

BOARD OF HEALTH MEETING MINUTES



Sutton Town Hall
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TOWN OF SUTTON JULY 28, 2015

Meeting Location: Sutton Town Hall Meeting Room 1C

Members Present: John Silverberg, William Fredericks, Diane Miller, Tammi Marois

Staff Present: Cheryl Rawinski, James Malley, Judy Bater

Absent: Ken Malo, Jr.

Guest/s Present: Tom and Kathy Purcell, Andrew DeWolfe, Jason Dubois, Cynthia Woldkin, Irene and Nick Drakakis, Dave Holt, Bruce Smythe

Call to Order: John Silverberg called to order the meeting of the Sutton Board of Health at 7:00 PM on July 28, 2015 in Sutton Town Hall Meeting Room 1C.

Minutes: Minutes not available

Local Upgrades/Variances:

40.5 Maple Lane: Tom Purcell, Purcell Associates presented his septic design. Abutter notification green cards were submitted. Jim Malley had no issues with the requested well variances. The abutter, Cindy Woldkin at 42 Maple Lane has concerns regarding the location of this system and feels they may be on her property. She has a point driven well that she is concerned about. She further stated that none of these lots have been surveyed since 1925 as per Lance Anderson of Heritage Design Group a Land Surveyor that she has been working with. The board questioned Tom Purcell as to how he determined the property lines. Tom stated that as per Title 5 regulation he is not required to survey the property. He used standard methods such as an existing fence line and a stone wall. John Silverberg stated that he is concerned about the benchmark. Tom stated that this was not an abutter he notified as the 100' arc runs through her house. John Silverberg stated that they try to be consistent and when an engineer stamps a plan they have to assume he has done his due-diligence. John Silverberg asked Tom Purcell that if she was to have a survey done how confident is he that he is not on her property. Tom stated that he used every reasonable benchmark. Legally, he can't say 100% as he is not a land surveyor. He stated he meets title 5 requirements. Cindy of 42 Maple Lane stated the cost is around \$1,300.00 to survey. Jim Malley stated the Deed trumps all. The Board and Jim Malley reviewed the Deed of 42 Maple Lane and the presented plan for 40.5 Maple Lane. Tom Purcell stated that his requested variances have nothing to do with the property at 42 Maple Lane. John Silverberg stated that they do not have compelling evidence that Tom Purcell's septic design is on her property. Cindy asked the Board if they would consider waiting

to decide while she has her property surveyed. She stated she would need 10 days. Tom stated that this is an unnecessary delay. Jim Malley is reviewing the plan and therefore if she acts quickly no delay and the survey will benefit all involved. When Cindy has the results of the survey she will bring to the BOH Office.

MOTION:

Tammi Marois made a motion to grant contingent upon Jim Malley's full review and approval.

Septic Tank 25' to own well

Pump Chamber 32' to own well

SAS offset 60' to own well

SAS offset 81' to well at 41 Maple Lane

SAS offset 54' to well at 38 Maple Lane

Seconded: Bill Fredericks

All in Favour: Approved

28 Horne Drive – TIGHT TANK: Andrew DeWolfe, property owner, presented tight tank plan to the Board. It is an old camp, no well currently. Conservation restrictions. Measured from existing stone wall to show property lines. Diane Miller noticed an error in the tank size spec'd out on the plan, too small for a tight tank. Must be corrected on plan.

MOTION: Bill Fredericks made a motion to approve a 2000 Gallon Tight Tank.

Seconded: Tammi Marois

All in Favour: Approved

107 West Millbury Road: Jason Dubois, Bertin Engineering presented a revised plan as the house shifted. The Board stressed that the house size must not exceed what is shown on this plan.

MOTION:

Diane Miller made a motion to approve the requested variances conditional upon Jim Malley's review and approval and approval of house plans.

SAS is less and 100' to Private Well.

60.2' own well

69.3' abutters well

Seconded: Bill Fredericks

All in Favour: Approved

Jim Malley Local Upgrade Approvals – Review:

28 Westview Drive:

SAS Offset of 75' from own well – Approved

12 Singletary Avenue:

3' Offset to ground water, Sieve Analysis – Approved

Tony's Pizza: Nick Drakakis

John Silverberg received a complaint regarding lack of glove use when handling food. John stated that he had spoken to the managers and since he has witnessed this on several occasions he felt it was important to stress that they must adhere to ServSafe Requirements. Nick stated that he has spoken to his employees and the position that they have put him in at this point and it will be addressed and corrected.

First Congregational Church - Decertify public water supply - Dave Holt and Bruce Smythe

Cheryl stated that they no longer have a daycare at this facility and no longer meet the criteria of a public water supply. Cheryl contacted DEP and all are in agreement that they no longer meet the criteria. John Silverberg signed a letter approving First Congregational Church to decertify as a public water supply.

Discuss Policy on Patching of Septic/Tight Tanks: Jim Malley

Jim stated that he will not issue a permit to patch a tank. He feels this is a liability and he will not approve it. Jim feels it is not a feasible option, too many unknowns, is it leaking in more than one spot.

Additionally, the cost of a new tank is insignificant when replacing an entire septic system. He feels they should require the tank be replaced when replacing a system. He feels that they should no longer allow a variance for an existing 1000 gallon tank. He also thinks they should consider a 1500 dual compartment tank. Jim stated that he will review some other issues in regards to Title 5 and they will need to amend the Title 5 regulation which will require a public hearing in the future.

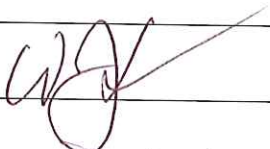
Department Update: Cheryl stated that Judy finished updating the fee schedule and all associated forms and uploaded all of the new forms and fee schedule to the web page. Also, Judy has finished up issuing all food permits. Cheryl had a complaint in regards to the noise of a generator at Blackstone National Golf Course, she worked with DEP and this situation is resolved.


Old New Business: John Silverberg: Wanted to inform the Board of an altered choke saver certificate that was submitted by a food establishment. He consulted the Town Clerk as to how to proceed and they would possibly need to consult the Town Attorneys and move to executive session to discuss with the owner of the establishment. He will be contacting the establishment.

172 Manchaug Road – Jim Malley – New Development – Brief Update:

This was a very large home considering the size of the lot. The owners went through all of the approvals from Conservation, BOH, ZBA. When the contractor went to construct the house he realized that the abutters' metal septic tank is on the property line and he was concerned about digging so close to this older metal tank. The property owner sent an email to the abutter that suggested that Jim Malley recommended that they install a tight tank. Jim explained to the abutter that they are under no order to do anything to their tank. They currently have a working system. Jim further stated that if they damage your tank it is their responsibility. Jim spoke to the contractor but offered no solution, he explained that he needed to speak with the design engineer. All ZBA approvals have now expired and they must refile with ZBA.

Motion to Adjourn at 8:40 PM: Diane Miller - Seconded: Bill Fredericks - Unanimous - Approved.

 John Silverberg, Chairman

 William Fredericks, Vice Chairman

 Diane Miller, Member

 Tammi Marois, Member

ABSENT

Ken Malo, Member