

TOWN OF LANCASTER – BOARD OF HEALTH
Meeting Minutes
Thursday, 17 November, 2022

Chairman Paster called the meeting to order at 9:33AM.

Members in attendance: Jeff Paster, Denise Hurley and John Farnsworth

Also Attending: Nashoba Agent William Brookings, arrived 9:37AM
Kelly Dolan, Director, Lancaster Health and Human Services

Meeting recorded and available through internet at Sterling/ Lancaster Community
Television (24/7) or Local Cable-3 at posted times.

Scheduled Discussion

- 679 George Hill Road – Board is awaiting information from Engineer.
 - Item moved to the next meeting
- 66 Prescott St – house inspection status, Member Farnsworth has followed-up with LFD. The Board is awaiting a response.

Chairman Paster affirmed that Member Farnsworth was taking notes for meeting minutes. Notes to be circulated for Member comment and finalization.

Permits

- 499 Sterling Road - Building addition. 3”-dia PVC piping has been replaced with 4”-dia PVC. Agent Brookings has issued permit.

Title-5 Inspection Reports

- | | |
|---------------------|------|
| • 3 Bogan Ave | PASS |
| • 1722 Shirley Road | PASS |
| • Blue Heron Road | PASS |
| • 113 Fire Rd #11 | PASS |

Discussion

- Kelly Dolan, Director, Lancaster Health and Human Services (Community Center) - welcome and introduction – relationship between the BOH and department. 9:34AM Board welcomed Kelly Dolan, now in her 2nd month in Lancaster. Kelly stated that she was here to listen, learn, plan and execute. Efforts are progressing to provide the BOH with a place in the Community Center. Kelly has been working toward a BOH administrative support hire, very possibly in January. Board members expressed what a pleasure it has been to work with Kelly, and all look forward to open communication and cooperation.

9:46AM 103 Cleverly Cove Road (*Non-Agenda Item, Time Sensitive*) (9:46 AM)
Appearing: Brian Michalczyk, Nashoba Licensed T-5 Installer, Parker Helwig, Homeowner, Megan Helwig, Homeowner, Attorney Peter Knox for Brian Michalczyk

Issues

1. Homeowner's (Helwig's) are requesting BOH issue an Occupancy Permit
2. New Construction overlooking Spec-Pond, SDS Installed in July 2022
3. Neither the Installer or Engineer's SDS as-builts have been received.

Parker Helwig – wants to occupy the home. Pay dispute with Installer SDS installed in July. On or about 9-November Installer placed lien on property. Installer has not released Installer's as-built.

Brian Michalczyk, Installer, 30-year licensed Nashoba Installer. Holding as-built in lieu of payment by owner. Installer has not received any funds.

Parker Helwig – The bank has disbursed funds to Parker for his direct payment to contractors and subcontractors for services. He has received no invoices from Installer or the GC.

Chairman Paster Parker if you receive an invoice from the installer are you prepared to pay ?

Parker Helwig Yes.

Chairman Paster Can invoice be issued and be paid within 7-days ?

Parker Helwig It's more complicated.

77 Chairman Paster If it's more complicated., that is outside the prevue of the
78 Board of Health. The BOH sees the issue as simple, the installer agrees to invoice
79 the owner, the owner pays the installer, the installer issues the as-built, and the
80 BOH issues a certificate of occupancy

81
82 Options for the Board outlined by the Chair and Agent Brookings

- 83 1. Issue temp occ until resolved
- 84 2. Grant occupancy without As-built cert of compliance which would be a Title
- 85 V variance
- 86 3. Take no action
- 87 4. Take action against installer in lieu of receiving installer as-built within 30
- 88 days of final inspection

89
90 Chairman Paster - Inclined to take no action at this time, allowing parties to find
91 resolution as they have agreed to: the installer to issue invoice and owner pays, and
92 BOH receives installer as-built. Parties offered a special BOH session if necessary
93 to assist in the process

94
95 Parker Helwig – made another request for BOH to issue temporary occupancy,
96 previous home no longer available requiring family to live with relatives and/or
97 friends.

98
99 Brian Michalczyk – requests the BOH does not issue a temporary occupancy,
100 believes parties can resolve issues

101
102 Attorney Knox Agreed with BOH summary of the solution at hand and thanked
103 the BOH.

104
105 Member Farnsworth BOH has no history of involvement in Owner/ Installer
106 payment disputes. Guidelines for as-builts are very specific. With no installer or
107 engineer as-builts *or Engineer's Certificate of Compliance*, the Board has no
108 information to base a decision.

109
110 Chairman Paster Board is willing to hold special meeting if the parties can
111 resolve. 103 Cleverly Cove Road will be continued to next agenda. Agent
112 Brookings noted that he can, on behalf of the BOH, issue the occupancy permit
113 when installer as-built is received assuming there are no code anomalies.

114
115 (*This discussion is available within the recorded 17 Nov 2022 Meeting*

116 *posted at Sterling/ Lancaster Community Television,*
117 [https://us02web.zoom.us/rec/share/hXY5_UjDHo7TyWZVyZ3JPPmNtuiHtsiOREGNBf1-](https://us02web.zoom.us/rec/share/hXY5_UjDHo7TyWZVyZ3JPPmNtuiHtsiOREGNBf1-Hh4Xd6gBdcleGYGiTJChJTOz.RTdZzqLMgxxbmoCu)
118 [Hh4Xd6gBdcleGYGiTJChJTOz.RTdZzqLMgxxbmoCu](https://us02web.zoom.us/rec/share/hXY5_UjDHo7TyWZVyZ3JPPmNtuiHtsiOREGNBf1-Hh4Xd6gBdcleGYGiTJChJTOz.RTdZzqLMgxxbmoCu)
119 Passcode: X9Ufs7&M)

120
121 Nota-Bene, Note-Well: Title-5, 310-CMR-15 Certificate of Compliance
122 Section 15.021 posted at the end of Minutes

123
124 **10:18-ish** Board returns to posted Agenda
125

- 126 • MA Housing Code changes - Member Farnsworth to forward Change-
127 Webinar links to BOH members, Bill Brookings, and Kelly Dolan
128

- 129 • COVID-19 Update

130 Chair-Paster presented current numbers. Case rates are low across the State
131 as well as in Lancaster. Lancaster still lags neighboring municipalities in %
132 of population receiving vaccine. The Board is prepared to respond if
133 numbers up-tick.

- 134 • Sylvan Rd

135 A tenant has reported Mold and Safety Concerns. Agent Brookings has been
136 experiencing call and call-back, soon to connect. Nota-Bene: Mr. Brookings
137 has also been asked to schedule a housing inspection on Carter Street. When
138 a date is solidified, a Board member will accompany Mr. Brookings.

- 139 • EAT requests

140 Generators - sizes, locations and numbers of units will likely be beyond
141 Region-2 typical requests. Member Farnsworth has been researching and
142 gathering information. Pursuing a Grant is another avenue. This remains a
143 topic of concern for the BOH. The Board is looking forward to working with
144 the Town Administrator and Community Center Director to making heat
145 available in emergency situations. Emergency Shelter, Generators and
146 Heating/ Cooling Stations are all good topics for the next Hazard Mitigation
147 Meeting. The BOH stands ready to assist the TA and/or her designee.
148

- 149 • Adding Denitrification to SDS Repairs and/or New Construction within
150 arbitrary distances from our ponds or tributaries to the pond areas. 2

- 151
152 • Attenuation of Catch-Basin discharges to ACEC, ponds or River/Pond tributaries.
153

Board Members are organizing a “ *lunch & learn* “ program inviting a speaker and interested parties to meet for lunch at the Lancaster Community and learn about current technologies. The first will be Lauren Usilton from J&R Sales, Raynham, MA to discuss the FAST system (*Nitrogen reduction*).

Non-Agenda Item: Tobacco LICENSES

Chairman Paster is reviewing recently expired tobacco licenses and will issue “ reminder “ letters to expired applicant/ holders.

Next meeting date

- Thursday, 9:30AM, 22 December 2022 2022-12-17

Adjourn 10:52 AM VOTED .. Unanimously

Title-5 MA 310 CMR 15 Excerpt Regarding
Asbuilts & Cert-of-Compliance

15.021: Certificates of Compliance

(1) No person shall discharge sewage to a new, upgraded or expanded system without first obtaining a Certificate of Compliance from the Approving Authority in accordance with 310 CMR 15.021

(2) through (5). Certificates of Compliance shall be in a form approved by the Department. The Approving Authority shall provide the owner or operator a copy of the Department's operation and maintenance guide, or inform him or her where a copy can be obtained.

(2) Subsurface components of a system shall not be backfilled or otherwise concealed from view until a final inspection has been conducted by the Approving Authority and permission has been granted by the Approving Authority to backfill the system. The Designer shall inspect the construction after the initial excavation, prior to backfilling, and during backfilling. In addition, the final inspection of the system shall be conducted by the Approving

Authority, the system installer and the Designer prior to the issuance of a Certificate of Compliance pursuant to 310 CMR 15.021

(3). Any component of the system which has been covered without such permission shall be uncovered upon the request of the Approving Authority or the Department.

(3) Upon availability, the designer shall file an electronic registration for the system with the Department or an agent authorized by the Department, prior to signing the Certificate of Compliance in accordance with 310 CMR 15.021

(4). Documentation of the registration must be provided to the Approving Authority and the system owner.

(4) Within 30 days of the final inspection of the system and prior to the issuance of a Certificate of Compliance, the Disposal System Installer and the Designer shall certify in writing on a form approved by the Department that the system has been constructed in compliance with 310 CMR 15.000, the approved design plans and all local requirements, and that any changes to the design plans have been reflected on as-built plans which have been submitted to the Approving Authority by the Designer prior to the issuance of a Certificate of Compliance. The as-built plans shall be prepared in accordance with 310 CMR 15.220 and, at a minimum, shall reflect any changes to the approved design plans and show the exact location and elevation of all system components. As-built plans are required to be submitted to the Approving Authority only when changes have been made to the approved plans. If no changes have been made to the approved plans, the approved plan showing the distances from a known structure to the system components shall be submitted to the Approving Authority in place of an as-built plan. Prior to the issuance of a Certificate of Compliance for a system, the Approving Authority shall make sufficient inspections of the system in accordance with 310 CMR 15.021(2) to determine that the work has been completed in compliance with the

219 requirements of 310 CMR 15.000, the Disposal System Construction
220 Permit, the approved design plans, and any local requirements.

221 (5) A Certificate of Compliance does not constitute a statement that
222 the system will function as designed nor shall it in any way limit the
223 powers or responsibilities of the local Approving Authority or the
224 Department to enforce any requirement, or to take any other action to
225 protect public health, safety, welfare or the environment.

226 (6) The Approving Authority shall give to the building inspector or
227 other official of the municipality responsible for the issuance of a
228 Certificate of Occupancy pursuant to 780 CMR 100 a copy of the
229 Certificate of Compliance. No person shall apply for a Certificate of
230 Occupancy to inhabit or use new construction until a Certificate of
231 Compliance has been issued by the Approving Authority.

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