr. Buckley said you wouldn't be able to make a three bedroom out a two bedroom unless you change a closet into a bedroom.
- Mr. Peznola said they are clearly two bedroom units that are selling.
- Mr. Marriner asked how you address garbage disposals.

- Mr. Peznola said they are not installed. They are not installed originally, it's on the septic design and the as-built and the COC states they are not allowed.
- Mr. Marriner said Murphy's laws is the house is sold 3 yrs later and they go to home depot and buys a garbage disposal, what recourse do we have as a town to prevent overloading.
  
- Mr. Peznola said you have issued a permit to construct the septic system that has reference in it not to allow a garbage disposal. We can certainly discuss with the owners why they are a bad idea and it will be on them to have to repair.
- Mr. Marriner asked Ms. Garbarz, how Nashoba feels on garbage disposals. Is there satisfactory protection for the town?
- Ms. Garbarz, Health Agent, reiterated what Mr. Peznola said they are on the permit and the plan so the buyers understand they are not to use them. After that it's the homeowners' responsibility.
- Mr. Buckley said ultimately nothing can be done.
- Mr. Marriner said as representative of the town are not responsibility for overloading the project.
- Mr. Peznola said you did your due diligence we've done our due diligence; I think it's the homeowners fault. I would suggest that the homeowner gets a copy of the as-built plan it's stated on it.
- Mr. Marriner said we want to make sure that happens.
- Health Agent, Ms. Garbarz said it is happening.
- Mr. Marriner said he is somewhat concerned over overloading the system so close to the well.
- The Board examined the plot plan.
- Mr. Marriner asked where the easement was to get out to the well.
- Mr. Peznola said there is no easement you would get there by the land deeded to the town. He explained one of the goals of this project was to provide a development that had town roads built to the town standards that could be accepted by the Boards to lessen the burden to the homeowner from the standpoint of the need for Home Associations and so forth. We tried to make the lots self-reliant.

- Mr. Marriner asked if all the yellow on the plan was deeded to the town.
  - Mr. Peznola said the 27 acres, is deeded to the town. Zone 1 is the area of the well Pepperell owns land in Hollis.
  - Mr. Buckley asked if the road is going to be grassed in.
  - Mr. Slattery said it would be gravel.
  - Mr. Lambert asked Ms. Garbarz if she had anything to say.
  - Ms. Garbarz Health Agent explained she wrote up a memo if the Board would like to follow along. Under exhibit A. in your books the memorandum of understanding dated 8/27/07 on page 2 of 4 under bullet 2 states the project shall consist of a
- subdivision of 56 single-family houses, with 14 of such houses to be restricted, in perpetuity, for sale to low or moderate income households at a price that is deemed, by DHCD to be affordable to such households. The main point here is no house may have more than three bedrooms. On the next page under exhibit B. Zoning Board Appeals approves Emerson Village on April 14, 2008, one of the conditions under the project and property description under number 7. A shown on the plans, the project consists of 56 single family lots of between 6000 and 7500 square feet. The homes will not have more than three bedrooms. Under exhibit C. the approval letter from DEP dated August 11, 2008, for the Nitrogen Aggregation Plan for Emerson Village, under the seconded bullet number 1. The lots that comprise the Facility land (lots #1-56) are restricted to no more than three bedrooms on each lot as the term bedroom is defined in Title 5 310 CMR 15.000. Under D. in your books the Pepperell Board of Health meeting minutes dated 6/19/2008 on page 2 of 2 under business Emerson Village. Under relevant discussion Kevin Ritchie suggest that the Board either 1. Delineate which specific lots are delineated as three bedrooms and which specific lots are delineated as two bedrooms or 2. Set a specific number of two or three bedrooms dwelling not to exceed 156 bedrooms. Under action taken a motion was made and seconded to delineate option 1. 44 (3) bedroom dwellings and 12 (2) bedroom dwellings not to exceed 156 bedrooms. Accept option 2. Further, 2 bedroom dwellings can never be converted to three bedroom homes. Under vote taken: All three members in favor.

- Ms. Garbarz said to the Board there was there was no discussion supporting this vote.
- In summary after the review of relevant documents regarding Emerson Village located at 196 Nashua Rd., including the Nitrogen Aggregation Plan approved by DEP, the information supports the total bedroom count for no more than 168 bedrooms for all 56 lots. To restrict each lot to no more than 3 bedrooms per lot with accordance with the Nitrogen Aggregation Plan. After reviewing the project with regards to title 5 it appears the site could handle 168 bedrooms noted in the approval letter from DEP and the Nitrogen Aggregation Plan. After the review of the approvals and paperwork for the project it appears that the site could handle 168 bedrooms per Title noted in the approval letter from DEP. I open this up for discussion for the Board.
- Mr. Buckley said he personally is leaning toward accepting the project there seems to be no reason to deny it because of DEP regulations, and the nitrogen levels. The stipulations are in front of us he said. I don't see any reason to deny it.
- Mr. Lambert said Nashoba Associated Boards of Health and the Health Agent has no problem with it, I have no problem with it.
- Mr. Petropoulos asked for clarification as a result of the vote.
- Mr. Lambert said all three bedrooms unless you have a two bedroom you have to keep it as a two bedroom.
- Ms. Garbarz, Health agent, asked as the agent that the Board members make a clear statement for the patrons present.
- Mr. Lambert said we accept the three bedrooms.
- Mr. Marriner asked if a motion to that effect is needed.
- Mr. Lambert said we already made that motion.
- Mr. Buckley said we made a motion that we accept what Emerson Village requested to increase all units to three bedrooms as market varies. He said that is what they are asking for.

Mr. Buckley made a motion that the Board members pass or deny the request for Emerson Village

Mr. Marriner seconded it.

A vote was taken.  
All were in favor.

**Business: A**  
H1N1

- The Health Agent up dated the Board with a memo from Mr. Garreffi, regarding the H1N1. It is still being up dated by the State. This memo summaries what's going on currently but expect an up date to come even to this. I think yesterday they voted on something else at the State level. As far as the seasonal flu goes the clinics are set and posted on the town web-site. The H1N1, take it as it comes.
- Mr. Marriner understands that we have not received the vaccine as of yet and would like to know when we will be getting it.
- The Health Agent said she didn't know, but things are arriving such as masks, syringes, hand sanitizers, but deciding on whose getting it is another story right now.
- Mr. Lambert said the clinic is still set for the Senior Center for October 7, 2009.

**Business: B**  
Scheduled Flu Clinics

- Mrs. Grogan turned the Boards attention to Nashoba Associated Boards of Health Nurse who will be in Pepperell to administer the flu shots on September 24, 2009 at the Babbitassit Village. On September 25, 2009 she will be at the Schofield house and the Independent Living Facility. On October 7, 2009 at the Senior Center, and on October 21, 2009 again at the Senior Center.
- Mr. Buckley asked what might be the cost of the people who show up for the flu shot, do you have any idea.
- Mrs. Grogan said she wasn't sure if a fee was set yet.
- The Health Agent said that should be directed to Carol, the director of nursing.
- Mr. Marriner asked if there is any way to provide Firefighter and Police at their meetings or not.
- The Health Agent asked for seasonal yes.
- Mr. Marriner asked for both.
- The Health Agent said H1N1 is in question as to priority and who gets it.

**Business: B**

Scheduled Flu Clinic

- Mrs. Grogan said on October 7, 2009 the Nurse will be at the Senior Center at 8:30 am and any town employee can go to receive the flu shot. There was a question of timing on this date.
- Mr. Marriner said there are no provisions to take a nurse and go to fire stations on there meeting night and inoculate all the firefighters.

- The Health Agent said no.
- Mrs. Grogan said this is something you would have to set up with the Nashoba nurse.
- Mr. Buckley asked if we will notify all the town departments of this date. I imagine the firefighters would be included as a town employee.
- Mr. Marriner said they have been in the past. Routinely you have you can 30 to 40 shots in an hour at the Park St., location, just prior to the meeting. Some may opt not to have the shot.
- Mr. Buckley said most of them could be taken care of through the town.
- The Health Agent said the Pepperell web-site is clear. It states it's the flu shot clinic.
- Mr. Lambert said not to forget some people don't have computers.
- The Health Agent said if they call at the office we can tell them.
- Mr. Lambert said he thinks the article was in the newspaper.
- Mr. McDonald said it will be in the paper Friday.

**Other Item:**

Neighbor Complaint

- While waiting for the 8:00 p.m. appointment, the Health Agent acknowledged the gentlemen in the audience
- A Pepperell resident Mr. Brown asked the Board if a complaint had come into the Board of Health office about his chickens by a neighbor.
- Mr. Lambert said Mr. Buckley would answer any questions.
- The Health Agent asked if a complaint came into the office.
- Mr. Lambert told them they weren't on the schedule.



	<ul style="list-style-type: none"> <li>• Mr. Marriner asked if this has been submitted to the Health Agent.</li> <li>• The Health Agent said it has and she has reviewed I provided Doug with comments he has a review form. I just need the revised plans from this one that I asked to be fixed.</li> <li>• Mr. Lambert asked if the Health Agent reviewed the plan since he fixed it.</li>   <li>• The Health Agent replied with yes. We will need another review.</li> <li>• Mr. Smith said he got this at the end of the last week. With this system he said he is comfortable with it for the fact that testing done with it that the affluent standard stone and pipe system and this comes under it. I'm comfortable with a variance that's in the manual that if the Board of Health approves it and it goes to DEP with a permit. There are two other smaller item system mentioned The cover over the septic tank, your suppose to have 9 inches and I can only get 6 inches because where the siding is on the house by the time they cover the tank this is the most that can be on. To me it's not a big issue even having the 9 you still have to put a small riser on it. Then the only other thing I would like to ask is to go with 110 GPD that the State uses instead of the 150 GPD required by Pepperell.</li> <li>• Mr. Lambert asked if it is going to stay a three bedroom.</li> <li>• Mr. Marriner asked if this plan has been revised.</li> <li>• Mr. Lambert said the Health Agent looked it over and found something she wants to have done. Once he does that we can give her the approval to give the permit. Once she goes over again with Mr. Smith and you correct it we will give her permission and we can vote on it now.</li> <li>• The Health Agent said the second revision I submit to Doug will not affect the three variance requests that he is asking for tonight that are in your booklets.</li> <li>• Mr. Lambert told Mr. Smith to work with the Health Agent and she will give you a permit.</li> <li>• Mr. Smith asked for a letter from the Board that the variance did approve.</li> <li>• Mr. Marriner asked if we need a motion.</li> </ul>	<p>Mr. Buckley made a motion that the Board approve or disapprove this petitions with the stipulations that the Health Agent gets the revisions made and will return to the Board for signature. Mr. Marriner seconded it.</p>	<p>A vote was taken. All were in favor.</p>
--	---	--	---

<p>Other Item:</p>	<ul style="list-style-type: none"> <li>• The Health Agent said the Board will approve these three variances tonight. She will generate a permit once we go through the revisions. At the next meeting the Board members will sign off on the permit.</li> <li>• Mr. Buckley asked if the old tank will be broken up, at least one corner so water doesn't settle in it.</li> <li>• Mr. Smith will make sure that happens.</li> <li>• Mr. Lambert wanted to know if packets were ready for Thursday evening.</li> </ul> <ul style="list-style-type: none"> <li>• Mr. Marriner said He went to a meeting of the Northern Middlesex area emergency planning committee, thank goodness for George Ux. This committee plans for the unexpected, if it does happen the Board of Health is responsible for any pandemic and our response is somewhat convoluted. If a pandemic happened we would be responsible one of the three of us would have to be escorted by a Police cruiser to Haverhill. We have to appoint 79 people to make sure some 12, 000 people are inoculated in 48 hours. If you don't have 79 people you are behind the eight ball.</li> <li>• The Health Agent asked if Mr. Ux knows Ken Gikas who is the MRC Coordinator for our region including Pepperell.</li> <li>• Mr. Marriner said we are responsible for dispensing any medication for pandemics. Nashoba will be buried because you have 16 Towns. All those towns will be in the same boat. They will be requesting help from Nashoba, and they surely have less than 16 nurses and you only have one nurse for Pepperell and that one person isn't going to inoculate 12 persons in 48 hours.</li> <li>• The Health Agent said part of Ken Gikas of Region II job is coordinating this. Do we know if he has a list of MRC volunteers?</li> <li>• Mrs. Grogan said she did a mass mailing to contact people to volunteer and we only have 1 person. Ellen Castellano was working with George Ux, on this. Before she left she said she has a list of volunteers, I'm trying to get this list.</li> <li>• Mr. Lambert asked if something should go in the newspaper, asking for volunteers.</li> </ul>		
--------------------	--	--	--

- The Health Agent said the information is there it's on the web-site, in the office, we have public safety day coming up and we can use this day to put out the information. The ice-storm was supposed to entice people to join MRC, and get it going, but that really didn't help.
- Mr. Lambert said we had many people to help at the shelter during the ice-storm.
- The Health agent said we need qualified people ready. To get 79 people. Quite the feat.
- Mr. Marriner said that's what the program said. I don't know where they came up with that number.
- The Health Agent said we will have the brochures ready.
- Mr. Lambert asked about October meetings.
- Mr. Marriner said October 6, and October 27, 2009. All agreed.
  
- Mrs. Grogan showed the invitation for the open house at Lomar Park asking the Board if they are interested in going to please inform her so she can R.S.V.P. The three Board members would like to attend. Gypsy Café will be asking for liquor license. The Board has no comments.
- Mr. Lambert asked about money for Rabies clinic. He asked about turning the money to Nashoba Board.
- Mrs. Grogan said we can't turn that money over. The finance committee, put \$1,000.00 into that account for the upcoming Rabies clinic.
- The Health Agent will clarify the Rabies duties with Mr. Garreffi.
  
- Mr. Marriner wanted to know why the sign for MassToss. Was in Pepperell, if we are not part of it.
  
- Mr. Lambert, explained last year Pepperell BOH went to the meeting to discuss regionalizing. It is expensive. The residents would rather keep the household hazardous waste day in town.
- The Health Agent asked the Board in light of the Red-Cross drive that was in town recently. It is independent of the Board of Health, there seems to be some discrepancies in town between certain departments and certain individuals. I think it would be a wise decision to have the COA come in and clarify the Board of Health's role in such things i.e., as the Red-Cross drive and any other expectations of the

	<p>Board of Health.</p> <ul style="list-style-type: none"> <li>• Mr. Lambert said he received a letter from the C.O.A concerning to this issue.</li> <li>• The Health Agent said the Red-Cross came into town, they put on a blood drive, some people felt the Board of Health should have been there, should have been involved. So, there needs to some clarification of what they expect of the Board.</li> <li>• Mr. Lambert said the previous nurse for the town use to do this. She did a lot on her own trying to help, which she didn't have to do. She said she got permission from the previous Board but I don't know about that.</li> <li>• The Health Agent said that's fine if you want to donate your time and help out but there needs to be clarification of what they expected of us. Would you agree to have the COA in maybe even the next meeting or the one after?</li> <li>• Mr. Lambert asked if the Red-Cross should come in.</li> <li>• The Health Agent said there was no need for us to be a part of this, because they are independent of the Board of Health.</li> <li>• Mr. Lambert would like to have the comments of the Red-Cross, in the minutes.</li> <li>• Mr. Buckley said all you can do is invite the Red-Cross, that's all you can do because they are independent.</li> <li>• The Health Agent asked if we want C.O.A. to come in October or leave it on the table for now.</li> <li>• Mr. Lambert said to leave it on the table for now.</li> <li>• Mr. Marriner said the next blood drive isn't for another 6 months.</li> <li>• The Health Agent made the comments that not only will the blood drive be affected by this but, other activities put on in the town including a nurse, the type of services if you will.</li> </ul> <ul style="list-style-type: none"> <li>• Mr. Lambert said everybody takes it for granted that the Board of Health should be doing everything.</li> <li>• The Health Agent said she will leave it the Board to decide whether they want C.O.A. come into discuss this.</li> <li>• Mr. Lambert asked if someone from Nashoba Board nursing come in case there is a question.</li> <li>• The Health Agent said she certainly will.</li> <li>• Mr. Buckley said that's a good idea, to clarify things.</li> </ul>		
--	--	--	--

- |  |   |  |  |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>Mr. Lambert said the meeting would be scheduled for October 27, 2009. There was no other business to discuss.</li> </ul> |  |  |
|--|---|--|--|

Mr. Buckley made a motion to adjourn the meeting. Mr. Marriner seconded it. A vote was taken. All were in favor.

Meeting was adjourned at 8:26 PM

**Next Meeting:** October 6, 2009

Respectfully submitted by: Sandra Grogan

---

Robert Lambert, Chairperson

---

John Marriner

---

Alfred Buckley