

**Town of Peru
Town Hall Meeting Room
3 Main Rd
Peru, MA 01235**



Minutes from the Board of Health Meeting August 12, 2019

1. Meeting called to order 6:05PM
2. Roll call Darryl Darby, Nanette Mone, Peggy White and Jayne Smith.
3. State recording status: Jayne Smith and Peggy White
4. Review of minutes from 6/17/19 meeting. Request to edit draft included striking a sentence in section 6 and correct a typo from titled to tilted was made. Edited version will be reviewed and approved at the next BOH meeting.
5. New Business
 - a) **Haskell Rd Application for temporary housing.** Denise Caceci filed a Temporary Housing Permit Application for Lot#1 Haskell Rd. Chapter 2 of the Sanitary Code defines temporary housing as up to 30 days, whereas the BOH can give permission if greater than that. The owner was present for the meeting and reports she plans to live in their 28 foot pull behind trailer over the next estimated year and half during construction of a cabin which would involve use of timber cut on the property. The plan is as per the application and stated is to use the composting toilet and use as per application a 275 gallon and stated 400 gallon reserve tank for water supply with plans to utilize processed water from the brook on the property. They did not plan to drill a well and had no septic plan for managing grey water. Jayne Smith reported to the owner Massachusetts requirements for both potable water supply, which possibly could include use of a spring if present on the property, and if there is no spring, a well is required. The property also needs a septic field capable of handling the grey water. She went on to say the typical scenario for temporary housing application is a property in which has both a well and septic field and the owner is actively building a home. There is no mechanism for homesteading per se in Massachusetts. The BOH can grant permission for temporary housing for a finite period of time, but this owner has no specific goals set to accomplish the requirements. The owner stated she was told by the Building Inspector that her plans were acceptable and that Peru was very open to this type of situation and she would have never purchased the property if needing a well and septic was required and she felt misled. Tim Sears, the Building Inspector, joined the meeting and stated that in the phone conversation the property owner misunderstood the outlined requirements. He is more than willing to work with them within state requirements. He went on to review the steps: perc test which was performed, Conservation Commission to sign off on building plan and BOH required to sign off on septic plan and well. Jayne also clarified if a home owner is to install the septic it must be based on an approved plan design by an engineer or sanitarian. The property owner stated she was unable to financially afford the septic plans and drilling of a well at this time. Although upset, she now has Massachusetts requirements clarified and seemed to express understanding of what is required in moving forward. At this time the request for temporary housing was not given until more specific time line is presented to complete requirement for sanitary housing with end goals of onsite potable water and onsite sewage treatment for grey water. The owner was suggested to contact the surveyor who performed the perc test and property survey.
 - b) Linda Schermerhorn of 5 North Road is having Berkshire Septic do a Title 5 inspection and was looking for information on the system. There was none in file.

c) **9 North Rd:** Follow up 9 North Road need for frequent pumping. Often the need for frequent pumping is sign that something is wrong with a septic system. This property has required pumping 12/2018, 1/2019, 4/2019 and one more (date not available). The septic pumper is required to submit a pumping report and grade the condition as good-fair-poor. Frequent reports do send up a red flag to the Board of Health or their agent who may require that they conduct a Title 5 inspection on the system. If the owner feels a septic system is failing, they may be allowed to proceed to a perc, which is the first step in obtaining a new septic system. Jayne will write a letter to the owners about the concern for their system due to frequent pumping and outline next steps.

6. **Old Business**

a) **12 Bonny Lane** the deadline is currently September 30th for septic upgrade system, with instruction to pump as often as needed. There are only 2 reports of pumping. A new complaint has been submitted that the owner is self-pumping and dumping the septage into the adjacent woods. Evidence in the form of pictures is available. The Hilltown Community Development is providing funds to replace the septic system but the funds can not be accessed until 10/1/19. Jayne has recommended that she send a letter to the property owners to include a cease and desist order for self-pumping and dumping refuse in the woods which presents a public health risk to neighbors, set up a required pumping schedule and provide final dates for completion of septic system-and in return extending the 9/30 deadline accordingly. Motion made by Darryl, seconded by Nanette to have Jayne draft and send the letter as outlined above. All voted in favor.

b) **125 Middlefield Rd** failed Title 5 proposal. A tilted D box caused unequal flow into one trench causing clogging and a partial clogging of a second trench. The plan is now to remove, clean and reuse the 27 Infiltrators, Replace the sand with regulation Title 5 sand and place the recycled Infiltrators 9 feet apart.

c) **55 E Windsor Road Giant Hog Weed:** as the plants have gone to seed no treatment can occur this year but the issue needs to remain an ongoing issue of business for the BOH. Jayne states we need to continue to work with the state and how to work with the involved parties both the current owners and the lawyers handling the estate. The board is concerned and agrees that the presence especially due to the close proximity to the road presents a public health risk and falling under BOH jurisdiction as per MGL Chapter 111 section 122 , which states the BOH duties include being able to "investigate nuisances which in the boards opinion may be injurious to health . The Board may destroy, prevent or remove such nuisances..." A motion was made by Peggy and seconded by Darryl that the presence of the hogweed on 55 E Windsor Rd and area presents a public health risk and the BOH would like to proceed with a meeting of all involved parties to discuss eradication plans and outline the methods offered in the free program by the State. All voted in favor of this motion. Darryl knows Tony Frusciente the brother of the deceased previous owner of the property and will call him about this plan and be the liaison for the BOH at the proposed meeting which will be arranged by Jayne. Darryl will get the town right of way for that property which will be important details in moving forward.

d) **17 Raymond Rd** has a deep leeching pit of 4 feet, by soil evaluation no ground water to 112 inches which is the ESGW (estimated seasonal high ground water) level per a soil evaluation from an adjacent property

e) **6 North Road:** Complaint to DEP concerning possible violations of Massachusetts Solid Waste Statute (M.G.L.C. 111, s.150A) at 6 North Road in Peru. The complaint states that Gerald Oakes of 6 North Road operates a street sweeper for The Maintenance Man in Hinsdale and he reportedly regularly dumps the street sweepings off the side of his driveway at 6 North Road. His property is not designated as a solid waste facility and this constitutes refuse dumping. A letter was sent to Jayne regarding this matter from Dan Hall Solid Waste Chief from the Bureau of Waste Prevention Western Region. Jayne to send a follow up letter regarding the complaint to Mr. Oakes. To notes in 2011 an Enforcement Order was sent to Mr. Oakes by the Health Agent at that time regarding the same violation, dumping refuse on unapproved property.

7. **Agent Report:** see attached Peru Board of Health Monthly Report FY 2020 submitted by Jayne Smith Revision Date: 7/30/2019. For the month of July, 12 Activities are documented. Jayne will be out of the country 8/17-9/2/2019 and Jackie Duda will be covering for questions and field work.
8. Add all items of new business from this agenda as old business for follow up to the next agenda.
9. Motion to adjourn the meeting made by Nanette, seconded by Darryl and all voted in favor. He The next meeting will be 9/30 at 4:00 PM.
10. Meeting adjourned 8:36 PM.

Articles used:

Copy of Temporary Housing Permit for Denise Caceci

Letter from DEP to Jayne Smith regarding Gerald Oakes

Town of Peru enforcement Order 11/12/2011

Letter from HillTown Community Development regarding septic system replacement for Vance and Patricia Talbot

Letter from Jayne Smith to Vance and Patricia Talbot 5/21/19

Peru Board of Health Monthly Report FY 2020 Revision date 7/30/19

Minutes were respectfully submitted by Peggy White 8/15/19



Nanette
Darryl