



TOWN OF WESTMINSTER
11 South Street
WESTMINSTER, MASSACHUSETTS 01473
(978) 874-7409 • Fax (978) 874-7462
BOARD OF HEALTH

Minutes for April 6, 2022
Board of Health Meeting, Room 205, 4:30 p.m.

Board Members in Attendance: Dr. Michael Popik, Chair, Ed Simoncini, Ann Loree, Health Agent, Elizabeth Penney, Administrative Assistant

Also in Attendance: Mark Baldi, Mass DEP, Mary Jude Pigsley, Mass DEP, Thomas Membrino, Dan Flynn, Cindy Flynn, Jo Grant, John Grant, Deborah Hooper, Charles Hooper, Brian Carlson, Joshua Hall, Scott Ladue, Tina Ladue, Robert Bujold, Robert Svirsky, Robert Gendron, Brian Milisci, Wesley Flis, Larry Brewerton

Dr. Popik opened the meeting at 4:30 p.m. Mr. Robert Gendron announced that he is recording agenda item Lot B 13 A White Pine Drive. Minutes for February 16 approved and signed.

New Business:

PFAS Presentation -

Mark Baldi, Deputy Regional Director, MassDEP, and Mary Jude Pigsley, Regional Director, MassDEP provided a PowerPoint presentation on PFAS information, risk assessment from exposure to contaminated drinking water, and the recent discovery of PFAS contamination in private wells in the Bean Porridge Hill Road area. The presentation noted that MassDEP regulates contamination found in private wells. MassDEP notified Mass Natural Fertilizer Company, Inc., 65 Bean Porridge Hill Road that the company is considered a potential responsible party. Mr. Baldi and Ms. Pigsley reviewed the immediate response action process for an imminent hazard. Mr. Baldi and Ms. Pigsley reviewed the response actions imposed on the company, which include notifying residents within a certain geographic area that testing of their well water being conducted and will be paid for by Mass Natural. Ms. Pigsley explained the plan DEP has implemented for testing private wells working in areas of 500 feet within the area the contamination was found. It was noted that Mass Natural's wells have been tested. The test results will take approximately three weeks.

Ms. Pigsley reviewed the questions from the Board of Health regarding the landfill, soil contamination and gravel pit areas.

Several residents living within the area Bean Porridge Hill Road, Amber Road and White Pine Drive addressed the Board, Mr. Baldi and Ms Pigsley with their concerns and questions as to how DEP is determining the area in which wells are to be tested. Residents also addressed concerns and confusion regarding the letters and access agreements received from Mass Natural's attorney. It was noted that MassDEP legal department reviewed the letter and access agreement.

Josh Hall, Department of Public Works Director noted that Crocker Pond will be sampled for PFAS.

Next steps: Ms. Pigsley commented that the legal department can review the current version of the agreement for discrepancies and changes. Mr. Baldi reviewed the Public Involvement Plan (P.I.P.) implementation process. Ms. Pigsley will send Ms. Loree the link for the PIP site. The Board of Health will forward P.I.P information to interested parties. Mr. Baldi will contact the LSP, Mr. Larry Lessard and request access agreements be emailed to the Board of Health. The Board of Health will contact the Town Administrator regarding inter-departmental meeting with DPW to discuss the current issue and concerns and inquire with the Town Administrator regarding whether resources available for PFAS water testing.

Failed System Follow up Plan and Letter –

Ms. Loree reviewed the draft letters to send to residents with failed systems. Dr. Popik made a motion to approve draft letters as presented. Seconded by Mr. Simoncini. Ms. Loree will contact the Treasurer's office regarding information and status of the septic loan program offered several years ago.

Hearings:

131 North Common Road - Local Upgrade Approval 310 CMR 15.405 – Reduce of the required 5-foot separation between the bottom of the leach area and estimated seasonal high groundwater to a 3-foot separation is proposed. Mr. Brian Milisci reviewed the proposed septic plan. The existing system is in failure. A Presby system is proposed for the four-bedroom home. Mr. Simoncini reviewed with Mr. Milisci the design criteria for the Presby system is it pertains to flow and sand bed requirements. Mr. Milisci will revise the plan.

Mr. Simoncini made a motion to approve the 3-foot separation between the bottom of the leach area and estimated seasonal high groundwater with conditions that the plan be revised as follows: Revise Note #9 to include the septic system needs to be pumped and inspected every three years. Seconded by Dr. Popik. Motion passed.

Lot B 13 A White Pine Drive -

Request for a Reconsideration of the Boards action taken January 16, 2022 regarding septic system and well permit actions and the review of a new site plan for the septic and well installations.

Requested Well Variance:

Westminster Well Regulations VI. – Distance to wetland from one hundred feet required to fifty-six feet.

Requested Septic Variance:

Request for Variance to Westminster Septic Regulations 245-10 - 18 feet from the SAS to percolation test where 10 feet is required.

Mr. Wesley Flis reviewed the plan and provided answers to the Board of Health questions and requests to include: *General Note #20* - Additional benchmarks will be set as needed.

Removal of old easement from plan and record new easements - Mr. Flis explained that until the plan is recorded, the easements cannot be removed from the plan. Mr. Simoncini commented that in order to move the easement, it must go to the Planning Board.

Mr. Simoncini provided statement for the record as follows: the well variance is conditioned upon the relocation of the easement per the plan.

Mr. Flis will make a correction to arrow indicating the distance pointing to the easements incorrectly pointing to wrong line.

Mr. Simoncini made a motion to reconsider the vote taken on January 19, 2022, regarding rescinding the well and septic permits for Lot B 13 A White Pine Drive. Seconded by Dr. Popik. Motion passed.

Mr. Simoncini made a motion to nullify the vote taken on January 19, 2022, and reinstate the well and septic permits for Lot B 13 A White Pine Drive. Seconded by Dr. Popik. Motion passed.

The Board of Health approved the variance requests for current septic and well plan for Lot B 13 A White Pine Drive as follows:



TOWN OF WESTMINSTER
11 South Street
WESTMINSTER, MASSACHUSETTS 01473
(978) 874-7409 • Fax (978) 874-7462
BOARD OF HEALTH

1. A variance to Westminster Septic Regulations in effect at time of application.

245-10 Percolation and Soil Testing

...there needs to be two (2) acceptable percolation tests within 10 feet of the soil absorption system perimeter, with one (1) being within the perimeter. When the system design includes the reserve being separate from the primary system there needs to be one (1) acceptable percolation test within the soil absorption system perimeter and one (1) within the designated area for the reserve.

The applicant has 3 perc tests, 1 within the SAS and 2 additional within 20 feet of the SAS.

Relying on plan review and construction permit issued from the previous Board of Health Agent, the applicant partially installed the soil absorption trenches, which required a minimum 5-foot over-dig. The installer exceeded the 5-foot requirement, which made the possibility of completing a new perc test within 10 feet of the system not possible. The Board of Health believes that the current (3) perc tests adequately characterize the soil and the design of the system is adequate.

2. A variance to Westminster Well Regulations in effect at time of application

255-3 Well Regulation - Setback distance requirements shall be as follows:

Surface water, wetland – setback of 100 feet. The applicant is asking for a 56-foot setback.

The configuration of this lot has changed due to engineering challenges as this development has been built out. A drainage easement has had to be established to handle storm water. The applicant has moved the proposed well out of the easement as requested by the Department of Public Works. This has caused limited options to move the proposed well to meet the 100-foot setback. The Board believes that having this well at 56 feet from the wetlands will not impact the wetlands as long as the Conservation Commission NOI processes are complied with. To deny this waiver would make this property not buildable and constitute a financial hardship.

Public Input after the Board of Health Vote:

Mr. Robert Bujold inquired about the Board's votes to approve variances. Mr. Simoncini noted the system met all Title 5 regulations; however, it did not meet Town of Westminster regulations regarding soil analysis. The Board made a decision based on the numerous percolation tests completed that did meet the criteria. Mr. Simoncini noted the Board of Health is confident the testing completed meets the requirement and that the septic system is adequately designed.

Mr. Robert Svirsky inquired about the soil absorption system and requested the Board reconsider the vote. Board members commented that the Board approves the design plan as presented. Mr. Flis noted the engineer will be required to submit an As-Built plan. Ms. Loree and Mr. Flis will review together.

It was noted that Lot B 13 A White Pine Drive still needs to get approval from the Conservation Commission before obtaining the building permit.

Mr. Robert Gendron addressed the Board of Health as a concerned resident and noted he is not representing the Conservation Commission. Mr. Gendron noted the Conservation Commission voted to deny the development activities on in the buffer zone because of the closed proximity of the well, septic, foundation and home in the habitat buffer zone area. Mr. Gendron noted concerns and confusion with the Boards position not to provide variances on new construction, ANR subdivisions. Mr. Gendron suggested all Boards and Commissions work more closely in the future.

Old Business:

Farmer's Market Application - Dr. Popik made a motion to approve the second revision of the Farmer's Market application. Mr. Simoncini seconded the motion. Motion passed.

Health Agent Update:

Ms. Loree reviewed of COVID vaccine statistics in the town and CDC updates regarding COVID Booster shot intervals.

The Board of Health will host an information night with Wachusett Medical Reserve Corp. to inform residents of the MRC mission and volunteer opportunities available. The event will be held on May 17 at Town Hall.

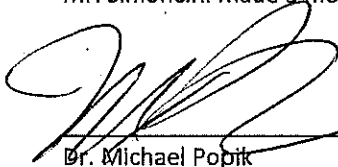
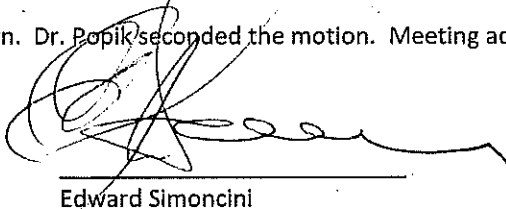
Ms. Loree suggested the Board of Health host a tick information session for the month of June. The event date and details to be determined.

Baker's Grove Update - Ms. Loree provided update on status and a spreadsheet for review.

Camp Pineshore Title 5 Inspections Status – Mass DEP determined there is no public water supply violation if the camp is operating less than 60 days per year. 10 systems have passed Title 5, 9 systems have not passed. One more building left to inspect. Northland Engineering will schedule a Title 5 inspection within the next month.

Dr. Popik made a motion stating that the Executive Session is not necessary and to proceed to adjournment. Mr. Simoncini seconded the motion. Motion passed.

Mr. Simoncini made a motion to adjourn. Dr. Popik seconded the motion. Meeting adjourned at 7:18 pm.


Dr. Michael Popik
Edward Simoncini

Attachments:

PFAS PowerPoint and MassDEP letters

131 North Common Road hearing documents

Lot B 13A White Pine Drive hearing documents

Farmer's Market draft application

Baker's Grove spreadsheet