

Minutes Approved: \_\_\_\_\_

**BOARD OF HEALTH  
MEETING MINUTES  
September 20, 2010**

The Board of Health met at 7:00 pm at the Ritter Administration Building

Present: Chairman George Emond, David Shea, Perry Jewell, Jack Rabbitt and  
Troy Daniels

**TITLE 5 INSPECTION REPORTS REVIEWED:**

178 Sunny Hill Road – Fail  
1436 Lancaster Avenue  
445 Leominster Road  
560 Mulpus Road  
48 Fish Street  
91 Stone Fence Road

**SEPTIC PERMITS SIGNED:**

271 Leominster Shirley Road  
390 Page Street

**111 ROLLING ACRES ROAD – ST. JEAN**

Bruce St. Jean met with the Board to execute the Enforceable Agreement that was approved at the July 19, 2010 meeting., Chairman George Emond read the agreement for the benefit of all board members and Mr. St. Jean. The possible requirement for re-testing after 12 months of continuous occupancy was questioned. After discussion, it was agreed that retesting would take place when the property was conveyed. The document was signed and notarized and will be recorded with the Worcester Northern registry of deeds.

**271 LEOMINSTER SHIRLEY ROAD –SEPTIC VARIANCE**

Steve Marsden met with the Board of behalf of the owner. This system is in failure. This is the former Colson Auto Body property and is a mix of commercial and residential use, and most of area on the lot available for a system having been paved over. When soil testing was conducted it was discovered that there was a significant amount of fill placed on the site. The original underlying soil was very wet precluding onsite percolation testing. Mr. Marsden is requesting a variance for the use of a sieve analysis. In addition, although the residential portion of the property has three apartments, it is only permitted for two. As the new owner renovates this property, the third studio apartment must be

removed. After discussion and on motion by Shea and seconded by Jewell the Board unanimously to approve the request.

### **390 PAGE STREET – RE-PERMIT**

Steve Marsden met with the board of behalf of the new owner. Mr. Marsden is asking to re-permit this lot. The lot is a pre-existing, non-conforming vacant lot. It is less than 100 feet wide but in excess of 1,300 feet long. Due to the narrow width, it is difficult for the well to achieve the necessary 50 foot offset to a property line. The prior permit was issued on May 24, 2006 and has expired.

After discussion and on Motion by Rabbitt and second by Jewel, the Board unanimously voted to approve the request based on the 2006 plan.

### **64 SPRING STREET EXTENSION – TIGHT TANK REQUEST**

Chris MacKenzie met with the Board on behalf of the owner of the property. The property owner has come before the board earlier as they wanted to upgrade an existing dwelling. The Board reviewed the records on file and determined that there were two structures on the site that were connected to a single septic system. The Assessor's records indicated that the property is assessed for one living unit only. The existing system is in failure due to it's proximity to the onsite well.

Soil testing was conducted and although the conditions were very good, due to the well and proximity to the lake, a conventional system with leaching area cannot be installed therefore a tight tank is proposed.

Mr. MacKenzie advised that there has been no work done on the property. The Board reminded Mr. MacKenzie that the second structure had to be stripped and reduced to storage space and further advised that they are requiring a deed notation that there is only one habitable structure on this property.

After discussion and on Motion by Shea and second by Daniels, the Board voted unanimously to approve the request.

### **25 MAY STREET – TIGHT TANK REQUEST**

Nathan Mahonen from Hannigan Engineering met with the Board on behalf of the owner. Abutters Janet and Gary Leavitt were also present. The current owner applied for a well permit in the spring of 2010. In the process it was discovered that a Title 5 had not been completed upon transfer of the property. Given the proximity of the current system to the lake, it would be in failure. Assessor's records indicate that this home has one bedroom.

Soil tests conducted showed that there is a very high water table. Because of the location of the well, proximity to the lake, the size of the lot and the high water table, a tight tank is being proposed. This appears to be the only alternative for this site.

Mr. & Mrs. Leavitt of 30 May Street voiced a concern as to the grading of the property. Their concern is that the installation of this system will change the topography of the property and cause flooding onto their property and into their basement. Mr. Mahonen advised that all work will be underground and once the system is installed, the property will be appropriately graded.

In addition, they are seeking a well variance from 50' to 16' from a property line. Mr. Emond pointed out that there was room to increase this distance to 25' to lessen the impact on abutting property. This was made a condition of the approval and a revised plan showing the new location needs to be made. The Board also asked Mr. Mahonan to convey to the well driller that no deviation from the well location would be tolerated.

On motion by Daniels and second by Jewell, the Board unanimously approved the requests.

### **VETERINARY SERVICES**

Due to dissatisfaction with our current Veterinarian Office, the Board voted to approve the appointment of Ayer Animal Hospital as the Board of Health Veterinarian.

### **1994 SEPTIC REPAIR GRANT**

In 1994 the Massachusetts Legislature set aside 10 Million Dollars for a program to assist low income homeowners to repair failed Septic Systems with low interest loans. The intent of the program was to create an internal "revolving fund" in which the money paid back into the account could be recycled into new loans. The Department of Environmental Protection enacted CMR310.14 which created the regulations governing this grant program which was administered by the then named EOCD which has evolved into the current HCD (Office of Housing and Community Development). The Lunenburg Board of Health applied for and received a \$100,000 grant which was then loaned to qualified applicants throughout the town.

In 1996 a new program which allowed municipalities to borrow money from the State Revolving Fund replaced CMR310.14. This program allows for borrowing from the SRF which is then loaned to qualified applicants but loan repayments are forwarded back to the State rather than being recycled. (The town is currently taking part in this program).

Most of the money from the 1994 Grant has now been repaid and CMR310.14 has been abandoned. All references to the regulation have been removed from the State listings. Chairman Emond contacted the State Librarian who did find 310CMR.14 in the Nexus archive of abandoned legislative acts.

Mr. Emond contacted the DEP and was referred to and has been in discussions with Mr. Steven Hawko of the Boston office of the DEP about alternate disposition of these funds for septage related projects within the town not related to the original low interest loan program.

Mr. Hawko contacted Mr. Donald Studley of the Department of Housing and Community Development about this issue. Their investigations were unable to discover any other record of CMR310.14 anywhere in the current regulation list nor anyone in the DEP or HCD who has any recollection of the program at all.

Mr. Hawko has informed Chairman Emond that both he and Mr. Studley agree that the proposal made by the Lunenburg Board of Health to disburse the remaining funds in the Grant account for use in septage related maintenance of the sewer system or other related issues (abandonment of town owned septic systems and perhaps repairs to failed systems) is an acceptable use for these funds. It is clear however, that general capital improvements not related to immediate or potential pollution of the groundwater of the Commonwealth or to expand the system would not be an appropriate use of the funds.

Requests for monies for projects will be submitted to the Board of Health who will evaluate all requests and authorize disbursements where the use is acceptable.

The Board voted unanimously to adopt the use of the funds in this account as authorized by the DEP and HCD until such time as all that is currently in the fund and that which is still outstanding has been disbursed. .

Having no further business before the Board, the meeting was adjourned at 9:12 pm.