

PERU BOARD OF HEALTH MEETING MINUTES

Monday September 11, 2023, 10:00 AM

Community Room 3 E Main Rd

1. The meeting was called to order at 10:01 AM
2. Roll call: present Peggy White, Nanette Mone, Darryl Darby and Valerie Bird Health Agent.
3. Nanette recording.
4. With regard to the minutes from 8/14/2023, Nanette said that the minutes were overlong compared to others, but that the issues were complex and she wanted to include details to speak to the feelings and concerns around those issues. Peggy thanked her for an excellent job done. On item 5, Peggy pointed out that the mention of a "template" might not be clear, so she asked that the description "for a public hearing" be added. Motion was made to approve the minutes from 8/14/2023 with the minor addition. All in favor.
5. A motion was made to move the Mountain Market item up. All in favor. Coralie Pelkey arrived to join the discussion about the crafts fair which is a fund-raiser for the church. Valerie will stop Thursday night 10/5/23 to inspect the kitchen and then to issue a temporary event permit. Friday 10/6/23, the event will open at noon for the vendors and at 4PM for the public. Beans, franks and grinders will be available. A band will play from 6PM to 8PM. On Saturday 10/7/23, it will be open from 9AM to 3PM. This year they will be making double the amount of the beef stew, a very popular item. There was a question raised whether the staff who would be cooking in the kitchen need to be refreshed on various issues. Coralie said that the workers were the same as previous years. Also, Dawn Pelkey is scheduled to take a test for the renewal of her serve safe status on 9/11/2023. She will provide confirmation to Valerie when she receives the new certificate. Coralie said that they clean and wipe down the kitchen area before commencing cooking, assuring us that she and the crew are thorough. Another issue is the sale of baked goods. Valerie said that the church can sell direct to the public, but that a sign must be put up that the items were prepared in a kitchen not inspected by the BOH. This is similar to pot luck dinners that are popular. Peggy said it would be up to Coralie to notify the vendors. One vendor makes jams that she makes at the Hinsdale Lions Club so it's ok to sell. Valerie said the vendor could get her own kitchen approved if she wants to go through the process. Coralie asked if they could sell cream pies that were purchased; Valerie said yes if kept refrigerated. Coralie asked if masks were required; Valerie said there is currently no mandate but it's individual choice. Peggy said that the doors could be opened for fresh air which helps reduce risk from the several infections extant. Mountain Market has been held for 65 years Coralie said.
6. Health inspector's report: A) The monthly log shows four jobs of which Ed Fahey performed three. a) a Title V at 11 Curtin Rd. that failed. Another perc test was done later. b) Issued a septic permit at 234 E. Windsor Rd; the work has just started. c) new construction perc test on Hillside Rd. Ed did notify ConComm. There followed a discussion of why so many septic fields in Peru are "raised". The "estimated seasonal high ground water" in Peru averages around 18 to 28 inches and would have to be 60 to 65 inches to avoid a raised bed. Peggy could not print the version Valerie sent, but had success with the one Ed sent. She will get a copy from Ed and send it to Peggy. Peggy inquired about a house on Lafayette Rd. saying she saw a perc test but not a septic plan. Valerie said there should

be a plan on file and will check. B) With regard to 20 South Rd Ext, the building inspector was supposed to issue a Cease & Desist order. Darryl, as a member of the Conservation Commission, went there with another member; they had an appointment with owner. Since the last BOH meeting the walls and roof of the house have been constructed. Valerie will speak to the building inspector tonight (Mon). The owner said the BI signed off on the work. This could be a problem for the town if there is not a permit and the work has to be halted with so much already invested. Valerie said not to issue a permit pending receipt by the BOH of a perc test and a septic plan before construction. The owner has a second lot where a perc test could be done. And the cease & desist is not permanent and could be lifted with correct documentation. C) The Garnet Lake water test results are good. D) The temporary housing permit for 36 South Rd Ext is due to be renewed. Valerie and Jesse Pelkey went there but no one was home. Valerie is considering sending a copy of pertinent regulations describing obligations and necessary permitting. But she did say that if the owner does not come to the BOH, we do not "have the teeth" to mandate it because Peru has no zoning on this issue. E) At map 25, lot 55 on North Rd. the same issue applies. However, that owner has all the pumping records and Valerie is satisfied on that issue. There is another camper that has been added to the property. F) With regard to temporary housing permits, Valerie and the BOH have decided that it would be easier for Valerie to track such permits if they were to be renewed at the same time each year. After some discussion about the heating season (Sept 15 to June 15) it was decided to start the 90-day temporary housing permit on June 15 through Sept 15. It's not just a matter of a person being able to tolerate cooler weather, it is that pipes could freeze, etc. A motion was made that any application for a temporary housing permit must begin 6/15 to 9/15, unless the owner presents to the BOH a request for an earlier or a later date. All in favor. G) Valerie said she must have permission from the owner before stepping onto a property so that she and whoever goes with her can feel safe.

7. Regarding final draft of the well regulations, Valerie said that in asking the town administrator about the status, Terry said that they need it in "Word" format. She took care of it. The regulations in the correct form have been sent to town council. Now we wait for the approval.
8. With regard to the Rural Health Equity grant, we are still working on the ledger update. At the next meeting, we hope to file our final request for expenditures to the cap of the grant.
9. The next meeting will be on October 16, 2023 at 10:00AM.
10. The agenda will include the inspector's report, the Rural Health Equity grant update and the status of the well regulations.
11. A motion was made to adjourn at 12:26PM. All in favor.

Minutes respectfully submitted as a draft by Nanette Mone 10/15/2023

Nanette Mone 

Peggy White 

Darryl Darby 

Received 10-16-2023
Kim Leach, Town Clerk

ATTACHED: AUGUST MONTHLY LOG
HOUSING PERMIT CHECKLIST



Peru BOH Monthly Log

Board of Health and Local Health Department Standard Operating Procedures (SOP)

August 2023

Date	Issue/Work	Address	Contact Info	Fee Due	Fee Paid	Comments
8/4/23	Title 5	11 Curtin Road	Berk Septic	\$100	Yes	<input checked="" type="checkbox"/> Failure. The dry well was full of groundwater.
8/06/23	Office hours Site visit	20 South Rd Ext with building inspector			N/A	<input checked="" type="checkbox"/>

BOH Inspector/Agent Edward Fahey, RS Date Submitted 12/19/22



BOH Forms: #18 Housing Permit Checklist

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the permitting requirements for owner-occupied housing and short and long-term rentals. The checklist is designed to be used in tandem with the **MA Housing Code**. **Remember: BOH always has the final say on requirements.**

☐ State Sanitary Code, Chapter II – 105 CMR 410 – Updated May 12,2023

Note: all housing is BOH health/safety regulated, including owner/tenant occupied; temporary/permanent; short/long term. Except:

- State and Federal Facilities
- Institutional housing such as nursing homes and hospitals licensed/inspected by the State under stricter regulations.
- Farm Camps regulated under State Sanitary Code Chapter III - 105 CMR 420
- Recreational Camps for Children regulated under State Sanitary Code Chapter IV - 105 CMR 430

☐ Definitions

- **Dwelling Unit:** Room or group of rooms intended for use by an individual, family, household for living, sleeping, cooking, eating
- **Residence:** Any structure used for or intended for human habitation and all other structures on the same lot.
- **Rooming House:** Residence with 1+ rented units to 4+ unrelated persons. Includes, hotels, dormitories, boarding houses, etc.
- **Short-term Rental (STR):** Residence rented for 15+ days in a year for less than 31 continuous days to one renter. Doesn't include month-to-month rentals.
- **Alternative Housing:** Single-family, owner-occupied residence approved by the BOH to reduce energy or environmental impact.
- **Temporary Housing 1:** A mobile structure on premises for less than 30 calendar days in a year. Includes tents, trailers, vans, etc
- **Temporary Housing 2:** A mobile or permanent structure providing shelter with living, sleeping, eating, cooking, sanitation for one household for less than 90 consecutive days.
- **Temporary Emergency Shelter:** Space owned by Federally qualified religious organizations providing occasional shortterm shelter

☐ Structure intended for human habitation that must meet the Housing Code and any stricter Local Regulations

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- **Residence:** Any structure used for or intended for human habitation and all other structures on the same lot.
- **Rooming House:** Residence with 1+ rented units to 4+ unrelated persons. Includes, hotels, dormitories, boarding houses, etc.
- **Short-term Rental (STR):** Residence rented for 15+ days in a year for less than 31 continuous days to one renter. Doesn't include month-to-month rentals. STRs must be registered with the State and locals and pay lodging taxes.
- **Alternative Housing:** Single-family, owner-occupied mobile or permanent residence approved by the BOH to reduce energy or environmental impact. This unit may not be rented out.
- **Temporary Housing 1:** A mobile structure on premises for less than 30 calendar days in a year that does not create a public health nuisance. Includes tents, trailers, vans, etc. Longer than 30 days requires a variance from the BOH. This Unit may not be rented.
- **Temporary Housing 2:** A mobile or permanent structure providing shelter with living, sleeping, eating, cooking, sanitation for one household intermittent periods of time in a calendar year not to exceed 90 consecutive days without a variance from the BOH.
- **Temporary Emergency Shelter:** Space owned by Federally qualified religious organizations providing occasional shortterm shelter
- **Retreats, Conference Centers, Camps, Dormitories, Homeless Shelters, and the like intended for human habitation.**

☐ BOH Housing Permitting* Permits under MGL. Ch 140, s.23 and new Housing Code May 12 2023

Note: BOH routinely permit/inspect the following and charge a fee:

- **Rooming House:** Hotels, Motels, Inns, Dormitories, B&Bs and other short or long-term rentals with space for 4 or more persons rented for less than a continuous 32 days to one or more individuals.
- **B & Bs with 6 or more BRs** which also require a Food Permit.
- **Temporary Housing 2 – New.** Should have a Permit and may set a Fee and other requirements.
- **Alternative Housing – New.** Requires Permit Application. May set Fees, other requirements. Variances must be in writing.

☐ BOH Permitting using Local Regulations

Note: Unless required by Local Regulations, BOH do not routinely issue permits but may inspect the following:

- **Tents, Trailers & Camp Sites used less than 30 days per year** in a single location. Should not be Short-Term Rentals (STR)
- **Rentals of Single-Family House/Apartment for 32+ days.** With local regulations, pre-rental or annual inspections can be done
- **Owner Occupied Housing.** (This is not common to permit or inspect unless there is a complaint.)
- **Emergency Shelters** (Civil Defense/Emergency Shelters are usually not permitted but are inspected regularly by the BOH.)

☐ Mass Rental Housing Checklist: BOH may pass reasonable, more stringent requirements at any time.

	Single Family or other Dwelling - Owner Occupied or rented less than 14 days in yr.	Entire Single-Family Dwelling Rental for 32+ continuous days	Owner Occupied B & B: 1-6 BRs Reserved in Advance	Rooming Houses & Hotels: space for 4+ unrelated persons rented less than 32 continuous days.	Owner Occupied Large B & B: 7+ BRs	STR: Seasonal or Causal Lodging. Rooms or whole house rented 15+ days/yr.
Permits	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.

Fees	No	Only if Local Regs	No	Yes	Yes	Only if local Regs.
Alternative Housing****	Requires written BOH permission	Should not be rented.	Requires written BOH permission	Should not be rented.	Requires BOH Permit	Should not be rented
Inspections**	Complaints or Local Regulation	For complaints or Local Regulation	Complaints or Local Regulation	Yes	Yes	Complaints or Local Regulation
STR: State-Local Registration & Excise Tax	No	No	Probably Not	Yes	Yes	Yes, pay tax (14 days or less must still register)
Food Permit***	No	No	No	Yes, if food served.	Yes	Yes, if food served.
Public Health Orders****	The BOH has broad authority to pass local regulations; order mandatory isolation and quarantine, suspend evictions, require special sanitation at the owner’s expense or restrict the use of housing or occupancy in emergencies.					
*All Permitted Housing should be on a public water supply or annually provide a complete potable water test as the BOH requires. **Inspections: Note that the BOH must have the permission of the occupant or their agent to conduct an inspection. ***Food Managers Training, Allergen Awareness Training and Consumer Advisories are good practices even if not required by the MA Food Code or the Board of Health whenever food is served to the public. BOH can require additional Food Employee training at any time. Every Food Establishment should have a Knowledgeable Person in Charge (PIC) at all times.						
****Note: Boards of Health may pass local regulations that are stricter than this to meet local conditions and set application and fee requirements.						

☒ **Temporary/Alternative Housing Application – Based on the new Housing Code May 12, 2023.**

1. Applicant Name:
2. Applicant Phone Number, Email, Mailing Address:
3. Proposed Location/Site Address:
4. Proposed Dates of Use (Winter months require heat):
 - o Temporary Housing less than 30 days - nuisance regulations apply
 - o Temporary Housing 30 – 90 days – housing code regulations apply
5. Proposed Number of Occupants with Ages (may not be suitable for small children):
6. Type of Alternative or Temporary Housing:
 - o Tent, Yurt, etc.
 - o Mobile Structure: Trailer/RV/Tiny House
 - o Permanent Structure (Building/Occupancy Permit)
7. Owner of Property – written permission required:
 - o Permit does not imply permission to locate the Alternative Dwelling anywhere on a property without all local approvals:
 - i. Zoning Officials: Zoning and Residential Use
 - ii. Building Officials: Wood Stove Permits; Tent Permits (Fire Resistant label); maybe occupancy permit
 - iii. Electrical Officials: Electrical Connections: GFIs; Temporary Exterior Extension Cords must be approved
 - iv. Fire: Propane, Smoke Alarms, CO Alarms
 - v. DPW: Driveway Permits
8. Type of Proposed Lodging/Structure
 - o Square Footage
 - o Sleeping Accommodations
 - o Cooking Facility
 - o Weather Tightness
 - o Heat Source, Smoke & CO Detectors
9. Potable Water Plan: Approved Source
10. Power/Electricity Plan – may need an electrical permit
11. Waste Disposal Plan
 - a. Toilets – Best to connect to sewer, new septic system, or existing system with excess capacity.
 - i. Composting toilet (not designed for greywater flows)
 - ii. Incinerating (not designed for greywater flows)
 - iii. Privy's need a perc test to determine ground water and likely not allowed in Title 5.
 - b. Greywater – Options
 - i. Public Sewer

- ii. Private Septic if there is adequate capacity for increased flow. May need extra pumping and monitoring.
- iii. Holding Tank: concrete, plastic, bladder with Pumper Contract – needs a variance.
- iv. Subsurface Greywater System
 - 1. Designed under Title 5
 - 2. Alternative Innovative Design
 - 3. Other – needs variance.
- c. Solid Waste Plan – trash & recycling

☐ **Temporary/Alternative Housing Permit Conditions to Consider**

Note: *The Zoning Officer, Building Inspector, Fire Inspector, Highway Supervisor, and others may also have jurisdiction.*

Permit Requirements/Conditions

- a. May not cause a nuisance and must cease and desist when ordered to do so.
- b. Must allow the BOH to inspect with 24 hours' notice.
- c. Must remove Alternative/Temporary Dwelling within 10 days if ordered to do so. May request a hearing within those 10 days.
- d. Any changes must be first approved by the BOH
- e. May not be used as rental housing without special permission from the BOH
- f. Must Post Address that meets Code Requirements for size and durability at street and on the structures.
- g. Must comply with all other local regulations and requirements such as police, fire, zoning, building.