

Board of Health Meeting Minutes
January 19, 2024
Zoom Meeting

Present on Zoom: Mary McDowell, Chair, Marcia Rising, Merrily Evdokimoff, members

J. Garreff, Health Agent

Absent: N. Porter, Associate Member

Chair McDowell called the meeting to order at 5:02 p.m. and noted that the meeting is being recorded. Participants via Zoom are to use the "hands up" function for Public Comment, which is limited to items not on the agenda. Anyone speaking during Public Comment should state their name and address.

Appointments Hearings

5:00 PM

441 Great Road- Dillis and Roy- Chris MacKenzie- continued discussion from December 2023 meeting. Direct abutters were notified by certified mail.

Chris Mackenzie of Dillis and Roy shared his screen to view the proposed septic plan for the existing 4 bedroom property. The proposed plan is to convert the garage to a 1 bedroom apartment and connect it to the proposed septic system. The existing well is a drilled well and is 24 feet from the existing tank. The file research did not show much on the history of the tank. The existing tank was inspected by J. Maloney of Dillis and Roy and Health Agent K. Gendron at the time of soil testing. The tank appeared to be relatively new and a 1500 gallon two compartment tank, not matching records in the BoH file. C. MacKenzie stated they are proposing to keep the existing tank and connect it to the new leaching area. The proposed plan meets Title 5 requirements for the leaching area. C. MacKenzie said inspection of the tank at time of construction is sensible to prove that it is 1500 gallon tank and sound.

M. McDowell said you are asking for a Title 5 variance for the setback from existing tank to existing well. J. Garreff said he reviewed the file, and the 1976 permit in the Stow file states they converted an existing cesspool to tank and installed a leaching pit. The location on plan does not meet Title 5 setback from tank to garage. J. Garreff's concern is the tank was not installed to code and should be 10 feet off the building. He recommended pending tank inspection or installing a monolithic tank in that same location. It would be better for the well, no seams. C. Mackenzie stated the tank was most likely installed based on the existing sewer location.

G. Guertin, homeowner, asked how far the tank needs to be from the building, she said there is a large porch on the back of the building. The measurement on the plan is from the porch and not the foundation of the garage.

M. Rising comment, if the tank is newer than 1976 it should be uncovered to confirm the required two compartment tank.

J. Garreff said if the Board wants to approve the variance pending tank inspection, when the system is being installed a machine will be on site. They can uncover at that time and confirm the tank size and confirm it is not leaking.

M. McDowell agrees, and she supports uncovering the tank to inspect at time of installation to confirm it is a 1500 gallon two compartment tank, if not, a new tank shall be installed to meet that requirement.

Then records will be up to date on file.

G. Guertin asked who would do that inspection. J. Garreffi stated they ask a Title 5 Inspector, and the Health Agent and engineer should be on site to inspect.

M. Evdokimoff motioned to approve the request for the variance of the 24-foot setback of the septic tank to the existing well, pending the satisfactory inspection of the existing septic tank by the Health Agent. M. Rising seconded the motion to grant the variance, all members in favor. Passes unanimously.

M. McDowell would like a letter written stating this record of discussion for the file. J. Garreffi will draft.

3 Forest Road- Review of proposed addition for a building permit application. J. Garreffi has reviewed the plans for the addition of a garage and room above. There are no additional bedrooms, but one room over the Title 5 allowance for a 3 bedroom septic system.

M. McDowell agreed that a 3 bedroom deed restriction would be in order.

M. Rising moved to grant the request to establish a 3 bedroom deed restriction on the property at 3 Forest Road, Stow. M. Evdokimoff, seconded, all Board members voted in favor. Bedroom Deed Restriction requirement recorded prior to building permit clearance will be completed.

74 Pine Point Road- Review of building plans and bedroom deed restriction.

J. Garreffi reviewed the status of the project for the tear down rebuild. This project has been reviewed by Zoning, Conservation and by the Board of Health for septic system variances as it can only be a two bedroom home due to the size of septic system and lot. Somehow in the process building plans were approved without review by Board of Health, the file was missing from the Board of Health office.

The house has been built and has 7 rooms. J. Garreffi has been to the house to collect a water sample and the current plans show as it is built.

The lot is a 12,000 square foot lot, can't be any larger.

Lar Greene, engineer for the project, showed the plans. The basement has a recreational area, first floor, kitchen, great room, office. Second floor, two bedrooms, sitting area. 7 total rooms.

J. Garreffi said when reviewing the building plans and application, they look at the existing home and rebuild what is there.

M. McDowell said the Board already required a two bedroom restriction during the meeting regarding the septic system. J. Garreffi said this would have been reviewed at the time of the building permit and approved before construction.

M. Evdokimoff made a motion that we require a deed restriction that states the house remains as a two bedroom structure. M. Rising seconded, M. McDowell in favor. Vote is unanimous to remain a 2-bedroom deed restricted property.

17 Boxboro Road- Proposed finished basement- Existing 4 bedroom property. The homeowner is proposing to finish the basement. Review room count. J. Garreffi reviewed the house plans for the property. It is an open concept but the Board of Health counts as use of rooms. 5 rooms upstairs and 4 downstairs have 9 existing rooms. Addition of a playroom in the basement with make 10. No bathroom proposed for basement.

M. Rising motioned to approve a 4 bedroom deed restriction based on a review of the plans. M. Evdokimoff seconded, unanimous vote.

6:00 PM- 268-270 Great Road- Discuss variance to housing code.

Mr. Hnatio has a rental property. He requested a preoccupancy inspection for compliance with Chapter 2 of the housing code. The unit is vacant now, but Mr. Hnatio would like to rent. J. Garreffi explained they measured the bedrooms, for habitability standards, floor to ceiling height, square ft of floor space and glazing area for lighting. The rooms do not comply with parts of the code with the ceiling height. J. Garreffi explained that any room with more than $\frac{3}{4}$ of the space that is less than 7 feet in height. In this case about $\frac{1}{2}$ of the floor space does not meet this requirement. Mr. Hnatio said the house was built in 1805.

J. Garreffi said he would need a variance from the Board, with a formal request for the February meeting. J. Garreffi said the fire escapes meet code.

A hearing will be scheduled for the February meeting for a formal variance request.

Discussion Items

Deed Restriction Policy

M. McDowell stated for building permits proposing one room over the Title 5 formula she is fine with the health agent approving the deed restriction requirement. More than one, she would like them to come to the Board of Health meeting for discussion.

M. Rising would like to have something in writing, she feels it would be nice to have a policy in place to refer to and explain the requirement. J. Garreffi will forward another town's template for an example.

M. Evdokimoff feels this reinforces the seriousness of the regulations. The policy will be reviewed at the next meeting.

J. Garreffi said they do not receive a Certificate of Compliance or Building permit clearance without the recording on file.

Board Member Updates

M. Evdokimoff is unable to attend the LEPC meeting. M. Rising will attend in her place.

M. McDowell asked if there will be a Rabies Clinic this year. J. Garreffi said the numbers have been very low in all the Nashoba towns. They are putting a plan together to see if there is a need for or to offer more regional clinics.

Office Business

Budget was submitted electronically on January 5. Level funded.

Annual Reports are due February 15. M. Rising will review the emergency plan and M. Evdokimoff will write the report. Nashoba will provide the environmental and nursing report.

Discussion Items

Review final draft of Well Regulations

J. Garreffi noted a few edits:

1. Well alteration definition- newer model regulations talk specifically about the well and the ability to provide water; alteration definition has been updated.
2. Offsets/Setbacks-many are Title 5 changes reflected in the chart.
3. PFAS levels, it is still questionable where EPA is going with levels. J. Garreffi said the standard will not be PFAS 6 anymore it will just be PFAS, there is a Gen X added so instead of listing all he put the

EPA method 537.1 in the parameters list, this shall be used to cover Massachusetts and US requirements.

5. Section 8.2 on prior to sale water testing, clarify the acceptable time frame from 1 year to 2 years.

6. Variance procedures: DEP or DPH regulations allow a 7 day appeal period , if an order is issued, they have 7 days to request a hearing. Stow Regs had a 14 day period. M. McDowell said she is fine with keeping the 7 days in line with the State. All members agree.

M. McDowell said the next step is to have Counsel review. J. Garreffi recommends once the regulations are approved, there should be a 2-3 month lead time. J. Garreffi said there should be an approved sampler list to be able to handle a larger volume of testing if the Health Agents are not able.

Health Agent Report

J. Garreffi reported they have changed the Health Agent schedule and he is the full time agent for Stow as of January 1st.

Meeting Minutes

M. Rising moved to accept the December 18, 2023, as presented. M. Evdokimoff seconded the motion, and it passed unanimously.

Correspondence

M. Evdokimoff asked about the process for correspondence in the packet from other departments. It was discussed that if the notice is not an impact to the Board of Health department it is not necessary to review at the meeting. The cover sheet is a quick review of what is in the packet.

A Comprehensive Plan email was sent to Board members. The interview form requested information from the Board of Health on land use. M. Rising said concerns are building and lack of buildable land.

J. Garreffi said Title 5 also governs building and lot size with septic. Multifamily housing has wastewater treatment plants. M. Rising will talk at the next meeting as she is on the committee.

Adjournment

At 7:00 PM M. Evdokimoff motioned to adjourn. Board member M. Rising seconded the motion and it passed unanimously.

Next scheduled Board of Health meeting is February 8, 2024.