

Board of Health  
Meeting Minutes

**Board Members**

Margie LaFleur, Chairperson; Phil Durno, Member; Virginia Malouin, Member

**Staff**

Kalene Gendron, Health Agent; Brynn Montesanti, Assistant to Board of Health

**Attendees**

See attached attendance sheet

Mrs. LaFleur opened the meeting at 6:00 PM and announced the meeting is being televised by Pepperell Community Media.

4/2/2019 - Minutes

1. **Working Session**

2. **Acceptance of Minutes**

a. **3/19/19**

Mrs. Malouin motions to accept the minutes of 3/19/19 as written. Mr. Durno seconds.

3. **Action Items**

a. **7A Shawnee Road - Complaints**

Ms. Gendron explains to the Board that the office has had multiple complaints dating back to 2018, letters have been sent out previously requesting the property be cleaned up, as of recently there was a letter mailed, dated 3/19/19 in regards to the accumulation of "trash, metal, debris and furniture" at the property. Given the multiple site visits Ms. Gendron stated that it appeared as though a Transfer Station may be operating.

Mr. John Staffier was present at the meeting and explained to the Board that due to his age and health it has been challenging to keep his previous landscaping company open and had begun attending flea markets to make ends meet, buying and selling items. He believes that the Health Agent is interpreting estate items that he is trying to sell as trash, he realizes that his property is in disrepair and he is disappointed too with the way his property looks. He will be trying to organize and clean and dispose of items as appropriate. Mrs. LaFleur is encouraged by Mr. Staffier's acknowledgement of the need to clean up his property, Mr. Staffier states that he has now begun the process and is feeling better and the weather is improving. Mrs. LaFleur reminds Mr. Staffier that the Board of Health is responsible for protecting the public health and safety of residents, Mr. Staffier states that he is aware and assures the Board he is beginning the process and needs approximately 30-45 days, barring no bad weather, to clean up the property.

Ms. Gendron explains to the Board that she is satisfied with the 30-45 day resolution and they will arrange a walk thru on or around May 13th-20th to see the progress on the property.

#### 4. Old Business

##### a. Fill Importation Fee Schedule Discussion

This item will be tabled to a future meeting as not all feedback has been sent back to the Board of Health office that is necessary to review the fee schedule.

##### b. Food code changes

Ms. Gendron provided the Board with a list of the food code changes and Ms. Malouin thanked her for the information and thought it was thorough and informative.

#### 5. New Business

##### a. Webpage Overview

Ms. Montesanti presented the Board with a presentation on the webpage. The Board thanked her for the attention to detail and acknowledged that the webpage is a great resource for the residents.

#### 6. Walk-Ins

Jeff Hannaford was present representing the owner of 17 North Street, the owner is demolishing the old house and constructing a new one, the septic system has passed Title 5 Inspection however the owner is proposing to build a 4 bedroom house, the permit for the septic system that was replaced in 2000 is designed for a 3 bedroom house under previous regulations requiring a design flow of 150 gallons per day per bedroom. The homeowner is requesting the Board to determine if they would allow him to construct a 4 bedroom house under today's regulations of 110 gallons per day per bedroom. The existing septic tank will be relocated to provide the proper offset to the new foundation and will require a permit to be obtained.

Ms. Gendron reads to the Board - Title 5 clearly states that "No person shall increase the actual or design flow to any cesspool or to any other system above the existing capacity, or change the type of establishment of a facility served by a cesspool, unless the cesspool or system is upgraded first. Upgrades to accept increased design flow shall be performed in full compliance with the requirements applicable to new construction unless a variance is allowed pursuant to 310 CMR 15.414. For purposes of 310 CMR 15.204, the approved design flow shall be the flow listed in the most recent Disposal Works Construction Permit.

Mr. Durno expresses concern that a new house is being built but being sold with an old system, Mr. Hannaford explains the system has a passing Title 5 and he would be more apt to describe the system as an existing system rather than an old system. Mr. Hannaford also suggests that perhaps recording a deed notice with age of system and installation date would satisfy this concern of Mr. Durno. Mrs. Malouin suggests perhaps moving the tank as necessary and performing a new Title 5 to ensure the system is still working properly. Ms. Gendron notes that a new house perception is a new system and that is a concern and Mr. Hannaford suggests again a deed notice would suffice this concern and that he believes that this system can be a 4 bedroom from a practical standpoint and today's standards. The regulatory standpoint of being stuck with the permit of record is what he is questioning for his client, the system passes Title 5, if he was to design a new system for his client than he would design the same system, because the GPD meets today's regulations, seems like a waste of materials and resources when an ammendment could can be made and the same system be used. Mr. Durno states he is firm on that it is a system designed and permitted for a 3 bedroom house and that is how it should remain. Mrs. Malouin expresses that she is questioning how many systems are in existence in town that could be in this same predicament and questions the fairness of being stuck with the stricter regulations that are no longer in place. Ms. Gendron reminds the Board again that the Title 5 regulations are quite clear, it's based on the last permit of record. Mr. Hannaford's belief is that it should be looked at on a case by case basis and that a single component permit will be issued for the tank to be moved and that at that time it could be ammended from the 3 to 4 bedroom because the load allows it by the regulations today.

Ms. Gendron recommends to the Board to maintain the 3 bedroom system permit of record, Ms. Malouin asks why and Ms. Gendron further explains that Title 5 is quite clear, there is a baseline which we all operate from, the most recent permit of record; you have a system that has been in existence for 20 years

with record of only one pump, people will be purchasing a brand new house with the expectation of a brand new system, that's not ok. Mr. Hannaford still is questioning the practicality of Ms. Gendron's recommendation to the Board, the Board has an ability to amend permits, as it would be more practical.

Mr. Durno makes a motion to leave the system as permitted, a 3 bedroom system. Mrs. Malouin abstains. Mrs. LaFleur seconds. All in favor.

**7. Correspondence**

**8. Health Agent Comments**

**a. 15 Jersey Street**

Town water, town sewer, no comments.

**b. 15 Canal Street - Informal Proposal**

Proposing to convert into a 3-family and will be working with an engineer to design a septic system as appropriate.

**9. Matters That May Be Raised That the Chair Didn't Reasonably Anticipate**

**10. Open Discussion**

**11. Future Meeting**

**a. 4/16/19**

Mr. Durno motions to adjourn meeting. Mrs. Malouin seconds. All in favor. Meeting adjourned at 7:50PM.

Respectfully submitted by Brynn Montesanti, Administrative Assistant to Board of Health.