

**BOARD OF HEALTH
MEETING MINUTES**



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**TOWN OF SUTTON
REGULAR MEETING
NOVEMBER 26, 2019**

Meeting Location: Sutton Town Hall Meeting Room 1C

Members Present: William Fredericks, Tammi Marois, Diane Miller, Ken Malo

Staff Present: Cheryl Rawinski

Absent: John Silverberg, Judy Bater

Guest/s Present: Bob Murphy, Alan Engstrand, Ronnie Engstrand, Catherine Longo, Jeanne Berkowitz, Kevin McNeil, Joan McCabe, Ela , Joel Leyko, Holland Redding, Tracey Smith, Ken Foster, Steven Venincasa

Call to Order: William Fredericks opened the regular meeting of the Board of Health at 7:00 PM.

Local Upgrades/Variances:

83 Stoney Brook Road: Robert Murphy, Murphy Assoc. notified the affected abutter.

MOTION: Ken Malo made a motion to accept 8' tank from the house and 5' from the property line and 3' to groundwater. As per the revised plan contingent on full approval by Steve Donatelli. 2nd by Tammi Marois. All in Favour. Approved.

21.5 West Sutton Road: Robert Murphy, Murphy Assoc., notified the one affected abutter as per Title 5. The proposed septic system is within 100' of their well. At the last hearing some questions were raised about the validity of the information on the plan. A site visit was conducted with Steve Donatelli and a couple of Board members to show the existence of a privy (outhouse). Questions regarding the use of the privy. Bob stated it only asks if a privy was on the site not if it is being used. He used a metal detector and found proof and the Engstrands stated that they remember the outhouse being there. Bill asked when someone was living there. Bob further stated that the privy existed when the house was built in the 1930's and it is recognized by the assessors as a single family house. An outhouse is a SAS system. He is requesting to upgrade a system that was originally on the site. He further stated that the existence of a system is there. The building is gone but the privy is there. Bob stated it is generally expected that a house was there and therefore they had some type of privy existed. A neighbor stated that it was a camp and it was the last house on Singletary that had not been converted to a house and not sure how you can call it a home. Alan Engstrand of 21 West Sutton Road stated that he spoke with Randy Bloom the original owner and it never had a septic system it had an outhouse only and they carried the water from the lake.

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Previously, the Markem's wanted to build there and they were told that it was not buildable by the town. Attorney Levine, attorney for the applicant stated he is not an expert on Title 5. He further stated Title 5 does not use the term septic system it uses the term soil absorption system including cesspool and privy. He said it states you can't increase the flow of a cesspool or privy. He further explained the history of these small lake front properties and stated a system did exist and it is a one bedroom house and they are keeping a one bedroom house. They will upgrade it and he does not see the difference between the term camp and house but that would be zoning. He said at the end of the day it will be a one bedroom house. He feels Bob Murphy found the evidence required of a privy. He stated at some point they stopped using the outhouse and had a chemical toilet. Bob Murphy further added that he originally had reviewed with Margaret Bacon and he stated you have to have a minimum size septic system and it has to be 400 square feet. He said it is designed to serve 5 people even though it is a one bedroom house. The system will be pumped up away from the lake. Bill asked the abutters what the concerns are about a house being built there. Joel Leyco lives across the street stated that his concern is if his well goes bad he would have to put in a new well and it would be less than 100' from this proposed septic system. Bob Murphy said they are over 100' from that property. Ken showed him the plan and it did not see an issue. A neighbor asked if the Board did a site visit and did they find a septic system. Bill stated that as per Title 5, a privy is a system that can be replaced. She further stated people have tried to obtain this property and why have they not come before the board. The Board stated that they do not recall this before them in the past and possibly people did not want to go through the expense of moving forward as it is only a 1 bedroom house. Mrs. Engstrand asked where the Well would go. Ken stated the Well would be by the road closer to the gravel parking area. The septic would be further down. Mrs. Engstrand does not believe an outhouse can have an upgrade. Ken said those are the rules and we don't make them. Bill stated that they need a plan showing the house and all of the wells and all of the septic's. Bob stated I am looking for a local upgrade based on this septic plan. Bob stated they still have to go to ZBA, as well. Ken Malo stated this would be hence your design plans of your house. Ken read that he is looking for setback from owners and abutters wells less than 100', Offset from SAS to side property line less than 10', Offset from foundation to septic tank less than 10', Offset to foundation and leach system less than 12'. Bob added that technology has improved. This is a Presby system, the Cadillac of systems. Cheryl stated plans were returned for revision, looking for a 2nd benchmark, though he stated he has two benchmarks. He read the comments from Steve Donatelli. Ken stated he needs a structural engineer to certify the wall and Ken stated he needs to see that prior to any approval. He further stated that this is a lot of hydraulic pressure. Ken stated setbacks are required for drainage. Bob stated he has a plan stamped approved by a previous engineer and he is now being asked for additional information. Bob asked who supersedes who. Ken stated maybe there was an oversight. Ken asked are offsets from drains to the septic system required. Bob stated Ken was not understanding Title 5. They professionally disagreed in regards to the potential design of the wall. Bob stated Title 5 requires a plastic barrier. Ken said then it should be easy to have a structural engineer sign off. Ken is having trouble believing they will be able to fit the wall. Bob stated this falls under Building. Ken stated we also require it. Ken needs to see the details of the wall and needs to have a structural engineer sign off on it. Diane stated she needs a house design and a deed restriction and they need to see the wall on the plan. Bob does not want to proceed with all of this engineering if the septic variances will not be granted. Diane stated that the wall details are shown on the plans, typically. Ken stated he does not have any issues with the variances if everything works, however, it is hence too many variables. The wall is significant. They will come to the next meeting in January.

Other Business Not Anticipated: 182 Manchaug Road - Jeanne Berkowitz Needs a Variance for an **ANTIQUÉ STOVE**: The Building Inspector sent her to the Plumbing Inspector who sent her to the State for a State Variance and that State Variance paperwork requires Board of Health sign off. Diane said she would need the Gas and Propane Companies to inspect the stove. She said she has a friend in Mendon and they allowed it. Diane said it does not fall under BOH. Ken said they would find out what they need to do as none of them have ever heard of this. Cheryl will call the State Fire Marshall office and look into the process.

Local Upgrades Approved/Review Only: 11 Sunrise: Sieve Analysis – review only

Department Update: All of the flu clinics are done and a nurse has been helping her with all of the billing. Flu outbreaks are starting to pick up now. Everyone wants to everything done before the season closes and the cold weather. Been very busy. Margaret has transitioned to Steve. Judy attended a meeting with the surrounding admins. Cheryl will sit down with Steve in January in regards to the fees and he was receptive to reviewing well regulations and Title 5 once settled.

Approve Minutes: Tabled

27 Carrier Lane Update: Ken said not signed off on yet as they are waiting for a retaining wall to be built. The system is in and complete otherwise. The still need a pump test. Cheryl stated she will get an update for the next meeting.

Other Business: A resident was observing the meeting and had a general question. He stated he was following a piece of property for years and he does not understand the process and it was auctioned for back taxes and he wanted to know was it advertised. Cheryl stated he needed to see the tax collector and the assessor to see the procedure. Bill stated sometimes companies come in and pay the taxes. He also said how easy it is to miss those advertisements.

Review Fee Schedule: Tabled, review with new consultant

Review Well Regulations: Tabled, review with new consultant

Review Supplemental Title 5 Regulations: Tabled – review with new consultant.

Next Meeting: January 28, 2020

Motion to Adjourn at 8:15 PM: Ken Malo – Seconded Tammi Marois - Unanimous - Approved.

 William Fredericks, Chairman

 Tammi Marois, Vice Chairman

 John Silverberg, Member

 Diane Miller, Member

 Ken Malo, Jr., Member