

Board of Health Meeting Minutes

July 18, 2013

Present: Rich Maccagnano, Karen McManamon and Ann McCobb. Eric Dickinson was absent. Rich called the meeting to order at 7:00 p.m.

Public Comment

None

Approval of Minutes

Motion: A motion was made by Karen McManamon and seconded by Rich Maccagnano to approve the 6/20/13 Regular Session minutes. All in favor.

Approval of Bills

The following bills were approved and signed:

G&L Laboratories, 5/20/13	\$60.00
G&L Laboratories, 5/28/13	\$60.00
G&L Laboratories, 6/10/13	\$60.00
G&L Laboratories, 6/10/13	\$60.00
G&L Laboratories, 6/17/13	\$60.00
G&L Laboratories, 6/24/13	\$60.00
Westcott Site Services	\$190.00
Westcott Site Services	\$380.00
Mayer, Antonellis, Jachowicz & Haranas, LLP	\$130.50
Stericycle, sharps pick-up	\$78.84
PCM-G, printer cartridge	\$83.00

Health Director's Report

Region 4A: the Town received from Region 4A a folding hand truck and a listening device. We are scheduled to receive a selection of reading glasses as well.

America in Bloom (AIB): The Board has received an invitation from Paul LeBeau to attend the welcome reception for the AIB judging panel at the Holliston Historical Society Monday, 7/22/13.

Water Ban: The final update was received from the Water Department on 7/16/13. No further updates are expected.

Tobacco: A pediatrician from Westwood emailed Health Agent Ann McCobb regarding raising the age of consent for tobacco sales to 21 years. The Board has previously discussed this issue and decided not to change the age but Rich Maccagnano said the doctor is more than welcome to attend a Board meeting to discuss the issue. The towns of Needham and Canton have raised the age to 21 years and Westwood and Walpole to 19 years.

Suicide Prevention & Anti-Bullying: A former Holliston resident contacted Ann McCobb regarding a suicide prevention and anti-bullying program. Ann spoke to Youth and Family Services Director Margaret Fitzpatrick. She told Ann she works closely with the School Department on these issues.

Axton Cross: Ann McCobb spoke to Carolyn Casey, EPA, regarding any private wells in the vicinity of the Axton Cross property. There are very few in Holliston and no new ones have been drilled in the area.

recently. Ann told Carolyn about the former Breezy Meadow camp that is primarily in Medway and they may have a private well. The EPA only agreed to test private wells close to the site.

330 Marshall Street – Animal Nuisance Complaint Hearing

Magali Black, Attorney for Eric Waldman, 312 Marshall Street, presented an agenda to the Board outlining the complaint stating that horse and well issues are common in Massachusetts. Rich Maccagnano asked her if she was asking to change a bylaw. Magali said no she was addressing only the complaint. She explained there are two nuisances, odor and more importantly health issues. The well has tested positive for E.Coli and has never before tested positive. She presented an unsigned lab report labeled "Draft". Eric has experienced sickness and has been to the doctor. She continued that there is no specific regulation for wells and horses but that the MassDEP recommends a 100 ft separation. The Board follows the 100ft separation for septic systems but not for her clients well. Rich said the Board will take their time to thoroughly look at the complaint but that a septic system which introduces effluent directly into the ground and this surface contamination are not comparable.

Eric Waldman first spoke about the odor saying it can be smelled from the porch, walking his dogs in the yard and at cookouts, and it is not even 40ft away. He has lived at 312 Marshall Street for 7 years and he smells the odor on most days.

Julie Fowler, homeowner 330 Marshall Street, has lived there for 10 years. Her daughter has wanted horses since she was a young girl and she and her husband decided to wait until their daughter was old enough to be responsible for them. They adopted 2 miniature horses on 12/31/12. They built a new fenced paddock and barn to house the horses. The property is zoned agricultural-residential and the whole structure is 15 ft off the property line.

Don Kramer, Animal Inspector, stated he had visited the site 4-5 times and that it is clean, in order and he did not smell the horses. He spoke to the owners specifically about the manure and asked them to keep it in a dumpster. On the next visit he made to the property the manure was contained in a covered, sealed 2 yard dumpster. Julie Fowler said that visiting friends and family could not smell the manure with either the open or closed manure storage. She submitted a specification sheet on the dumpster.

Ann McCobb, Health Agent, visited the site before the animals had arrived. Eric Waldman had concerns about his well at that time and Ann suggested he get his water tested. She said the well is about 25 ft deep and is quite up-gradient of the neighbors. Eric said there had been no earlier testing of the well since he had owned the property. Magali Black said her client had been regularly using an at-home testing kit and once it tested positive for coliform he had it professionally tested. Ann McCobb said the well was tested in 2005 as a condition of a Title V inspection because the well is only 75 ft from the homeowners own septic system and that no contamination was found at that time. Rich Maccagnano stated that it is hard to determine where the contamination is coming from give the particular conditions. Don Kramer said that the animals arrived in January when the ground is frozen until March which would produce only run-off which all runs away from the 312 Marshall Street well. Magali Black said the zoning is agricultural but the neighbors are non-farmers and the area is very residential. She acknowledged that the permitting is allowed but that it is separate from the nuisance. She recognized that the septic is closer than 100 ft to the well as a pre-existing condition but also said possibly the property could be more easily contaminated since the addition of the horses and the manure container is very close to the property line. Don Kramer estimated that the barn is 10ft off the property line and the dumpster is 25-30 ft off the line. He said it is in a location where a truck can come right up for disposal and no one can see it. Magali Black said it can be readily seen from the back yard and she smelled a musty odor.

Julie Fowler said she had three points to make:

1. She is mystified by their observation because you cannot see the dumpster from the deck because it is in the front yard;
2. the distances are at least as far as Don stated;
3. there used to be a large foliage area separating the yards and they couldn't see each other but Eric Waldman has been cutting it back to the point they can now be seen.

Daniel Fowler, homeowner 330 Marshall Street, also pointed out that the dumpster they are using is a common one used by many residents all over town who are not using town trash services.

Magali Black said the issue is odor. Rich Maccagnano said a second well is referenced but that the Board has no information on the second well. Eric Waldman said the depth of the second well is less than 20 ft. The Fowlers are on town water.

Jerry Rubin, 867 Marshall Street, said he had recently been to the Fowler residence and did not smell any particular odor.

Tony Lulek, Holliston Agricultural Commission, said the Fowlers have a right to farm and they seem to be with in the guidelines. He also pointed out that Eric Waldman lives next to the recycling center and that both neighbors dump leaves and yard debris in the back of the properties. Rich Maccagnano stated that composting can also cause E.Coli.

Julie Fowler said she spoke to Jane Peirce, Bureau of Resource Protection, about the state recommendation for placement. Jane authored a report for the Department of Energy & Environmental Affairs about horse keeping and water quality and told Julie she felt they were within the recommendations particularly since they were down gradient.

Rich Maccagnano summarized the conversation saying Don Kramer spoke to the healthy animal conditions, there are no zoning violations and no Board of Health regulation violations, the septic at 330 Marshall St is in compliance and the septic at 312 Marshall Street does not fall within the Board's regulations. The odor can be a nuisance but that odor is subjective and there is a suspect contaminated well.

Motion: A motion was made by Karen McManamon and seconded by Rich Maccagnano to continue the hearing. All in favor.

Health Director's Report continued

Century/VNA: The Board has not received the final FY 2014 contract to date.

Weekly Arbovirus Report: The weekly report has been received. Mosquito pools are tested for WNV and EEE and reported by county along with the responses for spraying and larvaciding. Nothing has shown yet in Holliston.

Extreme Heat: Rich Maccagnano asked Ann McCobb to submit an article for publishing. Ann contacted Bill Tobin of Holliston Reporter; she scanned the State's extreme heat pointers to him. She also spoke to Lina Arena-DeRosa about opening a cooling center at the Senior Center. Lina said she is not planning to open one because she never has anyone attend.

Private Wells as Public Water Supply (PWS): The DEP's annual report considers some private wells a PWS for camps and requires boards of health to list camp on private wells. Ann McCobb questioned Lil'Folk Farm, 1070 Washington Street to see if they fit the profile. If they do they must test their well according to State requirements. Owner Nancy Dubin agreed to test the well for reporting to the State. Ann said that Highland Farm and Outpost Farm are also on wells and test annually.

81 Railroad Street: Part 2 of the septic project is going to begin on Monday, July 22, 2013. Rich Westcott has been informed.

SEA Contract: Ann McCobb has received a draft contract to renew the landfill testing. There has been a huge lapse in the testing. The Board of Selectmen (BOS) took over the contract with SEA in 2008 and let it lapse for non-payment. Rich Maccagnano explained that the landfill closed in 1981 and after 10-15 years of testing it was stopped. The DEP looked at the lapse and levied a significant fine to the Town and added an additional 10 years of required testing to the requirements. The Board would like to avoid

another fine and extension. Selectman Jay Leary called Paul LeBeau and was told all was in place but there is no contract yet.

Rich would like to invite the BOS and Paul LeBeau to the 8/15/13 Board meeting to discuss the situation. The goal is to reduce testing but Steve Wright, SEA, cannot do that because of the lapse.

95 Washington Street: A zoning application was received requesting a flea & farmer's market at the auction house on Sundays from April through October. Ann McCobb is not sure how the Zoning Board will act on the request but it is a very small area. The Board will wait until it goes to Zoning. Ann will write to the Zoning Board and the client to advise them of the Boards requirements regarding food service and waste water.

Lot 34 Hopping Brook Rd: Ann McCobb issued a septic permit to the owner Rich Gordon. The building is roughly 20k sq ft with utility bays, office and warehouse space. It is similar to 330 Hopping Brook Rd with very little flows.

16 Everett Street: Peter Barbieri represented Athletic Based Training (ABT) in their application to move to the location last December. The building is owned by Fran Colantonio. Ann McCobb had asked them to look at water meter readings 6 months after occupancy. There are no separate water meters for the tenants in the building, however the readings do not exceed the daily capacity of the system. It is approved for the current use.

8/1/13 BOH meeting: Ann McCobb will not be at the 8/1/13 Board meeting. There is a variance hearing scheduled for 11 Dixon Circle. Ann is out for 2 weeks. The first week Ann Adams is in the office and Len Izzo is filing in for inspections and the second week Ann Adams and Lisa Deering are both in and Rich Westcott is doing inspections.

Rooster Complaint: Don Kramer spoke to the owner, John Gagnon. He may move the rooster.

49 Windsor Dr: A housing order complaint is outstanding.

1271 Highland Street: There is a Jet system contract that has not been paid in 4 years. The house is vacant.

Bullard Farm BBQ: Rich Maccagnano has seen advertisements for a BBQ at the Bullard Farm on Saturday 7/20/13. They will need a food permit and have not applied for one. Ann McCobb will follow up on Friday.

Motion: Karen McManamon motioned to adjourn the meeting at 8:35p.m. Seconded by Rich Maccagnano, all in favor.

Respectfully submitted:

Lisa Deering, Health Department Clerk

Approval Date: 10-28-13, released 3/5/2015