

Town of Concord
Board of Health

Minutes of the Meeting
Tuesday, February 17, 2009

PRESENT: Ann M. Snow, Chairperson
Deborah R. Farnsworth
Dr. Susanna Bedell

Brent L. Reagor, Public Health Director
Karen M. Byrne, Administrative Assistant

OTHERS: Aylce MacNeil, Verrill Farm Riding Stables; Richard Harrington, PE,
Stamski & McNary, Inc., 80 Harris Street, Acton, MA; Wayne
Chouinard, PE, Beals & Thomas, Inc.

1. MINUTES & BOARD CALENDAR

The Board postponed discussion of the January minutes until March.

The Board reviewed the calendar for March and April 2009 and changed the meeting dates as follows:

March – Wednesday, March 18, 2009
April – Monday, April 13, 2009

The Board also discussed Ann Snow's presentation at the FinCom meeting on February 23, 2009 regarding Article 42 – Septic Betterment Loans.

2. CHAIRMAN'S REPORT AND REPORTS FROM OTHER BOARD MEMBERS

Ann Snow advised the Board that she received an invitation to speak to a Girl Scouts Troup in Concord on West Nile Virus but is unable to attend. Mr. Reagor thought our consultant David Henley from the East Middlesex Mosquito Control Program had a specific presentation geared towards children and would contact him. Mr. Reagor said he would contact the Girl Scout Leader and see what could be worked out for the presentation.

3. REPORT FROM PUBLIC HEALTH DIRECTOR¹

The Public Health Director (PHD) presented the Board with his monthly update outlining the Health Department's activities since the last meeting.

¹ Public Health Director's Report - attached

Risk-Based Food Protection Program

Gabrielle White, Public Health Inspector has begun the second phase of the risk-characterization of all food establishments in Concord by conducting a physical inspection of the facility. This process is based upon the risk for transmission of food borne illness and the susceptibility of the population served (i.e. children, the elderly). The goal is to achieve a more efficient and effective inspections program to protect the public health interests.

Food Service Establishments

The Colonial Inn kitchen facilities were closed for several weeks in January to under go a major renovation project including floor replacement in the food prep area. Food service will be limited to a continental breakfast for guests only during this time frame. Mr. Reagor said that Gabrielle had been working very closely with management and contractors for this project to insure that all repairs were compliant with applicable food protection regulations.

Website Redesign

In an effort to make our page of the Town website more user friendly and easier to direct residents through the various permitting processes overseen by the Health Department, staff has been working together to reformat and redesign it. Most of the pages used to be filled with links are being replaced by narratives (with embedded links) that will easily direct residents/applicants.

Emergency Preparedness

The Health Department in conjunction with Concord's Emergency Management Agency (CEMA) hosted a volunteer appreciation event to thank all of the members of the Concord community who have stepped forward to volunteer their services this past year. It was also a chance for the volunteers and to express their appreciation to Fire Chief Willette for his service to the community at large prior to his retirement at the end of February 2009.

Budget FY2010

Mr. Reagor briefed the Board on the Town Manager's budget report that will be submitted to Town Meeting for FY2010. The Health Department received a 1.4% overall increase not including salary adjustments for regular full time staff. The slight increase reflects an increase in hours for the Sealer of Weights and Measures and the maintenance fee for the new Health Department database.

National Environmental Health Association

Mr. Reagor has been asked to participate in a panel discussion on the management of wastewater at the National Environmental Health Association's annual conference in Atlanta this year.

Playing Field Artificial Turf Discussion

The Public Health Director, along with Richard Reine, Director of Public Works met with the Board of Selectman to address concerns raised in a Boston Globe article as it related to the artificial turf used on the new sports playing fields in Concord and the levels of lead in the material. The article indicated that lead levels exceeded 13,000 parts per million, which was later disproven by two separate independent accredited testing laboratories who utilized proper chain of custody protocols and testing methods².

The results were also reviewed by Dr. Laura Green, Senior Scientist and President of Cambridge Environmental. Dr. Green has extensive experience in health risk assessment with regard to synthetic turf fields. Dr. Green concluded that *"the measured concentrations of lead in the artificial turf in Concord are not caused for concern."*³

4. PUBLIC HEARING – RECREATIONAL CAMP SITE ASSIGNMENT

Verrill Farm Stables, 415 Wheeler Road, Concord, MA

The Board heard a request from Alyce MacNeil, operator for the Verrill Farm Riding Horse Academy, 415 Wheeler Road to grant a "site" license for a Recreational Camp for Children at Verrill Farm.

In the past, staff explained that the Board had granted site licenses with the understanding that the annual "operating license" would be granted on the condition that the Health Division staff verified compliance with applicable sections of the State Sanitary Code, 105 CMR 430.000, *Minimum Safety Standards for Recreational Camps for Children*.

Section 105 CMR 430 of the State Sanitary Code for Recreational Camps for Children reads:

"No person shall operate a recreational camp for children unless it is located:

- A. So as to be accessible at all times during the designated camping season;
- B. Where surface drainage conditions create no health or safety hazards;

² CCRHS – Artificial Turf Lead Testing Results memorandum from Brent Reagor, Public Health Director and Richard Reine, Public Works Director dated 2/6/09

³ Full Report attached

- C. Where approved water supply and sewage disposal facilities can be and are provided; and
- D. Where traffic conditions create no undue safety hazards”

Gabrielle White, Public Health Inspector is currently working through the licensing details with Ms. MacNeil.

Following a brief discussion, Dr. Bedell moved that the site license to operate Recreational Camp for Children at Verrill Farm, 415 Wheeler Road be GRANTED as requested. Deborah Farnsworth seconded it. All VOTED in favor.

5. PUBLIC HEARING – ONSITE SEWAGE DISPOSAL SYSTEMS

170 Fitchburg Turnpike – Request for Local Upgrade Approval

The Board heard a request from Richard Harrington, P.E., Stamski and McNary, Inc. for his client, Mr. Matt Harkins for a local upgrade approval after the fact. Mr. Harrington asked the Board to grant one local upgrade approval in accordance with 310 CMR 15.402 through 15.405:

Local Upgrade Approval

- To construct a leaching field 4 feet from a property line, instead of 10 feet as required by Title 5.

Background

In June 2007, the Board of Health granted a local upgrade approval to construct a leaching field (8) eight feet from a property line, instead of (10) feet as required by Title 5. The septic system was installed and inspected in October 2007, but the final as-built was not prepared by Stamski & McNary, Inc., at that time.

Stamski & McNary contacted Stan Sosnicki, Environmental Health Inspector in January and explained that as a result of a subsequent certified plot plan, the property line shown on the approved septic system plan was inaccurate. Based on that information, the system was in fact constructed approximately (4) four feet from the actual property line instead of (8) eight feet that was approved by the Board. Because of that oversight, a retaining wall for breakout was now located on the abutter's property.

Charlotte Anderson (direct abutter⁴) has agreed to grant a grading easement and that will be submitted to the Health Department if the new Local Upgrade Approval is granted.

⁴ Ms. Anderson was notified by certified mail of this meeting)

Discussion

Mr. Reagor said that he and Mr. Sosnicki recommend that the Board GRANT the variance contingent upon staff reviewing the language for the easement document (grading easement) prior to it being recorded at the Registry of Deeds. He noted that the Certificate of Compliance would not be issued until a copy of the recorded easement is submitted to the Board of Health.

Following a brief discussion, Deborah Farnsworth moved that the Board GRANT the local upgrade approval from Title 5 in accordance with CMR 310, 15.405:

- To construct a leaching field 4 feet from a property line, instead of 10 feet as required by Title 5.

This request is contingent upon the Health Division staff reviewing the easement language prior to it being recorded at the Registry of Deeds.

Dr. Bedell seconded it. All VOTED in favor.

330 Baker Avenue – Request for Local Variance

The Board heard a request from Wayne Chouinard, P.E., Beals and Thomas for his clients Normandy Concord Acquisition, LLC to construct an onsite sewage disposal system on this property. Mr. Chouinard asked the Board to grant a local variance from CBHR 3.42(F)(9):

Local Variance

- To construct leaching trenches and/or beds with 6 inches of aggregate material, instead of 12 inches in accordance with Local Regulation CBHR 3.00.

This proposal consists of a 130,000 square foot office building adjacent to the current Solid Works facility on 300 Baker Avenue and will be served by a 9,900 gallon per day onsite wastewater system. The Public Health Director had the following comments for the Board to consider:

- The variance request was for new construction.
- The soils at the site are well drained sand and gravel and the system has been designed with an adjusted separation to groundwater greater than 5 feet.
- Increasing the height of the disposal area by six (6) inches creates a potential conflict with existing and proposed storm-water management structures and could negatively alter drainage patterns at the site.

- The system is designed to utilize pressure distribution, which will equally apply the effluent across the entirety of the disposal area. This will allow for a more effective treatment of the wastewater.

Following a brief discussion, Mr. Reagor recommended that the Board GRANT the local variance to section 3.42(F)(9) of the 2008 version of the Concord Board of Health Regulation with the following conditions:

- (a) Following the installation of the select fill material meeting the 310 CMR 15.255 specifications (Title 5 material) and prior to the placement of aggregate, the applicant's engineer shall record the elevation of the top of the select fill material. Once the aggregate is in place, and prior to the placement of the peastone, the engineer shall record the elevation of the aggregate layer. The aggregate layer shall be a minimum of six (6) inches greater in elevation than the top of select fill elevation.
- (b) Should final site elevations allow the installation of additional aggregate during system construction beyond the minimum required six (6) inches, the applicant shall make every effort to increase the dept of aggregate in the soil absorption systems. Any changes in elevation shall be verified with the Health Division to insure the efficient and effective operation of the distribution.

Deborah Farnsworth moved to GRANT the local variance to construct leaching trenches and/or beds with 6 inches of aggregate material, instead of 12 inches in accordance with Local Regulation CBHR 3.00 with the above noted conditions. Dr. Bedell seconded it. All VOTED in favor.

6. BOH POLICY #09-001 ("Onsite Wastewater System Variance Policy")

In January 2009, the Board directed the Health Division staff to develop a variance policy for Onsite Wastewater System Variances⁵ that would be discussed and ratified at this meeting. The Board asked staff to outline:

- Variances and approvals allowed for granting by staff
- Procedures for staff-level granting of variances and approvals
- Standard conditions for all variances and approvals granted by staff
- Statement allowing staff to refer any project to the Board for approval

Dr. Bedell moved to approve BOH Policy #09-001. Deborah Farnsworth seconded it. All VOTED in favor.

⁵ Onsite Wastewater System Variance Policy #09-001

7. Septic Betterment Loans

Preliminary Approval for Betterment Liens

There were no initial betterment applications processed in the previous month.

Final Betterment Lien Assessments

The onsite sewage disposal systems for the following properties have been completed and all invoices have been processed by Karen Byrne:

- 15 Harrington Avenue (\$20,000) – Harvey
- 17 Tanglewood Drive (\$11,000) – Abrams
- 30 Prescott Road (\$17,060) – Gray
- 142 Chestnut Street (\$18,540) – Haas
- 215 Virginia Road (\$20,000) – Rodgers

Deborah Farnsworth moved that the Board issue the Order to Assess the Betterments for the above listed properties. Such order shall be forwarded to the Town Collector. Dr. Bedell seconded it. All VOTED in favor.

The meeting adjourned at approximately 9:00.

Board of Health Signature Page
February 17, 2009

Respectfully submitted by,

Karen M. O'Keefe-Byrne
Administrative Assistant

Ann M. Snow, Chairperson

Deborah R. Farnsworth

Dr. Susanna Bedell