

Chairperson Lynne Marchetti and Marlene Sanders, present.  
David Driscoll arrived at 6:45 pm.  
Health Agent Elaine Wozny present.

Ms. Marchetti called the meeting to order at 6:35 pm, March 27, 2008, at the TOHP Burnham Public Library, 30 Martin Street, Essex.

### **Appointments**

#### **Sue Lufkin, Cape Ann Chamber of Commerce re: Clamfest TFE**

**Applications:** Ms. Lufkin failed to attend.

**John Broderick, Lewis' Restaurant, Location of Public Water Supply:** John Broderick, Lewis' Restaurant, Peter McCarriston, Swampscott Plumbing Inspector & owner of McCarriston Plumbing & Heating, also of Swampscott, as was Joe Ginn, Northern Essex, Ltd., who arrived a little later, in attendance. The public water supply to the restaurant on John Wise Avenue is in violation of Title 5, 310 CMR 15.211, which states: "No system shall be constructed within a Zone 1 of a public water supply or wellfield. No system shall be upgraded or expanded within a Zone 1 of a public water supply or wellfield unless a variance is granted pursuant to 310 CMR 15.410 through 15.415." Zone 1 for this well is 167' radius from the location of the well. No component of the septic system, in this case the septic system pump chamber, should be within this radius.

The Department of Environmental Protection verbally informed the Essex Health Agent of this violation; Mr. McCarriston requested that DEP put into writing exactly what it is that they are looking for in regards to this violation. Mr. McCarriston asked for a contact name and phone number at DEP so that he can verify that the systems are not grandfathered in and need to meet current Title 5 requirements. He will call the BOH office on Friday for DEP's Claire Golden's contact information. If it is confirmed with DEP that Mr. Broderick's well need to be in compliance with Title 5, as he wants it to be, Mr. McCarriston asked how a variance could be obtained. Ms. Wozny explained that it would be given through the local BOH. If the Board decides to allow the pump chamber and any other affected components to remain, the Board must be assured that the components are water tight and no threat to the public well. The recommended procedures for this are as follows:

- Have a complete Title 5 inspection performed on the system to verify that it is not in failure.
- Require that Mr. Broderick hire a RS or PE to confirm & certify the distance of all system components (septic tank, grease trap, and pump chamber) to verify if they are or are not within Zone 1 of the well.
- Require a water tightness test be performed on all components found to be within the Zone 1 in order to assure water tightness. This should be a 24 water hour test, which is recommended be performed and certified by a MA PE or RS. Review of the procedure with the PE or RS and also require 2 samples of the tank water be taken and tested for salinity. This would compare the start and end tank content to determine if there is tidal

infiltration. Water level readings should also be taken at the beginning of the test, the end of the test, at approximate high & approximate low tide. If all tested components pass the test, The Board may grant a variance to allow the existing setback. This may be conditional upon an agreed upon timetable to relocate the nonconforming components and periodic testing of components until this is accomplished.

**Island Road, Hardy/Guerin, Map 22, Lot 16, Discussion:** Attorney John Guerin in attendance to discuss with the Board new construction on the Hardy Island Road property, specifically, construction of cisterns vs. wells to supply some of the new houses, construction for up to 8 new houses and demolition of existing abandoned chicken coops.

Atty. Guerin stated that 8 “approval not required” (A & R) lots have been broken up out of the Hardy Island Road property which is not a subdivision; they used 150’ on a pre-existing way, with lot size being from 1.5 to 3.5 – 4 acres. Open space on the property will be kept as much as possible with easements for views and non-build-able areas. The intent is to put in two driveways, using road/curb cuts from DPW, to service all of the houses. As a first step, they will put in the driveways on the property, 12’ roadways with 14’ width as stated in the town bylaws.

Perk tests have been done on the property and water has been found in a number of locations, with two lots, lots 7 and 8, being in question due to their proximity of the marsh. George Rollins of the Charles M. Rollins Co. Inc. (Wells & Pumps), with whom they are working, has seen the soil tests and doesn’t believe placement of wells will be an issue, although he is recommending shallow wells because deep wells in Essex, near marine water, often produce brackish water.

The pertinent question, as per Atty. Guerin, is if they find that the lot(s) have salty water that approval will be given by the BOH for cisterns as town bylaws allow a 2000 gallon per bedrooms capacity. There is an existing shallow well on the property with potable water which was used to supply the chicken coops plus a good deep water well up on the hill. Lot 6 is not a concern as there is existing water on it. Regarding the use of a cistern for the lots in question, Essex has a local by-law specifying the procedure, however, as per Ms. Wozny, it is over ridden by MA General Law Chapter 40, Section 54 that specifies allowed water sources mandated before the issuance of a building permit. Atty. Guerin clarified then that wells would have to be put in even if a reverse osmosis system might have to be used on wells with brackish water or if the buyers later decide to put in a cistern for back up.

Approximate cistern capacity calculations done by Ms. Wozny, not based on 35 gallons of water per day per day which is extremely low, but on the Essex well requirement of 110 gallons per bedroom per day, would require over 7000 square feet of roof area for a three bedroom house, based on annual web estimated rainfall in Essex of 45.51” and the Salvato Handbook for Sanitarians formula (1” of rainfall per square foot of roof equals 0.623 gallons). Her concern with the proposed idea of cisterns was that, in the event of a summer drought, the houses wouldn’t have adequate water supply. Atty. Guerin countered that the Essex bylaws require, for a three bedroom house, a 6000 gallon tank which should provide a 35 day supply of water.

Ms. Wozny stated that proposed septic system designs, John Warren, designer, can be submitted for approval, keeping in mind bedroom and finished room count, and then return if necessary, to the Board with any revisions. As per Atty. Guerin, septic systems are being over designed as the covenant allows for addition of an au pair suite designed for

single family use only, with no additional exit doors. Discussion continued on which of the barns and chicken coops would be saved, moved or demolished.

As per demolition of existing coops: demolition workers will be protected with appropriate garb and respirators, a hygienist will be on sight to supervise, the floor/ground area inside the chicken coops will be kept wet to discourage dust, demolition material will be placed in dumpsters, material wetted, covered, then taken to burning facility. Testing reports indicate there is no asbestos or other hazardous material on the property. The BOH has concerns about the possible histoplasmosis threat to the workers and to the community during demolition as the coops have chicken droppings and shavings on every floor. Atty. Guerin stated that histoplasmosis is more common in the Ohio and Mississippi river valleys and in facilities that house chickens on the ground in cages. As per Atty. Guerin, Bill Blanchard of the Compost Division of the State Agricultural Department indicated that due to the hard freezes in Essex during the winter, which the aforementioned river valleys don't have, and the non-use of the chicken coops for the past 4 years, there are no concerns about microbes. According to Megan McGrath with the Poultry Division of the State Agricultural Department, no viruses have ever been found at the sight. Neither have a problem with the demolition of the chicken coops on the property.

Atty. Guerin would like the demolition to proceed within the next month or so before residents have their windows open, perhaps on a rainy or misty day. Dr. Driscoll requested a copy of the on-site safety protocol to be used at Hardy Farm for both Board review and the file.

### **Board of Health Minutes**

**March 13, 2008:** Ms. Marchetti entertained a motion for the Board to approve minutes, as written, for March 13, 2008. Ms. Sanders seconded the motion. **Vote: All in favor.**

### **Bills Payable**

**#310, \$54.79:** Ms. Marchetti entertained a motion for the Board to sign bills payable, #310, in the amount of \$54.79. Ms. Sanders so moved. **Vote: All in favor.**

### **2008 Permit Renewals**

**Food Service Establishment Permit:** Ms. Marchetti entertained a motion for the Board to sign a food service establishment permit, #31, for Cape Ann Traditions, 245 Western Ave., Unit 31. Ms. Sanders so moved. **Vote: All in favor.**

**Stable / Keeping of Animal's Permit:** Ms. Marchetti entertained a motion for the Board to sign the following stable / keeping of animal's permits; #36, Richard Tofuri Jr., 58 Forest Ave., #37 Julie Lake, 35 Apple St. Ms Sanders so moved. **Vote: All in favor.**

**Septic System Design Plan Review**

**43 Wood Drive, McCoy, Map 4, Lot 101:** Ms. Marchetti entertained the motion for the Board to disapprove the septic system design plan by Mill River, dated 1/24/08, for McCoy, 43 Wood Drive, Map 4, Lot 101 for the 16 reasons listed in the Health Agent’s report. Ms. Sanders so moved. **Vote: All in favor.**

**Other Issues**

**Island Road, Hardy/Guerin, Map 22, Lot 16:** Ms. Marchetti entertained a motion for Ms. Wozny to forward a copy of the Workplace Compliance Program for the Hardy Farm Demolition Project to the Board for review upon her receipt of plan. Then, with two third’s Board approval, to have Ms. Wozny sign the demolition permit for Island Road, Map 22, Lot 16. Ms. Sanders so moved. **Vote: All in favor.**

**BOH Nurse Discussion:** Dr. Driscoll asked Ms. Wozny to email to him the current job description for the BOH nurse. The Board suggested she invite Jeff Soulard of Fin. Comm. to attend the next regularly scheduled BOH meeting to discuss the financing of the proposed public health nurse position.

**Verizon Caller ID:** The Board approved the addition of Caller ID to the BOH office phone with a one time service charge of \$15.00 and a monthly charge of \$6.50.

**Well Water Testing Report, Piper:** The Board has reviewed the last of three mandatory monthly well water testing reports from Biomarine for Piper, 52 Lufkin Point Road all of which were negative. The Board wants a letter be sent to Mr. Piper indicating these findings and requesting two more tests, one at six months and another at twelve months with mandatory yearly testing thereafter.

**Summer Intern ’08:** Discussion of the potential summer intern for 2008. The Board asked Ms. Wozny to contact the intern to see if a mutually agreeable summer schedule could be arranged.

**Meeting Adjourned: 9:05 pm**

**Next BOH meeting: 4/10/08**

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

Attested by \_\_\_\_\_  
Marlene Sanders, Board of Health Clerk