

**MINUTES OF THE BOARD OF HEALTH MEETING**  
**July 15, 2019**

**PRESENT:** Thomas Driscoll (Chair), Matt Newman (Clerk), Lisa Cullity (Health Agent), Sheila Landy (Secretary), Patrick Carrara (PMP Associates for 27 University Ave), Brooke Young (PTN Videographer),

**CHAIR DRISCOLL OPENED THE MEETING AT 6:01 PM AND READ THE STATEMENT REGARDING AUDIO RECORDING OF THE MEETING**

**BOARD ACTION ITEM – Variance Request for 27 University Avenue – Patrick Carrara, PMP Associates**

Mr. Carrara, design engineer, presented the variance requests below:

1. 310 CMR 15.405 (1)(k) – ALLOW ONE DEEP OBSERVATION HOLE FOR THE REPAIR OF THE EXISTING FAILED SYSTEM. ONLY ONE DEEP OBSERVATION HOLE WAS REQUIRED BY THE HEALTH AGENT.
2. 310 CMR 15.405 (1)(b) – ALLOW AN INCREASE IN THE MAXIMUM ALLOWABLE DEPTH OF SYSTEM COMPONENTS REQUIRED FROM 36" TO 58" BELOW FINISH GRADE IN A CORNER OF THE S.A.S. A SYSTEM VENT IS PROVIDED.

One corner of the S.A.S. is deeper (58" below vs. 36" max) in the ground than required due to the contour of the lot. The bottom of the S.A.S. will be 7.24' above the water table. This is a four bedroom home. This will keep the yard flat. The Agent said it was maximum feasible compliance. Newman made a motion to accept the variances as written. Driscoll seconded, all were in favor and the motion passed.

**BOARD ACTION ITEM – Variance Request for 27 West Elm Street**

This plan was submitted by Joe Webby. The variance requested is:

310 CMR 15.405 (1)(b) – ALLOW MORE THAN 36" BUT NOT MORE THAN 72" OF COVER OVER THE TOP OF THE PROPOSED SEPTIC SYSTEM.

The yard is a large hill (45% grade) backing up to the golf course. This will preserve the current landscaping. The house is built on a slab which prevents changing the plumbing easily. The steepness of the grade prohibits cutting into the hill without requiring retaining wall and a large expense. The Agent believes it meets maximum feasible compliance. Newman made a motion to accept the variances as written. Driscoll seconded, all were in favor and the motion passed.

**BOARD ACTION ITEM – Food Establishment Re-Inspection Fees**

The Agent explained we have three establishments that unfortunately have not always had perfect inspections. This is not to say these establishments are unsafe. Public health and/or safety is not in danger. There are three establishments the inspector has been back to more than once to re-inspect for the same issue, one was four times. The Board discussed the matter and the Chair stated the secretary would write up the discussion and the Board will have a final discussion and at the next meeting.

**BOARD ACTION ITEM – Plastic Tank General Use**

The Agent explained MA DEP code allows a plastic tank for general use and has done so since 2009. Current Pembroke T-V regulations only stipulate a 1,500 gallon tank and do not say concrete only. This was brought to her attention by a couple of engineers. If the intention of Board is to prohibit the use of plastic tanks, it will require the Board members discussing it, making a motion to restrict or prohibit plastic tanks without a variance and that motion would need to be seconded and voted to be approved by a majority of the Board. The Chair asked if the Agent had any concerns. She stated she was concerned about the possibility of someone driving over it as it would be crushed. No one should drive on a tank anyway. They are more expensive than concrete tanks. The Board took no action.

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### **BOARD ACTION ITEM – Cesspools with additional leaching area**

On May 6, 2019, the Board made cesspools an automatic fail. The Agent asked for clarification. She stated Title V Inspectors have been asking if a cesspool...

- with additional leaching area (leach pits, trench or an actual field)
- and the cesspool essentially functions as a septic tank
- and the system functions as designed
- and the leaching area is of sufficient size and capacity for the home

...can the system be repaired by replacing the cesspool with a traditional septic tank?

Driscoll and Newman stated, if the existing leaching area without the cesspool is sufficient for the GPD of the home, the cesspool can be replaced with a septic tank.

### **BOARD ACTION ITEM – Livestock Regulations**

The Chair asked about the intent of the Right to Farm organizers. The Agent stated they intended to form an Agricultural Commission and, for whatever, it never happened. The Chair and Agent agreed an advisory panel or subcommittee with resident livestock owners as members would be extremely helpful. The Chair and Agent implored residents to reach out to the Board of Health to get on the committee via email, call, write a letter or stop by the Board of Health Office. Newman thought it was a good idea.

### **BOARD ACTION ITEM – Vote the Minutes of June 3, 2019.**

Newman made a motion to accept the Minutes of June 3, 2019 as written. Chair Driscoll seconded and all were in favor.

### **HEALTH AGENT REPORT**

The Agent stated most activity was routine. She was dispatched for an emergency by Pembroke Fire Department for unsanitary conditions in a local home. On arrival to the premises, the Agent condemned the home. The family of the person taken from the home did not dispute the action. The elderly resident was taken to the hospital. As the Agent was preparing a report and recommendation to the Board, she was informed the elderly person passed away. The home is empty and the family will remedy the problems cited. The ponds have been tested weekly and are in good shape. The Chair asked if the ponds would be treated with the grape compound used to repel geese. The Agent said the last time they were sprayed it was either by the Rec Center or the DPW. The DPW did have some licensed to apply it before but she was unaware of any plans to do so now.

Clerk Newman stated he had to leave due to a prior commitment.

The Chair tabled the rest of the Agenda.

The Chair state the next meeting will be determined and requested wells be put on the Agenda for the next meeting.

Newman made a motion to adjourn. Chair Driscoll seconded and all were in favor. The Meeting adjourned at 6:50pm.

Thomas Driscoll  
Chair