



TOWN OF LANCASTER BOARD OF HEALTH

Thursday, December 21, 2023, at 9:30am

Meeting Minutes

Meeting start time- 9:31am, called to order by Chairman Paster

BOH Members in Attendance: Jeff Paster- Chair, Melinda Apgar- BOH Member,
John Farnsworth- BOH Member

Others in Attendance: Bill Brookings- NABH Agent, Samantha Zediker- HHS Administrator,
Evan Carloni- Innovative Septic Design, Susan Munyon- Resident,
David Fisher—President and CEO of James Manroe Wire & Cable

Documents shared in meeting:

- 1997 Shirely Road- Plan
- 11 Kinnear Ave- Plan
- Letter to the property owner/installer/engineer/Board of selectmen
 - 700 Fort Pond Rd- Non-compliance
- 37 Nicholas Drive- plan

Scheduled Discussion:

1. Permits:

- a. 579 Sterling Street
 - i. Septic Tank replacement (Title 5 inspection report- Agenda item 2A)
 - 1. OUTCOME: NABH agent Bill Brookings to draft permit and sign on behalf of BOH board.
- b. 1997 Shirley Rd- Upgrade
 - i. Existing system replacement (Failed Title 5), existing shallow well- resident can choose to tie into town water.
 - ii. Local Upgrade- Title 5
 - 1. Use of a Sieve analysis- too wet to run a percolation test.
 - a. Rate of 30 minutes per inch.
 - iii. DEP approval letter
 - 1. Presby (sand filter system) – 2-foot offset to the ground water table.
 - a. This is requested to keep mounding down to keep the backyard flatter.
 - b. Pump system
 - iv. Board Comments:
 - 1. BOH member John Farnsworth—30- foot lines in seven (7) sections = substantially larger footprint than what was there before.
 - v. MOTION: To approve plan as submitted and grant the two (2) requested variances, along with NABH agent Bill Brookings finalizing details.
 - 1. VOTE: unanimously approved.
 - 2. OUTCOME: NABH agent Bill Brookings to draft permit and sign on

behalf of BOH board.

- c. 10 Cottage Lane- Reissue
 - i. Move to January meeting.
- 2. Title-5 Inspection Reports:
 - a. 579 Sterling Street- Conditional pass
 - b. 144 Seven Bridge Road- Failure—standard letter to be sent out
 - i. House has already tied to sewer
 - c. 1803 Shirley Road- Pass
 - d. 75 Langen Road- Pass
 - e. 41 White Tail Lane- Pass
- 3. Hearing-
 - a. 9:45am-- Title 5 Variance—11 Kinnear Ave, hearing opened at 9:45am, hearing closed at 10:00am.
 - i. Abutter Notifications/Green Cards
 - 1. OUTCOME: Evan will follow up with evidence that the notifications have been completed.
 - ii. Existing 2-bedroom house- leach field and existing well to the southwest of the home. System is dilapidated at the time of soil testing.
 - 1. NABH agent Bill Brookings comments: System has failed Title 5 and is on 2-year replacement.
 - 2. Drilled well offering better protection.
 - iii. New well proposed – toward Spec Pond Ave- because of the soil conditions—the soil closer to the dwelling was much better for septic (better draining soil) than what was found down by Spec Pond Ave (more tight soil).
 - iv. Geo-mat system
 - 1. It's a pressure distribution system (similar to a Presby with additional benefits in total profile and locations to offsets to the dwelling).
 - v. Two (2) Local upgrade and one (1) variance.
 - 1. Request from 100-feet from a private well to the leach field. Property is within 100 feet of six (6) wells.
 - a. Proposed on-site= 51-feet
 - b. 13 Spec Pond Ave= 65-feet
 - c. 22 Vincent Ave= 76-feet
 - d. 15 Kinnear Ave= just under 70-feet
 - e. 14 Kinnear Ave= just over 86-feet
 - f. 31 Spec Pond Ave= 77-feet
 - 2. Reduction from a 10-foot set back from the septic tank to the foundation; from 10 feet down to 6-feet.
 - a. The existing tank is 4-feet from the dwelling.
 - i. The existing tank will be decommissioned.
 - b. 10-feet held to the lot line (north side)
 - i. 10-feet separation could be obtained, however that you mean bending the building sewer and engineer prefers the building sewer to be as straight as possible.
 - c. Two (2) tanks on the plan are new—One (1) tank is a dual compartment, 1,500-gallon tank and then it goes into the 1,000-

gallon pump chamber.

- i. Existing tank is noted on the plans by the rectangle with dashes (notation 1).

3. Well Variance

- a. Not in compliance with the 100-foot setback to leach fields.
 - i. Main reason for abutter notifications—drilling a new well that's not in compliance with Title 5.

vi. BOH member Comments:

1. BOH member John Farnsworth

- a. Will this residence be seasonal or year around?
 - i. Evan Carloni—believes it to be year-round residence.
- b. Abutter questions/comments-
 - i. NABH agent Bill Brookings received no responses.
 - ii. Evan Carloni- received one from a resident on Spec Pond Ave asking what the letter meant.
 1. Ean Carloni—let the resident know letter is referring to a septic system replacement.
- c. How far away and above from Spec Pond is this location?
 - i. Evan Carloni-70-75 feet above Spec Pond Ave and 650 - 675 feet to Spec Pond. Closer to the house- full sand and gravel (10-feet down), closer to Spec Pond Ave- 40 inches which turned into a sandy, loamy material.
 1. Test hole 3- closest to the house was 9-fett of sand and gravel.

vii. MOTION: To approve the plan as submitted and grant the two (2) upgrade requests and one (1) Title 5 variance.

1. VOTE: unanimously approved.

- a. OUTCOME: NABH agent Bill Brookings to draft permits and sign on behalf of BOH board.

b. 10:30am- The James Monroe Wire & Cable Corp. (767 Sterling Rd), David Fisher: Report of adjudication of DEP inspection and plan, hearing started at 10:31am.

- i. DEP inspection found some violations pre-covid (2.5 years ago). Violations are:

1. Storage/labeling—6 gallons of waste oil that were not properly labeled. The waste oil was in an area that was not defined virgin versus waste. Federal label was on the barrel; however, the state label was not.
2. Rags with solvent on them in a container that was open and not sealed.
3. Funnel in a waste oil containment drum that was not covered.
 - a. Fines resulted—DEP is allowing the fine, or part of the fine, to be given to the town for hazardous waste purposes; \$16,176, 75% of the fee (\$12,132) would go to the SEP program for the town, \$4,044 will go to DEP for administrative fees.
 - i. BOH would like to inform the TA and the Select Board that the BOH is in support of the \$12,132 transfer of funds for a specifically stated purpose. The BOH can make suggestions on how the money can be used, but ultimately it would be up to the TA and Selectboard on how to use the funds for the best interest of the town.

- ii. BOH will suggest funds be allocated toward offering payment assistance to residents for household hazardous waste disposal.
 - 1. BOH has contacted New England Disposal Technologies about this option previously—their organization offers this program at a fee to accept household hazardous waste materials.
 - ii. MOTION: Move that the Board write a letter to the TA and Select Board Chair to notify them of the situation as we’ve discussed it, giving them the facts about the DEP inspection, their findings, and how they’ve adjudicated the situation in terms of the fine that they’ve agreed to allow \$12,132 to go to the town for purposes of any project that the town would deem appropriate in the area of hazardous waste or other related areas. BOH suggested that one (1) possible use of the funds would be to allow town residents to dispose of household hazardous waste at one (1) or two (2) commercial entities, one (1) being New England Disposal Technologies, so that any cost to residents would be defrayed by the \$12,132.
 - 1. VOTE: unanimously approved.
 - 2. OUTCOME: Samantha and Jeff to draft letter.
- 4. Discussion:
 - a. 700 Fort Pond Rd- United Ag. Turf- Certificate of Compliance
 - i. Letter sent on 11/29/23 (Certified).
 - ii. Green card signed on 12/4/23- 30 days expires on 1/4/24.
 - 1. The agenda item can be discussed at the next BOH meeting as 30-day time frame will be over.
 - 2. Awaiting documentation
 - a. Importance-- verify location in the future. An addition was proposed in the place of an existing tank and pump chamber. Permit was pulled for the work and the inspection was completed, however BOH never received as built from the engineer or installer, therefore a certificate was never issued and that is a violation of Title 5.
 - i. The code states that the installer and the engineer must submit the as built plans within 30 days of completion of work and final inspection.
 - 1. If the installer fails to submit the plan, it will not be renewed for 2024.
 - a. OUTCOME: NABH agent Bill Brookings made a note installers card about issue. Renewal through NABH is on 12/30 of each year. Therefore, this installer won’t be renewed for 2024 until the as built for this property is received.
 - 2. The property owner is also in violation of Title 5- not obtaining a certificate of compliance prior to using the components.
 - b. 724 Old Union Turnpike
 - i. Request to keep existing well to backup new well.

1. No letter from homeowner or driller.
- c. Nashua River Water Shed Association Letter from Sara Singh
 - i. Sara did not attend the meeting to present her letter to the board.
- d. Lancaster Lights- Fiesta Shows—Missing foodservice permit.
 - i. Bridgette from NABH has since received the outstanding food service permit.
- e. Outstanding annual food service permits
 - i. Sandee's
 1. NABH agent Bridgette received a phone call from Sandee's owner stating the application is in the mail.
 - ii. Trolley Stop
 1. Permit deadline was 10/31/2023.
 2. NABH agent Bill Brookings to check with NABH agent Bridgette to ensure action was taken to make the business aware of failure of compliance.
 - a. Mass mailing was sent to all foodservice establishments who need to renew the license.
 3. The Board can issue a Cease-and-desist order- due to a business in town vending services to residents without a permit, putting the population at risk, along with putting the town and the BOH at legal risk.
 - a. BOH member, John Farnsworth- suggesting BOH send an immediate Cease-and-desist order for the operations to be stopped within 10-days of receipt.
 4. BOH Member Comments:
 - a. BOH member Melinda Apgar-
 - i. Was the inspection completed before the permit expired?
 1. NABH agent Bill Brookings—will check with NABH agent Bridgett on date.
 - a. Confirmed from NABH agent Bridgette- several notices have been sent to the business.
 2. Inspection occurs twice a year.
 - ii. What is the BOH Cease-and-desist procedure?
 1. NABH agent Bill Brookings wouldn't be able to draft the letter referencing the foodservice code to enforce immediately until tomorrow, Friday, December 22nd, 2023.
 2. BOH would look to close the business within 24-48 hours.
 5. MOTION: To issue a cease-and-desist order to The Trolley Stop, in the interim with contact from NABH agent Bridgette to the business today informing them of a cease-and-desist order will be implemented within 24-48 hours and implore them to come into compliance.
 - a. VOTE: unanimously approved.
 - b. OUTCOME: NABH agent Bridgett contacted The Trolley Stop owner at the current time and they have reported they will go to the office in Ayer to, Thursday, December 21st, 2023, to pay.
- f. Storage tank- North Main Street
 - i. Handled by the LFD

- g. 37 Nicholas Drive- Proposed Loop Geothermal install
 - i. Boreholes proposed located is 28-feet from the property line.
 - 1. This meets the DEPs guidelines of:
 - a. 10-foot offset to the property line
 - b. 10-foot offset to the water
 - c. 10-foot offset to the sewer line
 - i. Power, water, and sewer are shown on the plan.
 - 2. OUTCOME: NABH agent Bill Brookings will issue the permit for installation of the boreholes.
5. New England Disposal Technologies, Inc.
 - a. This item will be discussed at a later date—decision of James Monroe Wire & Cable Corp. fee funding.
6. Additional business that the Chair did not reasonably anticipate being discussed.

Next proposed meeting date → January 25, 2023, at 9:30am

Minutes → Approval of minutes from September 28th, 2023, meeting
 Approval of minutes from October 20th, 2023, meeting
 Approval of minutes from November 16th, 20223, meeting
 MOTION: To approve the above stated three (3) months of meeting minutes.
 VOTE: unanimously approved.

Link below for Town of Lancaster Remote Participation Guidelines:

https://www.ci.lancaster.ma.us/sites/g/files/vyhlf4586/f/uploads/remote_participation_guidelines_2020_master.pdf

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