



BOH MEETING MINUTES 10-11-2022

Memorial Hall, 140 Main Street
Jim Griffin, Chair
Joseph Tennyson, MD, Vice-Chair

Also in attendance: John Garside, Director of Public Health, and Tina Nolin, Clerk
Tom DiPersio, City Engineer, Jason Grossfield, City Solicitor
Jeremy McManus, Assistant Solicitor, Bob Durand, representing
The Red Spring Road Homeowners Association

The meeting was called to order at 6:55 pm.

Reading and Approval of Minutes

- Chairman Griffin suggested tabling the review of minutes from the last meeting until after the Red Spring Rd. discussion. Member Tennyson agreed.

New Business

Red Spring Road Homeowners Association (Assessor's parcel 30-10) variance request from City Code section 510-2 "Sewers", specifically from the requirement to connect the dwellings on the property to public sewer prior to the time of the property transferring ownership in December 2021.

Director Garside introduced the Red Spring Rd agenda item explaining that the Red Spring Rd Homeowners Association (RSRHA) in December of 2021 purchased the parcel known as Marlborough Assessors Map and Parcel 35-10 which contains 27 detached dwellings on 50 acres. Therefore, in accordance with city regulation 510-2 sewers, all dwellings on the property should have been connected to the public sewer at the time of transfer, or a request for a variance made prior to the transfer of the property.

Due to extraordinary site conditions, the RSRHA has a request before the Board of Health seeking the retroactive issuance of a variance from City Code 510-2 sewers ordinance. The ordinance gives the Board of Health, upon recommendation from the city engineer, the authority to grant variances. Specifically, the ordinance, states that exemptions are allowable only in the following instances:
1) when there are reasons related to extraordinary site conditions that prohibit or severely limit the feasibility of connection to such public sewer, 2) an escrow or other acceptable agreement is in place requiring a connection to be made within six months after the property transfer or, 3) for a period of five years from the date of installation of a new replacement private disposal system.

The Board asked RSRHA to come this evening to go through the variance process out of respect for the regulation, the process, and future applicants.

At this time Director Garside turned over the meeting to Mr. Durand who was representing RSRHA on this project. Mr. Durand thanked the Board for accommodating his need to be virtually at the

meeting versus in person and offered some background on the property, where they are, where they've been and where they are going. About 90 years ago, people started building cottages, mostly clubs and churches (for example, the Italian Club, the Moose, etc.) on the property and over the years these were eventually turned over to families so that about 50% of the current residents on Red Spring Road are from legacy families, these families have been there since the 50s and 60s.

Of the 27 cottages on the property, seven are seasonal, and 20 are occupied full-time. RSRHA closed on the property in December 2021. In October/November before closing, the association reached out to Lakeside Sewerage and had Title 5 inspections done at all the properties because they knew that if they were buying it, they wanted to do the right thing. All 27 properties had Title-5 inspections, 19 failed and 8 passed.

The RSRHA has committed to the following construction timeline for this project. Next Monday, October 17th the tree service will be coming to clear the area and the following week the excavators are due to start construction of the low-pressure sewer force main in the street. It will take about a month and a half to complete that portion of the project and then immediately after that the connection of individual homes to the sewer will begin.

At this time, Mr. Durand introduced Bob Parenti, consulting engineer, and Pete Angle from McLaren Engineering. Bob Parenti explained that the sewer main force line is going to start at the Intercolonial Club, which is at the beginning of Red Spring Rd. A force main line of 1.5 – 3.0 inch diameter will be installed down Red Spring Road. On the North-East side of the Red Spring Road property, there is an existing sewer line that passes through the property by way of an easement. The Red Spring Rd sewer will connect to the existing public sewer at this location. Bob Parenti went on to explain that each house will have an E1 grinder pump outside the home.

City Engineer, Tom DiPersio reported that the E1 Grinder is the correct solution for this site and was designed for sites like this and made its name on sites like this. The unique thing about these pumps is that when there are multiple pumps pumping into one force main you don't know at any one time if all the pumps are pumping at the same time, or if only one is. So, the head conditions could be very different. But these pumps are designed to deliver the same flow pretty much no matter what the head conditions are.

Director Garside then stated, as the Board knows, that as of today, there have been no variances to the city's sewer ordinance issued, apart from six-month variances, whereby money is held in escrow to ensure the connection is done within six months after the time of property transfer. Nevertheless, this is a unique situation in which it may be appropriate to grant some type of relief. Specifically, Director Garside suggested that granting a variance that would expire nine months from today might be a good approach. At that time, the Board and RSRHA could regroup and see where things stand.

Vice-Chair Tennyson stated that he liked the nine months suggestion because if the weather gets bad if there is an early freeze and it delays the construction until springtime, the Board is not locking them into getting it all done before we have the first hard frost.

Chair Griffin motioned that due to extraordinary site conditions such as wetlands, topography, and multiple dwellings being located on the property, as well as the fact that the property is in a

condominium form of ownership, to retroactively grant to the Red Spring Rd homeowners association variance from the city code section 510-2 sewers, specifically from the requirement to connect to public sewer prior to the transfer of ownership. This variance shall expire on July 11th, 2023, upon the issuance of the Notice of Variance by the Board of Health it shall be recorded at the registry of deeds within seven days. Vice-Chair Tennyson seconded the motion. The motion passed with a 2-0 vote.

Minutes

The Board reviewed the minutes from the September 12th meeting. Vice-Chair Tennyson motioned to accept and place on file. Chairman Griffin seconded the motion, the motion passed with a 2-0 vote.

Director's Update

Since our last meeting, we have administered 62 COVID-19 Bivalent Boosters at our Wednesday clinics at City Hall.

On Thursday, October 6th, the Health Department conducted a clinic at the COA/Senior Center and administered 80 doses of high-dose flu vaccine and 65 COVID-19 Bivalent boosters. Today, the Department was at 240 Main St. senior housing, where 13 doses of flu vaccine and 16 COVID-19 boosters were given. Tomorrow, October 12th, the Department will be holding a clinic at Academy Knoll on Broad Street where we currently have 34 people scheduled for a Flu vaccination and 32 for COVID-19 boosters.

On October 25th we will have the employee clinic here at City Hall, the October 28th we go over to the Police Department and catch those folks at shift change in the morning and in the afternoon, and we will have a clinic for the firefighters on the 31st.

November 1st will be our second clinic at the COA/Senior Center, on November 2nd we will be having a clinic for Marlborough Residents.

EEE & West Nile Virus Update

Director Garside reported that EEE and West Nile are still at low risk in our area as well as most of the state.


Scheduling of the Next Meeting

The Board's next monthly meeting will be on Monday, November 7th, at 6:30 pm.

ADJOURN

Vice-Chairman Tennyson motioned to adjourn the meeting at 7:46 pm; Chairman Griffin seconded the motion. The motion passed with a 2-0 vote.

Respectfully submitted,


James Griffin

12/5/2022
Dated