

## BOARD OF HEALTH

## MINUTES

2-11-16

Temporary Town Hall, 74 Martin Street, Essex, MA

Dr. Driscoll, Chair and Medical Director, and Ms. Mazzarino, Clerk, present. Ms. Papps, Member, not present. Ms. Kirchner, Health Agent, and Ms. White, Administrative Clerk, present.

7:06 pm, Dr. Driscoll opened the meeting and announced that the meeting was being recorded.

- **Appointments**

7:15 pm, Joyce Redford, in attendance to discuss Tobacco Regulations in Essex & MA.  
Discussion.

8:00 pm, Wayne Wendell, 139 & 139R Gregory Island Road, in attendance to discuss upgrades to the septic systems serving these properties.

8:15 pm, Brian Bagenstose, 18 Coral Hill Road, in attendance to discuss Title 5 requirements.

- **Minutes**

January 28, 2016: Carry over to next meeting.

- **Bills Payable**

#521, \$176.60: Dr. Driscoll entertained a motion for the Board to sign bills payable #521 in the amount of \$176.60. Ms. Mazzarino so moved. **Vote: All in Favor.**

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

- **Inspection Reports**

18 Coral Hill Road, Bagenstose, Map 154, Lot 36: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Bagenstose, 18 Coral Hill Road, Map 154, Lot 36, stating that though the Title 5 inspection report for this property, submitted by George Norris, and dated January 20, 2016, does not meet failure criteria as specified in 310 CMR 15.303, there are three wells within 100' of the soil absorption system that must be tested and have acceptable water quality in order for the system to be considered passing. Those wells include the subject property, 18 Coral Hill Road, and those serving 16 and 20 Coral Hill Road. Title 5 requires that any well within 100' of the soil absorption system be tested for fecal coliform bacteria, ammonia nitrogen and nitrate nitrogen. In discussion with Mr. Bagenstose, given that the owner of 16 Coral Hill Road is refusing to have her water tested, an alternate solution to having all wells within 100' of the subject septic system tested is acceptable water quality test results from the subject property and 20 Coral Hill Road, with a letter from an engineer stating that because both 18 & 20 have new septic systems, it is unlikely that any wells within 100' of the subject septic system are negatively impacted. Ms. Mazzarino so moved. **Vote: All in Favor.**

75 R Wood Drive, Busch, Map 157, Lot 17: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Busch, 75 R Wood Drive, stating that the Board is in agreement with inspector Jonathan Granz, that the tight tank serving this property passed the January 7, 2016 Title 5 inspection. Ms. Mazzarino so moved. **Vote: All in Favor.**

***Inspection Reports are available for review in the Board of Health office.***

- **Septic Plan Reviews**

139 & 139 R Gregory Island Road septic upgrade: Discussion. Mr. Wendell signed an enforceable agreement to upgrade the systems serving these Gregory Island Road properties. The Board agreed that a reasonable time line for upgrading the systems, including soil evaluations, plan(s) submittal and installation(s) will be 12 to 18 months, weather depending, as long as progress is being made and with regular pumping of the existing septic system. Mr. Wendell will keep the Board updated with the progress moving forward.

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

Farmers Market Discussion: The Board agreed to leave the regulations intact. Farmer's Markets will be permitted for one location / address only, as per the MA Food Code.

Tobacco Regulations: Discussion, preliminary agreement on changes to Essex Tobacco Regulations, including drug paraphernalia ordinance, in conformance with MA General Laws. Next step; posted public hearings regarding updating Essex Tobacco Regulations.

16 Coral Hill Road, Carnevale, Map 154, Lot 35: Dr. Driscoll entertained a motion for the Board to sign and send a letter to Carnevale, 16 Coral Hill Road, stating that due to a failed 2003 Title 5 inspection and enforceable 12-18-05 agreement to upgrade the system, the Board orders the property owners to submit a septic system design plan for approval within 30 days, and install an approved septic system within 90 days of plan approval. Failure to comply will result in filing of a criminal complaint in the Northeast Regional Housing Court. Ms. Mazzarino so moved.

**Vote: All in Favor.**

Ms. Kirchner, Leave Use Authorization: Dr. Driscoll entertained a motion for the Board to approve Ms. Kirchner's Leave Use Authorization, as written. Ms. Mazzarino so moved. **Vote: All in Favor.**

- **Items that could not be reasonably anticipated by the Chairman within 48 hours of meeting**

Essex River Dogs, Food Service Establishment Permit #28, 162 Main Street: Ms. Mazzarino made a motion for the Board to sign Essex River Dogs Food Service Establishment's Permit #28. Dr. Driscoll seconded the motion. **Vote: All in Favor.**

J. Michael Roy, Septage Hauler Permit #8, 46 Main Street: Dr. Driscoll entertained a motion for the Board to sign J. Michael Roy's Septage Hauler's Permit #8. Ms. Mazzarino so moved. **Vote: All in Favor.**

Larry Kelley, Disposal Works Installer's Permit #28: Dr. Driscoll entertained a motion for the Board to sign Larry Kelley's Disposal Works Installer's Permit #28. Ms. Mazzarino so moved. **Vote: All in Favor.**

Dr. Driscoll closed the meeting at 8:45 pm.

**Next BOH meeting: 2-25-16**

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

Attested by \_\_\_\_\_  
Martha Mazzarino, Board of Health Clerk