Rowe Board of Health
Meeting Minutes
September 26, 2000

Present: Mary Jo Phelps, Ellen L. Foberg, Geoffrey N. Bagley and Melissa S. Quinn

The meeting was called to order at 7:40 PM. Also present were Bill Loomis and Karl Jurentkuff (Park Commission) and Russ Jolly.

There was a joint meeting with two members of the Park Commission regarding water testing at Pelham Lake beach and new sanitary facilities at the Park. Regulations for testing the water at public beaches are being revised by DEP and public hearings will be held this autumn. Mr. Loomis advised waiting until January before making any decisions on how, where and how often to test the swimming area at the lake. Presently all the water testing for town facilities is conducted by Berkshire Enviro Labs. There is some consideration being given (by the Park Commission) to having the testing done either at a lab to be set up by the Park Commissioners at a cost of approximately $5,000.00, or having a local (non-certified) lab such as the Charlemont Water Authority conduct the testing. This would only be for testing the public bathing beach area and only for four months in the summer. No decision will be made until more information is known and the revised regulations are issued by DEP.

In the matter of new sanitary facilities, Mr. Loomis stated that he has been looking into composting toilets in addition to a traditional in-ground septic system. The cost estimate he has been given for a traditional system from Steve Mason (SVE Associates) is $89,850.00. A tight tank is also still a possibility. The Commission will continue to investigate the alternatives. It is doubtful if an appropriation will be sought at the special town meeting tentatively set for October 25th.

Russ Jolly presented the Board with a letter from Robert Fagnoni granting the Board permission to enter onto his land on Stone Road to do a percolation test for a new septic system. Mr. Jolly also gave the Board copies of minutes from November 1996, which reported that a percolation test had been successful on the property in question. It is now apparent that the minutes are incorrect, and the percolation test was not performed in accordance with Title 5 regulations. In addition, as per Board of Health regulations, Mike Lavigne was not qualified to conduct percolation tests in Rowe. Russ said that Mr. Lavigne had done other work in town, and if the Fagnoni test was not valid, then others must be also be invalid. Ms. Foberg pointed out than if a repair was already completed (such as the Bryant system) the Board could not take any action at this time. Chairman Phelps pointed out that the Board is dealing with any work that the Lavigne's have done on a case-by-case basis. (Both Ron Lavigne and Mike Lavigne are Title 5 inspectors and are qualified to conduct Title 5 inspections.) Chairman Phelps stated that she feels a new percolation test needs to be performed and both Ms. Foberg and Mr. Bagley concurred. Mr. Jolly said that he thinks there is sufficient room to locate a new system within the required set-backs (300 feet from eastern property line, under 100 feet from the western property line.) He also said that it is a least 100 feet from any wetland. Mr. Laffond stated that there is a gravel bed toward the southern property line, where a system might be located. Once again Chairman Phelps said that she wanted a new percolation test done and stated that the Board only wanted to treat everyone the same, and that is what the Board is doing with everyone that dealt with the Lavignes. It was noted that Doug Corarito would need to deal with a similar situation on his properties in town. Russ finally agreed that he would contact an engineer or registered sanitarian (Peter Franz) to arrange a percolation test. He was advised to have Mr. Franz call the Town Hall to schedule a time and date.

Mr. Laffond asked what he would have to do to add a bedroom to his "camp" off Hazelton Road. Chairman Phelps said that she had spoken to Health Agent Sharon White regarding this matter, and Sharon said that a full percolation test would be required. She said that the Title 5 Inspection should have been a "conditional pass" and was incorrectly recorded as a "pass" by Ron Lavigne and Mickey Spokas. Mr. Laffond said that he had not attended the inspection. He would like to add onto the leach gallery system. The Chairman told him he would have to hire an engineer (or registered sanitarian) for a percolation test, but he could do the test now since it is an existing system.

Chairman Phelps reported that a re-inspection at Daureen Petersen's (Map 3, Lot 44) on September 15th showed a failed repair to the system. The leach tank was full of liquid only 2" below the riser. Ms. Petersen has stated that she has contacted Tom Danek about installing a new system according to a design by Whetstone Engineering as soon as possible. Chairman Phelps, Ms. Foberg, Jim Williams Sharon White and Ms. Petersen attended the re-inspection.

A Title 5 inspection was conducted at the Stankewicz property (Map 6, Lot 15) on Dell Road on September 22nd. The inspection showed a failed system. The leaching tank was full of liquid, the metal septic tank cover was deteriorated and full of tree roots and liquid. A distribution box was not found. The well was determined to be within the footprint of the house. Because of the close proximity of leaching area to existing well, t6he Board stipulates that prior to occupancy, the well must be tested and results submitted to the Board. There is standing water in a swale near the house and a variance may be needed for a sideline set-back. Chairman Phelps, Mr. Bagley, Tom Williams and Jonathan Begg (Howard Environmental) were in attendance.

Chairman Phelps and Ms. Foberg conducted a final inspection of a repair to a system on the Atwood property (Map 2, Lot 17) on September 26. There were slight changes in placement of system components due to ledge in the area. These were noted on plans belonging to Jim Williams. A copy will be obtained from Mr. Williams for file.

Chairman Phelps reported that she had been asked by Transfer Station Attendant Dick Tower if there might be a way to collect and store discarded TV's and monitors until enough are accumulated for transportation to UMASS for recycling. There was a discussion relative to this idea, and it was suggested that the Soule house might be used for temporary storage. Perhaps one weekend each month might be set aside for drop-off of these items. This led to a discussion relative to the construction of a new shed at the Transfer Station. The old plans were reviewed, one from Carson Ovitt ($17,596) and one from Jim Cerone ($15,000). The designs are quite similar. There was another suggestion that the Board look into a pre-fab building. Chairman Phelps will call a couple of distributors of pre-fab buildings and get some more information and prices. The building should contain one or two sliding doors, windows, a saltbox roofline and board and batten exterior.

Ms. Foberg received a call from Todd Butler (Zurich Insurance) regarding the barn, which was destroyed by fire on the Shantigar property. He was questioning if a citation was ever issued by the Board of Health relative to there being cots or beds in the remodeled barn. The barn was to be used as an assembly place or meeting room and offices, but no living areas. At one time former member Leonard Laffond and Ms. Foberg were given a tour of the building and they found bedrooms on the lower floor. At that time the Board informed the Building Inspector that the bedrooms would have to be removed and asked him to so inform the Shantigar staff. However, nothing could be found in the minutes to document the conversation.

It was noted that the meetings are now being tape recorded, and it is hoped that this will avoid omissions in the future. It is not decided how long to keep the tapes, but there was some feeling that it should be "forever".

Ms. Foberg reported a conversation that she had with Gordon Bailey (State Building Inspector) relative to the Shantigar facility. He stated that in order to build on the same foundation, the building would have to be built to the same specifications as the original one, not larger or of a different design. He further said that it does not matter if an applicant for a building or Planning Board permit is a non-profit or educational institution, they are not simply given carte blanche to do whatever they like. The Planning Board can require them to build in a certain location, away from a road, etc. It was the consensus to have a joint meeting with the Planning Board, Conservation Commission, Building Inspector, Fire and Police Chiefs, Highway Superintendent and Boards of Health/Selectmen to discuss the Shantigar facility. Ms. Foberg will respond to a letter that the Board received from a group of concerned citizens in the area of the Shantigar facility.

An application for a Disposal Works Construction Permit was received from Mickey Spokas. After examining the plans, it was noted that there is no distribution box in the plan. In addition, a water test will be required since the existing system (as well as the proposed new system) is closer than 100 feet from the water supply. It was the consensus that a request for a variance regarding the property line set-back due to site constraints was valid. The plan and application will be returned to Nina Inchardi (RS) for correction before taking action on the application.

The meeting adjourned at 9:20 PM.

Respectfully submitted,
Melissa S. Quinn, Administrative Assistant

Approved:

Mary Jo Phelps, Chairman

Ellen L. Foberg

Geoffrey N. Bagley

15.303: continued

b. within a Zone I of a public well;
c. within 50 feet of a private water supply well;
d. less than 100 feet but 50 feet or more from a private water supply well, unless a well water analysis for coliform bacteria and volatile organic compounds indicates that the well is free from pollution from that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm.

2. Evaluation of cesspools and privies near water resources:

A cesspool or privy is failing to protect public health and safety and the environment if any portion of it is within any of the dimensional criteria below and the local approving authority in its professional judgment determines the system is not functioning in a manner to protect the public health and safety and the environment.

a. within 50 feet of a surface water;
b. within 50 feet of a bordering vegetated wetland or a salt marsh.

In making a determination pursuant to 310 CMR 15.303(1)(b)2, the local approving authority shall consider

1. the condition, design, and treatment provided by the existing system;
2. the vertical separation of the existing soil absorption system from groundwater;
3. the horizontal separation of the existing soil absorption system from the water body;
4. the soil characteristics of the site;
5. the condition of the waterbody or wetland, including any sensitive use areas such as beaches or shellfish beds.

(c) Evaluation of systems with septic tanks and soil absorption systems near drinking water supplies:

If any portion of the soil absorption system is within any of the dimensional criteria below, unless the local approving authority in its professional judgment, with the concurrence of the public water supplier if any, determines the system is functioning in a manner to protect the public health and safety and the environment.

1. within 100 feet of a surface water supply or tributary to a surface water supply;
2. within a Zone I of a public well;
3. within 50 feet of a private water supply well;
4. less than 100 feet but 50 feet or more from a private water supply well, unless a well water analysis for coliform bacteria and volatile organic compounds indicates that the well is free from pollution from that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm.

In making a determination pursuant to 310 CMR 15.303(1)(c), the local approving authority shall consider

1. the condition, design, and treatment provided by the existing system;
2. the vertical separation of the existing soil absorption system from groundwater;
3. the horizontal separation of the existing soil absorption system from the water body;
4. the soil characteristics of the site;
5. the condition of the water supply, including a water supply analysis for coliform bacteria and volatile organic compounds indicating that the well is free from pollution from that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm. Where available, existing data may be used for this analysis.

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(2) Any system shall be upgraded upon the order of the Department or the local approving authority determines that a specific circumstance exists by which any system threatens public health, safety or the environment or causes or threatens to cause damage to property or creates a nuisance as determined by the local approving authority or the Department. Where necessary to protect public health and safety and the environment, the Department or the local approving authority may require the owner to install a recirculating sand filter or equivalent alternative technology in accordance with 310 CMR 15.202 or to obtain a groundwater discharge permit in accordance with 314 CMR 5.00 and 6.00.