

T.O.H.P. Burnham Public Library, 30 Martin Street, Essex, MA

Dr. Driscoll, Medical Director and Chair, Ms. Sanders, Member, and Ms. Mazzarino, Clerk, present. Ms. Wozny, Health Agent, present.

7:03 pm: Dr. Driscoll opened the meeting and announced that the meeting was being recorded.

- **Appointments**

7:15 pm, Atty. Watsky requested appointment re: Karen McNiff, property, parcel of land near 90 Apple Street: Atty. Watsky and Mr. Christiansen, PE, representing Atty. Zide and the Hodges in attendance. Atty. Farrah, for Ms. McNiff, in attendance. Mr. Ottenheimer, sanitarian for Ms. McNiff, not able to attend. Atty. Zide arrived late.

Attorney and engineer, for abutters of the McNiff property, requested the appointment, and asked that the Board rescind the wastewater disposal system design plan for this property, approved 7-5-07, and the disposal works construction permit, dated 5-22-12. They contend that the permit was issued in error, with significant errors in the plan in violation of Title 5, without Title 5 variances needed if those differences from the Title 5 requirements were intended. Often referenced at this meeting, was a plan, dated 12-23-10, for this property, not previously submitted nor approved by the Board, and a letter, dated 4-11-13, not previously received by the Board, both now included in the file.

Atty. Farrah, representing property owner McNiff, pointed out to the Board that there is a clear mechanism indicated in Title 5, that any person aggrieved by any issuance by a local approving authority may appeal the decision to any court of competent jurisdiction, and not the Board of Health. He further stated that there are no errors made on the approved design plan and concludes that there is no mechanism indicated in Title 5 for the Board of Health to amend a decision previously made about issuance of a disposal system construction permit. Atty. Farrah asked that Mr. Ottenheimer, who was away on a long planned family vacation, be allowed to meet with the Board at a future date should additional information regarding the septic plan be required.

Dr. Driscoll concluded the appointment, stating that the Board will take this under advisement.

7:30 pm, Eric Corwin re: enforcement order 199 R John Wise Avenue: Mr. Corwin in attendance. Discussion: options for Mr. Corwin to achieve compliance. He will work with the Health Agent and has submitted an application for soil testing. Further, an anonymous letter, dated 4/10/13, received 4-11-13 given to the Town Clerk for the Planning Board, with Cc to the Board of Health, is in the property file and a copy was made available to Mr. Corwin. He will work with the Health Agent and has submitted an application for soil testing.

- **Minutes**

February 14 & 28, 2013: These minutes were approved at the previous meeting.

- **Bills Payable**

Bills Payable #454, \$207.79 Ms. Sanders made a motion for the Board to sign bills payable #454 in the amount of \$207.79. Ms. Mazzarino seconded the motion. **Vote: All in Favor.**

Bills Payable are available for review in the Accountant's office.

- **Inspection Report Reviews**

7 Maple Street, Kenney, Map 36, Lot 35: Dr. Driscoll entertained a motion for the Board to sign and send a letter to the owner, that the Board is in agreement with inspector Daniel Johnson, that the septic system serving this property passed the Title 5 inspection performed on 3-14-13, however, the report noted the existence of a garbage grinder for which the system was not designed, therefore it must be removed. Ms. Sanders so moved. **Vote: All in Favor.**

Title 5 Reports are available for review in the Board of Health office.

- **Septic System Design Plans**

Dwelling 3, Lot 2, Lowland Farms Road, Briggs, Map 9, Lot 12D: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Briggs, stating that the Board disapproves the revised septic component plan for the relocation of the sewer line, manhole and septic tank, dated 3-13 and received 3-7-13 for Dwelling 3, Lot 2, Lowland Farms Road, Briggs, Map 9, Lot 12D. Manhole covers must be above final grade and the water line to the house must be shown on three submitted copies of the plan with original PE stamp and signature. Ms. Sanders so moved. **Vote: All in Favor.**

Septic System Design Plans are available for review in the Board of Health office.

- **Building Permit Applications**

60 Choate Street, O'Flynn, Map 16, Lot 12: Dr. Driscoll entertained a motion that the Board have Ms. Wozny endorse the building permit application, dated 4-4-13, for O'Flynn, 60 Choate Street, Map 16, Lot 12. A recorded 3 bedroom deed restriction for this property has been submitted and the building permit application is for an addition & deck to the rear of the house, along with raising the roof in the second floor rear. Ms. Mazzarino so moved. **Vote: All in Favor.**

60 Choate Street, O'Flynn, Map 16, Lot 12: Dr. Driscoll entertained a motion for the Board to have Ms. Wozny endorse the building permit application, dated 4-4-13, for O'Flynn, 60 Choate Street, Map 16, Lot 12, to build a barn in the side yard, with no plumbing or living area, just a workshop area and loft. Ms. Mazzarino so moved. **Vote: All in Favor.**

Building Permit applications are available for review in the Building Inspector's office.

- **Complaints**

34 Pickering Street, Map 40, Lot 43: The caller regarding this property wanted the BOH to contact the owner to clean up the property but did not want to make a complaint. The Health Agent cannot act on something that isn't a complaint.

Senior Center Podiatrist: A person who observed the practices of the podiatrist who currently conducts clinics at the Senior Center is concerned that; the podiatrist did not wear gloves when working on clients and he failed to wash his hands between clients as well as some other concerns. The Board asked Ms. Wozny to compose a letter notifying the Podiatrist of these concerns, which they will sign and Cc the Council on Aging.

153 Conomo Point Road, Foley/Town of Essex, Map 24, Lot 17: The DPW called stating they had discovered what looked like a cesspool with a missing cover and only a piece of wood covering it. The Town Administrator is proactively working with DPW to replace the missing cover as this is a town property for which there is no longer a lease. In the interim, the opening has been

covered with wood and weighted down to prevent access. The BOS will be notified of the corrective steps to be taken.

- **Other Issues**

Public Health Nurse Resignation: The resignation of PHN Kim Paskalis was accepted. Her last day will be April 12, 2013. The job has been publically posted, as required.

Disposal Works Installer's Permit #27, Philip Stenersen: Ms. Sanders made a motion for the Board to sign disposal works installer's permit #27 for Philip Stenersen. Ms. Mazzarino seconded the motion. **Vote: All in Favor.**

Food Service Permit #37, Riverside Bistro, 112 Main Street: Ms. Mazzarino entertained a motion for the Board to sign food service permit #37 for Riverside Bistro, 112 Main Street. Dr. Driscoll seconded the motion. **Vote: All in Favor.**

Leave Use Notification: Elaine Wozny: Dr. Driscoll entertained a motion for the Board to approve Ms. Wozny's leave notification as written. Ms. Sanders so moved. **Vote: All in Favor.**

- **Tracking of Housing, Food Service and Other Miscellaneous Board Issues**

The question has come up as to whether a septic system that received a "conditional pass" on an inspection is mandated to connect to the public sewer if available, rather than perform a d-box or tank component replacement to convert the inspection to a "pass". Ms. Wozny consulted with DEP and it was their determination that if sewer is available, the only work to be allowed on the existing septic system is the leveling of the d-box. Any work requiring a permit, as in component replacement, requires connection to the public sewer, if available.

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**
None

Dr. Driscoll closed the meeting at 8:47 pm.

Next BOH meeting: 4/25/13

Prepared by _____
Ann White

Attested by _____
Martha Mazzarino, Board of Health Clerk