

Town of Concord
Board of Health

Minutes of the Meeting
Tuesday, May 19, 2009

PRESENT: David J. Burgess, Chairman
Deborah R. Farnsworth
Dr. Susanna Bedell
Ann M. Snow

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

OTHERS: Judy Quanrud, FinCom, 36 Rollingwood Lane; Martha Nestor, 97 Estabrook Road; Michael B. McGrath, PE, Holmes & McGrath, Inc., Falmouth, MA; Pete Lowy, Pete & Jen's Backyard Birds

1. MINUTES & BOARD CALENDAR

The Board reviewed and discussed the minutes from the meeting of January 20, 2009. Dr. Bedell moved to approve the minutes as submitted. Deborah Farnsworth seconded it. All VOTED in favor.

The Board reviewed and discussed the minutes from the meeting of March 18, 2009. Dave Burgess moved to approve the minutes as submitted. Deborah Farnsworth seconded it. All VOTED in favor.

The Board confirmed the June 16th meeting date. After a brief discussion, the Board decided to change the meeting time from 7:30 p.m. to 7:00 p.m. for the June meeting forward on a trial basis.

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

There were none.

3. REORGANIZATION OF THE BOARD

Karen Byrne reminded the board that historically in April, it nominates a new chairperson for the upcoming year. The new chairperson begins his/her term following the annual Town Meeting in April. She also noted that Ann Snow, current chairperson, received a letter from the Town Manager requesting that David Burgess serve a second term.

David Burgess agreed to serve a 2nd term on the Board of Health. He will contact the Town Clerk's office for his official appointment. Following a brief discussion, Deborah Farnsworth nominated David Burgess as the next chairperson for the Board. Dr. Bedell seconded it. All VOTED to approve.

The Board thanked Ann Snow for her service during her tenure as chairman and for her part in making the Town Meeting presentation of Article 41, Septic Betterment Program a success.

Board members also discussed the fact that they were down one Board member since Jack Henderson resigned his position in January. Mr. Reagor said that there were not many civil engineers in Town who had submitted "green cards" as possible members, but that he was following a couple of leads. Board members felt it was very important to keep the Board well rounded and that a professional civil engineer was necessary considering the amount of septic related issues that were brought before them during any given year.

4. PETE & JEN'S BACKYARD BIRDS – Update

The Board heard a presentation from Pete Lowy, co-owner of Pete & Jen's Backyard Birds (located at Verrill Farm) regarding the pilot project developed by the Department of Public Health and the NE Small Farm Institute for the mobile chicken slaughtering operation that served a small number of poultry farmers around the state last year.

Mr. Lowy said that the project was a huge success and in response to the interest in the process, that his wife, Jen Hashley has developed a training and field day for farmers interested utilizing the mobile unit. She has worked very closely with the NE Small Farm Institute, MDPH, and Mass Department of Agricultural Resources and will be holding a class at the end of May in Belchertown.¹

There will be four (4) scheduled events in the upcoming year, June 28, July 26, September 6, and October 4. The unit will be located in the same location as last year at Verrill Farm and that a state inspector will be on site during each "slaughter".

5. PUBLIC HEARING – ONSITE SEWAGE DISPOSAL SYSTEM

Estabrook Road Nominee Trust, 55 Estabrook Road, Concord MA

The Board heard a request for variance from Michael McGrath, PE, Holmes & McGrath, Inc., for his client, Estabrook Road Nominee Trust as it related to the newly constructed onsite sewage disposal system on this property.

Mr. McGrath provided the Board with a summary of events that led up to this request. He noted that this system was originally installed in July 2008, but resulted in a large mound that both the direct abutter and the owner found unsightly. Based on this visual impact, the trust agreed to remove and replace the septic system to another area. The trust acquired two additional lots and merged the parcels into one building lot; this would also require a land swap between the abutter (Martha Nestor) and the trust because a portion of a pipe would cross Ms. Nestor's property. For a variety of reasons, this land swap never occurred and this omission was picked up by Stanley Sosnicki upon review of the final as-built construction plan prior to the issuance of a Certificate of Compliance.

¹ Handout: Mobile Poultry Processing Unit Training & Field Day
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Mr. Reagor noted that the variance application was necessary because of the failure of the interested parties to reach agreement on the land swap. He said that Title 5 stated:

”{5} Locating a system component or any part thereof beyond a property line of the facility, whether pursuant to an easement or otherwise, requires a variance issued in accordance with 310 CMR 15.410, except that the placement of fill or grading material beyond the property line of the facility, pursuant to an easement or otherwise, shall not require a variance under 310 CMR 15.410.”

Variance Request

- To locate a gravity-effluent sewer line within a five (5) foot strip of land through a “Grant of Use Agreement” on the adjacent property, 97 Estabrook Road.

Mr. Reagor noted that the pipe goes across 97 Estabrook Road, back onto the Trust’s property to reach the distribution box and leaching field for 55 Estabrook (see attached plan).

Recommendation

The Public Health Director and Stanley Sosnicki, Environmental Health Inspector have reviewed the application materials and would recommend the Board’s approving this request for submittal to DEP for final approval with the following conditions:

1. The “Use Agreement”² shall be recorded with the deeds of both the Grantor (Ms. Nestor) and the Grantee (Estabrook Road Nominee Trust).
2. Approval GRANTED for plan stamped by Michael B. McGrath, PE, PLS, dated July 28, 2008 and revised February 4, 2009 depicting the effluent gravity sewer line as described above.
3. Should the situation requiring the variance be resolved and full compliance with the applicable sections of Title 5 be achieved, the property owner shall notify the Concord Board of Health in writing, and take the necessary steps to remove the Use of Agreement from all original Grantor and Grantee deeds.

At this point, Martha Nestor, 97 Estabrook Road provided the Board with a portion of a plan and copy of a deed that she wanted included in the public record and minutes. Ms. Nestor noted that she agreed to and had signed the Use of Agreement instrument allowing the pipe to travel across a portion of her land. However, she stated that the original system (now moved) was never supposed to be constructed within her “View Easement B2” as referenced in her deed and that that was the reason the system needed to be removed.

Following a brief discussion, Deborah Farnsworth moved that the Board GRANT approval of the request for variance for submission to DEP contingent upon the conditions listed above and the recorded Use of Agreement signed between Estabrook

² Use Agreement Attached
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Road Nominee Trust and Martha Nestor, 97 Estabrook Road and a final As-Built Plan be submitted by the system designer noting the view easements as described by the direct abutter. Dr. Bedell seconded it. All VOTED in favor to approve.

Mr. Reagor will write an approval letter to the parties involved for their submission to DEP.

6. REPORT FROM PUBLIC HEALTH DIRECTOR

The Public Health Director (PHD) presented the Board with his monthly update outlining the Health Department's activities since the last meeting. He provided the Board with a separate memorandum as it related to the Town of Concord's response to Novel H1N1 Influenza Virus.³

Town Meeting Update

At the 2009 Annual Town Meeting, voters authorized the Town to secure funding from the Water Abatement Pollution Trust in the amount of \$2,000,000 for construction loans for septic systems up to \$30,000 to qualified homeowners to be repaid as a betterment lien against their property at 2% over ten years.

Mr. Reagor said that the success of the initial Septic Betterment Loan Program in 2004 has resulted in nearly one million dollars being loaned. He noted that this program was managed by Karen Byrne who works closely with the Accounting Department to ensure that compliance is adhered to and required reports are filed with the State.

Response to Novel H1N1 Influenza Virus

Mr. Reagor provided the Board with a copy of a press release that was posted on the Town's website as of April 24, 2009. He summarized that from the beginning, the strategy of the Health Department working very closely with the Fire Chief and Emerson Hospital had been a "measured" response. The goal of all town officials was to provide necessary information and offer public health measures that could be taken without creating a sense of panic. In other words, he said it was the intention to "control the message, so that the message does not control us." The Public Health Director was confident that the steps taken by the Health Department as it related to this serious public health issue went above and beyond the stated goal. He felt it was an excellent opportunity to utilize some of the Emergency Planning strategies that had been developing over the past two years and recognize the strengths and weaknesses.

³ Public Health Director's Report & H1N1 Influenza Virus Memorandum
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Respectfully submitted by,

Karen M. O'Keefe-Byrne, Administrative Assistant
Concord Board of Health

David J. Burgess

Deborah R. Farnsworth

Dr. Susanna Bedell

Ann M. Snow