



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

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TOWN OF WESTMINSTER

Minutes for September 15, 2021  
Board of Health Meeting, Room 205, 4:30 pm

**In Attendance:** Board of Health members Dr. Michael Popik, Chairman; Mr. H. Chris Redkey, Mr. Ed Simoncini, Ms. Ann Loree, Health Agent, Elizabeth Penney, Administrative Assistant, Jamie Rheault, Whitman & Bingham, Jerry Powers, Karen Powers, Vance Butterfield, Chris Mossman, Trowbridge Engineering, Ashley Gerace, Bruce Erickson, Valorie Sibley-Daigle, Northland Engineers, Christopher Anderson, Hannigan Engineering, Brenda Bruwer, George Bruwer, Lar Greene, McCarty Engineering, Peter Normandin, Kathleen Thibault

Dr. Popik called the meeting to order at 4:30 pm. Dr. Popik recording the meeting. Ms. Brenda Bruwer also recording the meeting.

**New Business:**

**217 Minott Road** – Mr. Chris Mossman, Trowbridge Engineering reviewed the request for a sieve analysis. Motion made by Dr. Popik to approve the sieve analysis. Seconded by Mr. Simoncini. Motion passed.

**49 State Road West** - Mr. Lar Greene, McCarty Engineering reviewed the septic repair and request for local upgrade approvals:

15.405 (1)(b) Reduction of system location setbacks to a cellar wall to allow an 8-foot setback to the soil absorption field where 20 feet is required per 15.211.

15.405 (1) (e) Reduction of system location setbacks to a bordering vegetated wetland to allow 23-foot setback where 50 feet is required per 15.211

15.405 (1) (h) Reduction of separation between the bottom of the soil absorption system and the high groundwater elevation to allow a 3-foot separation where 4-feet is required per 15.211.

15.405 (1) (i) Sieve Analysis

245-14 – Reduction of leaching area setback to wetlands to allow a 23-foot setback where 100 feet is required.

245-3- A waiver to the minimum leaching area requirements to allow a system designed in accordance with the design flow specified in the Presby Enviro-Septic Wastewater Treatment System Massachusetts Design and Installation Manual for a 4-bedroom system.

Motion made by Dr. Popik to approve the requests for local upgrade approvals as stated. Seconded by Mr. Redkey. Motion passed.

**21 Parkwood Lane** – Mr. Lar Greene, McCarty Engineering reviewed request for local upgrade approvals:

15.405 (1)(h) - Reduction of separation between the bottom of the soil absorption system and the high groundwater elevation to allow 3-foot separation where 4 feet is required per 15.211.

15.405 (1) (g)- Reduction of a system location setbacks to a private well to allow for a 51-foot setback to the soil absorption system where 100 feet is required per 15.211.

15.405 (1) (k) - at least one deep hole has been performed in the disposal area

245-14 – A reduction of leaching area setback to wetlands to allow a 71-foot setback where 100 feet is required.

245-10 Percolation and soil testing - Request a waiver to perform one deep hole and one perc test in lieu of two deep holes and two perc tests due to the size of the lot and site constraints.

Dr. Popik made a motion to approve the variances as stated with two conditions: nitrogen treatment to be added and a two-bedroom Deed Restriction to be recorded. Seconded by Mr. Simoncini. Motion passed.

**31 Lakewood Park** - Mr. Jamie Rheault reviewed the changes and information the Board requested from the August 4<sup>th</sup> meeting.

310 CMR 15.405 (1) (a) 8-foot setback is proposed for the soil absorption system



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310 CMR 15.405 (1) (b) – 8-foot setback is proposed for the septic tank. 5-foot setback is proposed for the soil absorption system.

310 CMR 15.405 (1) (e) – 60-foot setback is proposed for the soil absorption system.

310 CMR 15.405 (1) (g) – 64-foot setback is proposed from well on premises. 87-foot setback is proposed from the abutters' well.

310 CMR 15.405 (1) (h) – 4-foot separation is proposed.

254-9 – Percolation and deep hole observation tests were completed March 21, 2019, extension requested.

254-10 – One percolation test is proposed.

254-10 Well location – 12-foot setback is proposed

A well permit application has been submitted. Mr. Simoncini reviewed with Mr. Rheault the corrections to be made to the general notes on the septic plan.

Motion by Mr. Simoncini to approve the variances requested, with the exception of the 12-foot offset to Wyman Pond which should be part of the well application and with the following conditions:

- Prior to issuing the permit to construct the system, the two-point wells need to be abandoned per Commonwealth of Massachusetts Private Well Guidelines by a registered and permitted well driller,
- The property line that there is a variance for be surveyed and staked,
- General note #6 and General note #7 be removed from the septic plan, and the 12-foot offset be removed from the septic plan. Seconded by Mr. Redkey. Motion passed.

**1 Virginia Avenue** – Mr. Peter Normandin, developer of the property is requesting approval of a well location setback of 46' from the wetlands. Ms. Valorie Sibley-Daigle, Northland Engineers provided a revised septic plan for the proposed new construction which included three systems on the plan. Ms. Loree requested Ms. Sibley-Daigle submit a plan with only the traditional system. Ms. Sibley will submit a plan with traditional system as requested.

Mr. Simoncini provided an overview of the variance request noting that the Board of Health denied the first request for the variance to the well. Mr. Normandin proceeded to request to have the well across the road which the Board of Health approved; however the Department of Public Works denied.

Mr. Normandin explained that he was notified by the Department of Public Works regarding the liability issues of placing the well across the street.

Mr. Jerry Powers, an abutter to 1 Virginia Avenue addressed the Board of Health regarding concerns that the development of the lot is in violation of zoning bylaws and building department regulations. Mr. Powers would like to obtain a determination regarding whether 1 Virginia Avenue is a buildable lot.

Board members informed Mr. Powers that the building and zoning questions and determinations do not fall under the purview of the Board of Health. Mr. Simoncini noted the Board of Health can issue a well permit and a septic system permit if the applications meet all the regulations. Based on the septic design presented, there is one variance needed for the well location. Mr. Simoncini said the well location does meet the setback requirements from the road but does not meet the setback requirements for wetlands. Mr. Simoncini noted the Board of Health does not typically grant variances for new construction.

Mr. Powers noted information obtained from the files that the former Health Agent stated the Board of Health would not consider issuing a well permit within the 100-year flood plain. Mr. Simoncini noted that if the Board of Health did approve the well variance requested, the request would then go before the Conservation Commission for review and approval.

Ms. Loree suggested the Board of Health write a letter to the Department of Public Works with a second request for the well to be placed across the street.



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Dr. Popik made a motion to write a letter to the Department of Public Works indicating that the proposed well at 1 Virginia Avenue requires a variance and the Board of Health would like to request the DPW consider allowing the homeowner to place the well across the street. The Board of Health is also requesting an explanation from the DPW regarding the reason for denying the initial request for well placement across the street. Seconded by Mr.Redkey. Motion passed.

**2 Overlook Road** - Mr. Christopher Anderson reviewed the Requests for Local Upgrade Approval to include a Presby system.

310 CMR 15.405 (1) (h) Reduction of groundwater offset from 4 feet to 3 feet

310 CMR 15.405 (1) (i) Sieve Analysis

Dr. Popik made a motion to approve the variances as req. Seconded by Mr. Simoncini. Motion passed.

**215 Bean Porridge Hill Road Bedroom Count** - Ms. Loree noted the property does have a 3-Bedroom Deed Restriction on file, so no need for a hearing with the Board.

**Old Business:**

**Site Assignment Progress Update** – Ms. Loree informed the Board that an A/V dry run will be held on Thursday, September 16<sup>th</sup> at 4:00 pm at Meetinghouse School. Ms. Loree noted communication challenges she has encountered with Waste Management attorneys and the Moderator regarding the Site Assignment Hearing agenda and the planning process. Board members concurred with Ms. Loree and expressed concern regarding potential technical issues with a hybrid format. Board members discussed the odor complaints received to date and ongoing issue with odors from the landfill.

**207 Worcester Road** - Ms. Loree provided an update on the ongoing noise issues. An order letter to the property owner has not been issued as DEP requires the noise readings to be measured by the Health Agent.

**Board Concerns:**

Mr. Simoncini wants to be sure that engineers are attempting to do percolation tests prior to going to a Sieve Analysis and that two percolation tests and two deep holes are being done when possible. Ms. Loree said this procedure is being followed.

Mr. Simoncini provided a decision tree/flow chart for counting rooms and bedrooms for staff to use as a resource. Ms. Loree will review the flow chart and provide input.

Mr. Simoncini would like to have all variances and local upgrade approvals listed on the agenda to expedite the review of the plans. Liz will include the variances and local upgrade approvals in bullet format.

**1 Virginia Avenue** - Mr. Simoncini reviewed the plot plan and 100 year flood zone and area for septic plan.

**Health Agent Update:**

Covid cases are going down. Ms. Loree reviewed a cluster at a local church which included residents and non-residents. The flu vaccine has been received and currently being stored at Gardner Board of Health office. The new refrigerator has arrived and the staff is working on the temperature control and setting up the data tracker.

Dr. Popik made a motion to adjourn at 6:34 pm. Second by Mr. Redkey. Motion passed.



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### BOARD OF HEALTH

Dr. Michael Popik

H. Christopher Redkey

Edward Simoncini

#### Attachments:

217 Minott Road  
49 State Road West  
21 Parkwood Lane  
30 Lakewood Park  
1 Virginia Avenue  
2 Overlook Road  
Site Assignment Second PreHearing Order