

Board of Health Meeting Minutes
Tuesday, April 9, 2024

Present: Holliston Board of Health (BoH): Jay Leary (Chairperson)
Peter Liffiton (Vice- Chairperson)

Scott Moles, *Health Director/Agent*
Kristin Abraham, *Health Department Clerk*
Deborah Lee, *Health Department Clerk*

Scott Moles opened the meeting at 7:00 P.M.
Scott Moles read the Remote Participation Statement.

Board of Health Roll Call: Jay Leary – present, Peter Liffiton- present

Public Comment: None

Directors Report:

COVID-19 Update: There is a cumulative total of 3371 cases in Town as of March 30, 2024.

- Only one new case reported bring the total from 155 to 156.
- Flu cases trending down.

Mosquitoes & Ticks:

- Larvicide will be starting.
- Requests for spraying can go to: Central Mass Mosquito Control : Link will be on website

747 WASHINGTON ST. BREWERY UPDATE

Scott Moles: Perk test has been completed for a design. Meeting on April 16, 2024 at the DEP in Worcester for the sewer project for downtown.

Eric Dickinson: We are still waiting on the Survey design.

Paul Saulnier: Emailed back and forth with Claire Golden about Title 5 asking if they could get a septic system design approved and install with a tight tank while waiting for town to approve the sewer. Claire's response was that it is not allowable under Title 5. Paul is under the opinion that no one including DEP would object to the install of a tight tank without connection while waiting on sewer. If town council does not approve sewer than we could be under bond to install the septic right away. Tight tanks have been installed in State facilities, seasonal facilities and temporary uses like Parks and Rec. Paul does not see the issue of one being installed at 747 Washington St.

Scott Moles: Will ask at meeting for clarification on establishments that have separate activities like the food truck and the Tavern in this case and how that could change things for the system under Title 5.

Paul Saulnier: The food truck only attracts customers who would be taking waste home with them. The system design is based on the number of seats in a pub at 20 Gal/day so if we had 100 seats we would have to provide 2000 Gal /day regardless of what the actual flow is.

Scott Moles: We do not disagree and are working to full compliance but also have to consider the outdoor seats and getting answers moving forward to help John Drohan and protect the town.

Jay Leary: Confirmed the meeting on Tuesday the 16th is to see if they will approve the capacity issue. The state said you cannot do a tight tank, but you are advocating for the board to let you do it.

Paul Saulnier: Yes he is advocating to install tight tank. There are no environmental drawbacks and it would cost the owner John Drohan more money at .13 cents a gallon to haul waste away and treat it. If he spends \$80,000 dollars now to install a new septic system and a year from now it is in, then a year later the town installs sewer he is not obliged to connect but he will have to pay a betterment fee. Let him occur the extra cost, knowing that he will have to eventually have a septic system that can handle the 2000 gallons per day. If the sewer does not get approved you can put all the legal requirements in order for him to connect.

Peter Liffiton: In the same opinion as Jay. Claire said you cannot do it, so the board is to uphold the laws of the state and town and do our job as we are entrusted to do. I do not have a problem with you or the applicant challenging the state but it is not the job of the board to challenge the state and I would not be upholding my oath if I did.

John Drohan: Asked how he would challenge the State if he cannot get past the BoH in the town. Is it not the rule that if space allows you put in a septic system, but if not enough space you are allowed to put in a tight tank? This is a unique situation and we would not be having this conversation if the sewer project for downtown being discussed. The amount of seats at the tavern with the food truck water use could in theory work. The project could happen in a year compared to waiting maybe four years for the sewer project. He is asking if as a group we can think outside the box and make this happen. The Economic development committee and Board of Selectman all are saying the sewer is going to happen but the BoH is saying I don't know. If there is a potential that it will happen can we take advantage of it and who can re-interpret this and give the go ahead.

Jay Leary: You have to go to the state and challenge the ruling of the BoH that will not allow you to install a tight tank. Ask them if the BoH is inventing their own rule or not. A yes or no answer will be validated by the state, with the ruling saying either yes these guys are really sticking it to you or no these guys are following the Title 5 regulations.

Peter Liffiton: If the state gave us the authority to do it and have some wiggle room he would be on board but the state and its regulations does not. Tight tanks as Paul mentioned can be used for repairs when nothing else will work and seasonal locations. We are bound by the regulations we are dealt and locally could pass stricter regulations but certainly not less strict.

Scott Moles: He is going to ask the DEP and Claire for clarification on the Disposal permit. Under section 2 of the Title 5 it states that a permit shall be in effect for up to 3 years or until it is issued a Certificate of Completion. He will ask if the building department will allow occupancy if the location has not been issued the Certificate of Completion. He will also ask if the disposal construction permit is good for up to 3 years are you allowed 3 years to build the system.

Jay Leary: We need more clarity on the septic system. Scott needs to speak with Claire to find out if there is any way through exceptions or the possibility of sewer systems coming down the pike, if they would allow the tight tank install like they do with municipalities for this situation. We stood up and took an oath to uphold the laws of the commonwealth and without their blessing we cannot get creative about it. If they said it looks like Holliston is going to be getting sewer and yes they can do a tight tank for a certain number of time, he would have no problem allowing it. Would like an answer put on paper that

the state would allow the exception for a tight tank. We have been waiting almost a year to see if with increased capacity the Woodland treatment plant will accept a downtown sewer system. The first hurdle is to get a permit that says we can accept 50 thousand gallons per day. Second hurdle is to get people on board for a sewer when the proposal is X amount of dollars.

Jay Leary: How is John's system different from a residential system and significantly more expensive?

Paul Saulnier: This system is much larger at 2300 gallons per day and it involves removing some of the existing parking lot and then raising the lot in order to keep the needed parking spaces.

Peter Liffiton: There are two ways to make the DEP respond to this. One is to have Scott make an informal inquiry and two is to make an application. When it is denied you appeal it to the state. These are the only two legitimate avenues that we can condone.

Paul Saulnier: If a Septic system fails you have two years from the date of failure to start the replacement of the system. So the theory in this case is we could design a system and start construction which is the septic tank but for whatever reason just haven't gotten to the last part and have to pump out the waste.

Scott Moles: The problem then becomes you are no longer protecting the community with the pumping of the waste regularly and not having a true Certificate of Compliance system. This will be posed to Claire also.

Peter Liffiton: There are not only engineering difficulties with this project but also financial. The financing was not clear at meeting last year but they will be asking 80% of the population not directly affected by this to increase their taxes. State may put a lot of conditions on this and those are the states conditions not ours. Asked Scott to please update the board with the conversations he has with DEP before he speaks with anyone else.

BEE SOCIAL -45 CHESTNUT ST.: They have not applied for anything yet. They have spoken with Eric about upgrading the system but nothing has progressed beyond that. His current system will not work with capacity he wants and it does not fall under the agriculture exemptions. Scott will keep board updated.

Eric Dickerson: He spoke with Andy who came up with a lot of ideas but Eric has not entered in an agreement with him. He does not believe he wants to change the existing septic system at all and believes it has the capacity.

Jay Leary: Spoke with him and told him if he wants to get this thing done to get the Form A done. It is a principle thing with him as Andy believes he is going under the agricultural exemptions.

22 AVON ST. - UPDATE: Dana Sanderson came into the building department on Friday April 5th. Scott spoke with him again about the drainage issues and in getting it resolved this spring. He will be doing a new house and have to go through planning board with Karen Sherman so additional storm water issues are going to be addressed with new house design. He reminded him of his septic completion date which has to be met or he will have to submit a revised plan and get approval with part of the new house. The preliminary plans that he had with building did have the concrete wall but did not have any of the extra grading he would need to have with new house. Building inspector told him he would have to move the new house back about 5 feet and come in with engineered plans. Scott's focus was about making sure that the ponding in the low area is address by his completion date.

Jay Leary: We have had a lot of weather events that exaggerate this problem and more on the way so what is he doing to address that.

Scott Moles: He had some of the bags corrected but it is still the same as last week. We can't start fining him until he is beyond his completion date of May 15, 2024.

Peter Liffiton: Do the final grades on his plan protect his neighbor.

Scott Moles: The final grades on his approved plan protect his neighbor but right now the existing final grades out there are allowing water to pond in the lower area.

Erin Mack: The ponding is still happening although seems a little less. The ponding it is now staying for a longer amount of time so my fence is staying wet for days as opposed to the water sinking back into the ground because of the amount of silt that is there. Need a correction on the March 12th minutes that incorrectly states the retaining walls on my property. It is not on my property but on his property. It is clear on his plans that it should be put back in order to protect the grade and the flow of the water on his property. She would like the silt removed and is concerned about the ponding water as we are supposed to have another inch of rain in the upcoming days. Erin does not think that the amount of rain we have had is just a this year occurrence but will continue to happen. This has been a yearlong process with sand bags only going in about a month ago. She does not want to go further than the board to protect her property but does not know what else to do to resolve.

Peter Liffiton: Sounds like he doesn't care about the occupancy certification as he is building a new house going which will have a much further out occupancy. He does have a deadline on his septic system. Peter wants to confirm the retaining wall on the plan has not yet been built.

Scott Moles: The wall was there but part of the final grading incorporated the wall, so it has to go back in some type of landscape fashion for it to be utilized, instead of running down the driveway and into the low area.

Jay Leary: Scott needs to do site visits and communicate if it is better or worse with the upcoming rain. Tired of the games being played with the deadlines. The right thing for him to be doing is to realize he is not doing right by his neighbor and not wait for a deadline. It will be difficult for the board to approve anything he wants to do with new property without getting this address first. Do not want this to go on for another length of time.

Erin Mack: Continuing to take pictures and appreciates all that has been done but hasn't seen any movement on the property or anything done since last September. Is he doing a tear down and build?

Scott Moles: No, he is incorporating part of the house and changing the entrance of the stairs that are in non-compliance. He will have to get permits and new Form A through BoH. This is where our teeth can come in and if he doesn't re-design the incompliance with zoning, he will have to go to Zoning Board of Appeals and we can give our recommendations to them. We are tied until the completion date, but he has not requested an extension on it.

FRED PRYOR WEBINAR: On April 2nd and 3rd I did the webinar on How to Communicate with Tact and Professionalism. Talked with Kathy from HR and Travis on how class went. I got some pointers on what to improve on and tools to use to help me better communicate

VILLAGE ON THE GREEN- SAWYER CIRCLE: Completed sewer manhole sealing and all items for the certificate of compliance. Five buildings now have the certificate of compliance. New houses being built will just need an inspection of the connection and septic As-built going forward.

779 WASHINGTON ST: MLS listed incorrectly as identified by Peter Liffiton. Mel from Economic Development reached out to the selling agent to correct it. Spoke to Sandra Mendez to correct the MLS listing and the boards concerns on the conditions of the building.

Plans:

-Approved Form A 9 Year to date 30

-3/28/2024 141 Dalton Road
-3/27/2024 922 Highland Street
-4/1/2024 474 Gorwin Drive
-4/1/2024 80 Johnson Drive
-4/3/2024 93 Orchard Lane
-4/4/2024 1102 Highland Street
-4/4/2024 122 Karen Circle
-4/4/2024 26 Summitpointe Drive
-4/4/2024 68 Sweet Grass Lane

-Approved Septic Plans 5 Year to date 26

-3/21/2024 58 Carl Road
-4/3/2024 61 Sweet Grass Lane
-4/4/2024 35 Dudley Road
-4/4/2024 33 Norfolk Street
-4/3/2024 14 Fiske Pond Road

-Perc tests performed 4 Year to date 18

-3/28/2024 9 Smithhurst Drive
-3/26/2024 99 Dorset Road
-3/26/2024 593 Winter Street
-3/28/2024 665 Adams Street

ADMINISTRATIVE BUSINESS:

BILLS:

- OHS Occupational Health Service March 13, 2024 \$79.00 for new employee Deborah Lee drug test.

Jay Leary made a motion to approve the OHS bill from March 13, 2024 for \$79.00 Peter Liffiton seconded. Roll Call: Jay Leary – Aye Peter Liffiton – Aye Passed.

MINUTES:

Jay Leary made a motion to approve the BOH meeting minutes from March 26, 2024 Peter Liffiton seconded. Roll Call: Jay Leary – Aye Peter Liffiton – Aye Passed.

Board Comment:

Jay Leary: Really wants 22 Avon St. to be fixed. It is a shame that this has gone on and Erin has had

to deal with it for so long. Keep an Eye on things and let the board know.

Peter Liffiton: What is going on with the injection well at 465 Hopping Brook?

Scott Moles: We haven't gotten any applications or any questions, so they can't do anything.

**Jay Leary made a motion to adjourn the BoH meeting at 7:59 P.M. Peter Liffiton seconded.
Roll Call: Jay Leary- Aye, Passed.**

**Respectfully:
Deborah Lee, Board of Health Clerk**

Approval Date: 5/7/24