

Board of Health Meeting Minutes
February 8, 2024
Zoom Meeting-5:00 PM

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

Nancy Rihan-Porter, Associate Member

J. Garreffi, Agent

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

5:10 PM-44 Hudson Road- Dillis and Roy-Discussion on proposed addition and potential change in flow to facility.

J. Garreffi said this review came in as an application for a building permit. When you have a flow that is not residential and not listed in the Title 5 chart, the code allows you (the Board) to propose a flow. The business kennel/dog daycare has a number for gpd listed. There is a provision in Title 5 that allows the State to approve a design flow but wants Board of Health input.

J. Maloney of Dillis and Roy did research into other comparable facilities in the area. Most of the business is dog daycare, not boarding. J. Maloney said the research he did found every facility to be totally different. This facility brings dogs in by van, they get picked up at home. The dogs are outdoors with three trainers during the day, brought in for meals and naptime. Some stay for boarding, but only from 1-4 dogs at night, and they stay in crates. They are housed in the home. Baths up to 1-3 a week, no grooming done, washing only if dirty from play outside.

The building permit applied for is for an additional 810 square feet of office space and a bathroom for the business staff. J. Maloney said if adding office space and staff will require approx. 550 gpd, will trigger pre-treatment. But if adding kennel flow could be 660 gal per acre, is still pretreatment.

J. Garreffi explained the flow for Title 5 office space or would be based on employees 15 gpd but this is unique with the dog business. Title 5 states, a well and septic requires 10,000 square feet per 110 gallons of flow. If flow is decided between 550-660 treatment will be different if increased. J. Maloney said it would need denitrification treatment.

M. McDowell asked about dog numbers and water use. J. Maloney said they put a water meter on the house a few weeks ago and use an average of 218 gallons a day.

M. Rising stated this is a one acre lot. Adding flow will tax the system. J. Maloney stated they are prepared to put in a new system to accommodate additional flow. The test holes have been performed.

J. Maloney proposed a flow for the office space and 3 employees, as there is very little water use for the dog facility and at under 550 gpd pre-treatment will still be needed.

After a lengthy discussion on flows and denitrification, M. McDowell asked what the Board needed to do tonight. J. Garreffi said he feels 50 gpd is not appropriate for this facility, from the business side of it the 35 dogs at 3 gallons a day, plus office staff. 440 house flow use. J. Garreffi would like a detailed business plan provided and DEP approval prior to building permit approval. J. Maloney will continue to monitor water use.

5:40 PM-268-270 Great Road- Formal Hearing for Variance Request to Housing Code

J. Garreffo was asked to perform a pre-occupancy inspection. It is an older home; bedrooms upstairs roof pitch does not allow property ceiling height per housing code. There is a variance process per housing code. It provides fire escape and meets other requirements including lighting.

D. Hnatio homeowner provided a letter to the Board requesting the variance. He stated the house is 220 years old and has always been occupied. He would like an open ended variance for property. J. Garreffo said the code talks about an expiration date. If modifications are made to the roof, it could be added to the variance for review at that time.

Board members have no other concerns.

M. Evdokimoff motioned to approve the variance for 268-270 Great Road, regarding the height of the ceilings of the upper floors, that variance will be in effect until construction is done to change that. Per regulation 410.000-420.000 habitable requirements. M. Rising seconded the motion, all members voted unanimously to approve. J. Garreffo will draft a variance letter that must be recorded on the deed for the property.

6:00 PM- Colonial Spirits- Request for Hearing on Tobacco Violation

Joan Hamlett- Agent for Leominster Tobacco Alliance reviewed the violation observed for selling tobacco to a minor. An ID was asked for, but youth did not have one on them, tobacco was still sold. Photos and satellite document the time and place. Colonial has not had a sale since 2013 in the store to a minor. The standard 3 days suspension and fine have been issued required by the State.

M.L. Terrieri store manager said they take this very seriously. They spoke with the clerk, and he was suspended for 2 weeks. They have legal dates posted on their register for legal ages and other protocol to follow. They do not want this mark on their business.

J. Hamlett stated they have a good record in standing, even though this mishap happened as many inspections are done by them and the State.

M. Terrieri said this employee has been with them for 15 years. They are educated on the importance of checking ID. They keep the tobacco products under the shelf not out in the open.

J. Hamlett said the Board of Health cannot reduce the fine unless they feel there is a processing error.

M. Evdokimoff made a motion to reduce the suspension to 1 day from 3 days. M. Rising seconded the motion. All members voted in favor of reducing the suspension. J. Hamlett said they will send out an inspector on the first day of suspension, Friday, February 16th.

Discussion Items

Private Well Regulations- Final Draft

J. Garreffo went through the draft, to update the changes to water testing at time of sale, to be good for 2 years. He would like to change the major renovation requirement for 2 years to be consistent with sales.

In addition, a statement of when the requirements will be in effect.

Discussion on approved samplers and how the Board would like to decide this.

K. Fisher is concerned about the timing of test results, it can take between 3 and 6 weeks on PFAS, if high a system would need to be installed can take a few more weeks. Then retesting can take time.

J. Garreffo said they go by the State standards of PFAS 6. EPA has a different calculation. J. Garreffo will speak with Friot, Skillings and process for collection.

M. Rising moved that the Stow Board of Health approve the most recent revision of the Private Well Regulations that exist for the Town of Stow. M. Evdokimoff seconded the motion, all members voted unanimously to approve the regulations.

J. Garreffi said they will be published first and then they are effective. Publish an old and new document together and a summary of the changes. M. McDowell will work on the comparison and J. Garreffi will draft a summary.

Keeping of Horses Regulations will be moved to a future meeting.

Deed Restriction Policy- M. Rising moved that the Stow Board of Health approve the deed restriction policy that is being put into place 2/9/24. M. Evdokimoff seconded, all in favor, unanimous.

Board Member Updates

M. Rising attended the LEPC emergency planning meeting on zoom to review the plan and training. The next meeting is in April. The Board will discuss the MRC with the Fire Chief at the next meeting. Board will do an inventory of supplies in Spring/Summer.

Office Business

Annual Report- draft is being put together for Devens, Animal Control is due February 15.

M. Evdokimoff- included Covid and Flu vaccines given. List of accomplishments added.

Budget meeting – is level funded no changes, waiting for Animal Control Contract.

Health Agent Report

Rabies Clinic- J. Garreffi spoke with the vet that does our clinics, due to low numbers would the Board consider every other year. M. Rising feels it should be skipped this year.

J. Garreffi said they are still setting up some other Towns and once a schedule is set it will be posted.

Covid Test Kits- J. Garreffi was able to get more kits for Stow, they will be given out at COA, library, and Town Building good for a few more months.

Inspection at Elizabeth Brook Apartments- heating issue. J. Garreffi will be following up tomorrow with another inspection.

Meeting Minutes

Board member M. Rising moved to accept the meeting minutes of the January 2024 meeting (as drafted/with amendments). Board member M. Evdokimoff seconded the motion and it passed unanimously.

Correspondence

Mattress recycling companies that contact the office for referrals. The Board of Health can't advertise private companies.

Adjournment

At 7:08 p.m. Board member M. Evdokimoff moved to adjourn. Board member M. Rising seconded the motion and it passed unanimously.

Next scheduled Board of Health meeting, March 14, 2023