

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

Dr. David Driscoll, Chair and Medical Director, Ms. Martha Mazzarino, Clerk, and Ms. Allison Roderick Papps, Member, present. Ms. Elaine Wozny, Administrator, and Ms. Ann White, Administrative Clerk, present. Ms. Erin Kirchner, in attendance.

7:07 pm: Dr. Driscoll opened the meeting and announced that the meeting was being recorded.

- **Appointments**

7:45 pm, Creeden & John Judd for 52R Lufkin Point Rd., well variance: John Judd, designer, John, Sally and Colin Creeden in attendance for discussion of proposed well location plan.

- **Minutes**

July 23, 2015: Dr. Driscoll entertained a motion for the Board to approve the minutes, as written, for 7-23-15. Ms. Mazzarino so moved. **Vote: All in Favor.**

**Minutes are available for review in the BOH office or on line at [www.essexma.org](http://www.essexma.org)**

- **Bills Payable**

#511, \$1,224.09: Dr. Driscoll entertained a motion for the Board to approve bills payable #511, in the amount of \$1,224.09. Ms. Papps so moved. **Vote: All in Favor.**

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

- **Inspection Reports**

35 John Wise Avenue, Talidoros, Map 120, Lot 12: Dr. Driscoll entertained a motion that the Board sign and send a letter to Talidoros, 35 John Wise Avenue, stating that the Board is in agreement with the determination of inspector Paul Ricker, that this system passed the 6-9-15 through 6-30-15 Title 5 inspection, the extension due to the damaged distribution box replacement. The Board noted that the system is designed and approved to serve a four bedroom house vs. the actual five bedroom. The bedroom count may not be increased without proper Board of Health approval. Ms. Mazzarino so moved. **Vote: All in Favor.**

97 Apple Street, Mewkill, Map 148, Lot 7: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Mewkill, 97 Apple Street, stating that the Board is in agreement with the determination of inspector George Norris, that Title 5 inspection performed on 7-10-15, classifies the system as needs further evaluation by the local approving authority due to the fact that the private well is located within 100' of the leaching field. Because it is within 100', but greater than 50', the system will pass if a water analysis is performed on the well water and the results confirms no coliform bacteria and the combined presence of ammonia nitrogen and nitrate nitrogen are equal or less than 5 ppm. The results of the well water testing must be submitted to, and approved by the Board of Health, to classify this system as passed. Ms. Mazzarino so moved. **Vote: All in Favor.**

98 Pond Street, Buckley, Map 153, Lot 13: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Buckley, 98 Pond Street, stating that the Board is agreement with the determination of inspector John Duncan, that the system serving this property passed the 8-3-15 Title 5 inspection. Ms. Mazzarino so moved. **Vote: All in Favor.**

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

- **Septic Plan Reviews**

11 Haskell Court, Gertsch, Map 137, Lot 28: Dr. Driscoll entertained a motion for the Board to disapprove the septic system design plan for Gertsch, 11 Haskell Court, for the 13 reasons stated in the Agent's Report, and in addition, the height of the wall is greater than 4', which would require a building permit application. The plan was designed by Peter Ogren and has a design date of June 2, 2015. Ms. Mazzarino so moved. **Vote: All in Favor.**

11 Haskell Court, Gertsch, Map 137, Lot 28: Dr. Driscoll entertained a motion for the Board to disapprove the revised septic system design plan for Gertsch, 11 Haskell Court, for the reasons stated in the Agent's Report. The plan was designed by Peter Ogren, has a design date of 6-2-15, and a revision date of 7-29-15. Ms. Mazzarino so moved. **Vote: All in Favor.**

11 Haskell Court, Gertsch, Map 137, Lot 28: Dr. Driscoll entertained a motion for the Board to disapprove the revised septic system design plan for Gertsch, 11 Haskell Court, because the plan for the retaining wall do not meet Title 5 requirements. The plan was designed by Peter Ogren, has a design date of 6-2-15, and a revision date of 8-7-15. Ms. Mazzarino so moved. **Vote: All in Favor.**

11 Haskell Court, Gertsch, Map 137, Lot 28: Dr. Driscoll entertained a motion for the Board to approve the revised septic system design plan for Gertsch, 11 Haskell Court with the requirement that the wall detail supplied to the Building Department for a permit be reviewed and approved by the BOH agent prior to construction. The plan was designed by Peter Ogren, has a design date of 6-2-15, and a final revision date of 8-11-15. Ms. Mazzarino so moved. **Vote: All in Favor.**

8 Sumac Drive, Erhard, Map 110, Lot 5: Dr. Driscoll entertained a motion for the Board to approve the subject two bedroom capacity septic system design plan for Erhard, 8 Sumac Drive. This plan was designed by Daniel B. Johnson, has a design date 7-13-15, and a final revision date of 8-10-15. Further, the Board approved the requested variance waiver to use a DEP approved effluent tee filter within the outlet tee of the proposed septic tank, as per Essex On-Site Systems Design Standards regulation #100.2.1, due to the Enviro-Septic manufacturer's preference to not use filters in the leach area because they may restrict air flow. Ms. Mazzarino so moved. **Vote: All in Favor.**

19 Soginese Road, Spense, Map 112, Lot 12: Dr. Driscoll entertained a motion for the Board to approve the resubmitted septic design plan for 19 Soginese Road. The plan was originally approved on 1-23-14, but partially redesigned due to a major change in the footprint and location of the house foundation, as well as relocations of the septic tank, pump changer, and well. The plan was designed by John Judd and has a design date of 8-3-15. Ms. Papps so moved. **Vote: All in Favor.**

95 Apple Street, Zide, Map 148, Lot 6: Dr. Driscoll entertained a motion for the Board to disapprove the septic tank plan the relocation of the existing septic tank for Zide, 95 Apple Street, as the plan was designed for a 10 bedroom house and the new tank must comply with the existing 12 bedroom capacity plan on file. Ms. Mazzarino so moved. **Vote: All in Favor.**

95 Apple Street, Zide, Map 148, Lot 6: Dr. Driscoll entertained a motion for the Board to approve the revised design plan for Zide, 95 Apple Street, for the abandonment and replacement of the existing septic tank. Ms. Mazzarino so moved. **Vote: All in Favor.**

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

- **Well Water Supply**

52R Lufkin Point Road, Creeden, Map 110, Lot 68: Dr. Driscoll entertained a motion for the Board to approve the waiver for Creeden, 52R Lufkin Point Road, for a reduction of the offset to the property line from the required 20' to the provided 10', and for a reduction of the offsets from the required 100' to the distance from the leach areas as listed: 78' from their leach area, 79' from a neighbors leach area, and 80' to another neighbor's leach pit.

Further, the Board requires:

1. that all connections meet the MA plumbing code and any and all Essex requirements,
2. that the existence of this well approval and the above conditions be recorded at the Southern Essex Registry of Deed with proof of the recording sent to the BOH office prior to issuance of a well drilling permit,
3. and that a complete well water analysis be performed, including testing for bacteria, nitrate nitrogen and ammonia nitrogen, prior to its use and yearly thereafter.

Ms. Mazzarino so moved. **Vote: All in Favor.**

***Well Design plans are available for review in the Board of Health office.***

- **Cisterns**

12 Lufkin Point Lane, Rock Haven Irrevocable Trust 1 & 2, Map 109, Lot 13: Dr. Driscoll entertained a motion for the Board to accept the submitted cistern plans for 12 Lufkin Point Lane, Rock Haven Irrevocable Trust 1 & 2, with the following conditions:

- Construction of the cistern must be personally overseen by the designer to assure that all construction requirements are met and certification to the BOH by the designer must be submitted after completion of construction & prior to issuance of a certificate of occupancy.
- Prior to issuance of a Building construction permit for this property, notification of the cistern's existence and required approval conditions must be recorded for the property at the Southern Essex Registry of deeds to follow the property deed for the life of the use and/or existence of the cistern. Required recorded conditions are -
  1. Property must connect to seasonal town water whenever it's available and fully transfer to year round municipal water upon availability.
  2. The cistern must be filled only with approved potable water.
  3. Annual bacterial water testing of water from the cistern in the month of October is required with results copied to the Board of Health.
  4. Amendment added at Board meeting: the water treatment system must be maintained according to manufacturer's recommendation and local and state requirements.

Ms. Mazzarino so moved. **Vote: All in Favor.**

14 Lufkin Point Lane, Charles Swanson, Map 109, Lot 14: Dr. Driscoll entertained a motion for the Board to accept the submitted cistern plans for 14 Lufkin Point Lane, Swanson, with the following conditions:

- Construction of the cistern must be personally overseen by the designer to assure that all construction requirements are met and certification to the BOH by the designer must be submitted after completion of construction & prior to issuance of a certificate of occupancy.
- Prior to issuance of a Building construction permit for this property, notification of the cistern's existence and required approval conditions must be recorded for the property at the Southern Essex Registry of deeds to follow the property deed for the life of the use and/or existence of the cistern. Required recorded conditions are -
  1. Property must connect to seasonal town water whenever it's available and fully transfer to year round municipal water upon availability.
  2. The cistern must be filled only with approved potable water.
  3. Annual bacterial water testing of water from the cistern in the month of October is required with results copied to the Board of Health.
  4. Amendment added at Board meeting: the water treatment system must be maintained according to manufacturer's recommendation and local and state requirements.

Ms. Mazzarino so moved. **Vote: All in Favor.**

16 Lufkin Point Lane, Charles Swanson & Stephen Swanson, Map 109, Lot 15: Dr. Driscoll entertained a motion for the Board to accept the submitted cistern plans for 16 Lufkin Point Lane, Swanson, with the following conditions:

- Construction of the cistern must be personally overseen by the designer to assure that all construction requirements are met and certification to the BOH by the designer must be submitted after completion of construction & prior to issuance of a certificate of occupancy.
- Prior to issuance of a Building construction permit for this property, notification of the cistern's existence and required approval conditions must be recorded for the property at the Southern Essex Registry of deeds to follow the property deed for the life of the use and/or existence of the cistern. Required recorded conditions are -
  1. Property must connect to seasonal town water whenever it's available and fully transfer to year round municipal water upon availability.
  2. The cistern must be filled only with approved potable water.
  3. Annual bacterial water testing of water from the cistern in the month of October is required with results copied to the Board of Health.
  4. Amendment added at Board meeting: the water treatment system must be maintained according to manufacturer's recommendation and local and state requirements.

Ms. Mazzarino so moved. **Vote: All in Favor.**

***Cistern Design plans are available for review in the Board of Health office.***

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

Ms. Wozny, Leave Use Authorization: Dr. Driscoll entertained a motion for the Board to approve Ms. Wozny's leave use authorization requests, as written, then amended. Ms. Mazzarino so moved. **Vote: All in Favor.**

Food Inspector Job Description and Pay Discussion: Discussion. As the food inspector hasn't had an hourly pay increase since she started performing inspections for us 5 years ago, Dr. Driscoll entertained a motion for the Board to approve a pay rate increase to \$30/hour, effective immediately. Ms. Mazzarino so moved. **Vote: All in Favor.**

Donovan, Indian Hill Subdivision: Dr. Driscoll entertained a motion for the Board to have Ms. Wozny sign and send a letter to the Planning Board stating that the BOH has no objections to the subdivision plan as submitted and that the Board approval of the subdivision does not constitute BOH approval of Lot 1 as a building lot until BOH requirements for water and sewage disposal are met. Ms. Mazzarino so moved. **Vote: All in Favor.**

Tobacco Compliance Check: Discussion. The NS/Cape Ann Tobacco Policy program conducted a compliance check on 7-28-15, Schooners Market sold to a minor. Per our established by-law prohibiting the sale of cigarettes to minors, section J-1, a \$100 fine is due by the establishment. Dr. Driscoll entertained a motion that the Board sign the notice of violation and fine. Ms. Mazzarino so moved. **Vote: All in Favor.**

I/A System Inspections, Kelly, 97 Conomo Point Road: Dr. Driscoll entertained a motion for the Board to have Ms. Wozny sign and send a letter to Kelly, 97 Conomo Point Road, stating that the Board has reviewed the routine inspection report, noted the inspector's recommendation, and requires that the valve boxes be replaced, as recommended. Ms. Mazzarino so moved. **Vote: All in Favor.**

I/A System Inspections, Lowland Farm Lot 4 Condo; 18, 20, 33 Lowland Farm Road: Dr. Driscoll entertained a motion for the Board to have Ms. Wozny sign and send a letter to Lowland Farm Lot 4 Condo; 18, 20, 22 Lowland Farm Road, stating that the Board has reviewed the routine inspection report, noted the inspector's comments, and requires that the manhole covers be brought to grade, as required by Essex regulations, and the control panel have necessary work done to function properly. Ms. Mazzarino so moved. **Vote: All in Favor.**

TFE Permit #23, Essex County Greenbelt, Tour de Greenbelt, 9-13-15, 9 am – 3:30 pm: Ms. Papps made a motion for the Board to sign TFE Permit #23 for Essex County Greenbelt, Tour de Greenbelt, for 9-13-15, from 9 am – 3:30 pm. Dr. Driscoll seconded the motion. **Vote: All in Favor.**

Retail Food Permit #16, Leandro's Bakery & Café, 65 Eastern Avenue, #B1C: Ms. Papps made a motion for the Board to sign Retail Food Permit #16 for Leandro's Bakery & Café, 65 Eastern Avenue, B1C. Dr. Driscoll seconded the motion. **Vote: All in Favor.**

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**  
18B Southern Avenue Complaint: Complaint received by the tenant of the owner of 18B Southern Avenue regarding the roof leaking into the attic. The Board agreed that Ms. Wozny has authorization to send a violation order to the Condo Association regarding 18B Southern Avenue, post upcoming scheduled inspection.

Forest Street Complaint: Complaint came through Selectman David Doane regarding the property on Forest Street, right hand side, where a trailer is parked on the street full of refuse, trash and equipment is out back on the property, as are 6 trash barrels, 2 of which are overflowing with non-garbage refuse. This is a potential violation of the housing code. Discussion. Dr. Driscoll entertained a motion for the Board to have Ms. Wozny sign and send a letter to Hunt, Forest Street, stating the Board's concern. Ms. Mazzarino so moved. **Vote: All in Favor.**

Dr. Driscoll closed the meeting at 8:47 pm

**Next BOH meeting: 8-27-15**

Prepared by \_\_\_\_\_  
Ann White

Attested by \_\_\_\_\_  
Martha Mazzarino