

**Newburyport Board of Health Meeting
August 15, 2013**

Date of Approval: 9/19/2013

Attendees:

*Committee Chair: Dr. Robin Blair
Committee Member: Dr. Susan Beluk
Committee Member: Patricia Lawrence
City Health Director: Robert Bracey
Benjamin Osgood, Jr., PE
Note Taker: Patricia McAlarney*

Call to Order: 7:00 PM – Meeting called to order.

Public Hearing: 10 Jefferson Court – Proposal for Subsurface Sewage Disposal System

The Board recognized that a community event in the downtown area significantly decreased the amount of available parking and may have deterred some residents from attending this evening's public hearing; therefore, the Board decided to proceed with the meeting and the vote but that no action on the vote will take place until five days have passed, thus giving residents ample opportunity to contact the Board of Health to present any questions or concerns related to the issue. Ben Osgood, PE, agreed that he would return for a re-hearing, if necessary.

Mr. Osgood presented the Site Plan for the Board's review and explained that the plan must comply as closely as possible to Title V requirements. Title V requires that the sewage system must be located at least 50 feet away from the well; the proposed plan allows an 80 foot distance from sewage system to the property's well. Title V requires a 100 foot distance between the system and the leaching field which this plan also accommodates (with a 100' setback.) The issue at hand is that Title V requires that the system be located a minimum of 10 feet from the property line and the proposed site will be less than 10 feet from abutting neighbors, as outlined on site plan. Rotating the system is not a possibility because it would cause the system to encroach upon the well setback. The site plan design parameters include an offset from the bottom of the leach field to the estimated seasonal high ground water of 3 feet (Title V requires a four foot offset.) The three foot offset is necessary because the leach field will be located below an area that will be driven over by vehicles and will therefore be constructed with an H-20 distribution box which is designed to withstand loads of 100,000 pound concrete truck. Mr. Osgood confirmed that the homeowner would bear responsibility if the area above the system had issues; however, he stated that the system is designed to withstand weather, rain, snow plowing, etc. It is also designed such that the sand and stone is compacted and the weight of the vehicles will be evenly dispersed so that heavier weight bearing sections should not wear down under the weight. The Board questioned the material used for the piping and Mr. Osgood stated that the pipes are made from 40 PVC which is intended for use

under H-20 loads. Mr. Osgood also indicated that it would be necessary for the system to be vented since it will be located beneath dense gravel.

The Board questioned whether a condition of approval could be included that would make the homeowner responsible for maintaining the loadbearing capability of the system. Mr. Osgood stated that many Boards make it a condition of approval that the system be inspected annually by a licensed inspector. Director Bracey confirmed that Title V inspections fall under the Board of Health.

Mr. Osgood indicated that the leach field should be completed in two to four days; he suggested to the Board that the plan contain a condition of approval requiring that neighbors have access to their properties throughout the construction process.

Member, Sue Beluk inquired as to the number of Newburyport properties that still have septic systems. Director Bracey stated that there are approximately 10-15 homes that are not connected to City sewer. Mr. Osgood explained that some homes are located in areas where significant blasting through rock areas would be required to install the City sewer hook ups.

Mr. Osgood demonstrated on the map the location of the abutter's wells and indicated that the location of each of the wells is sufficiently far from the proposed site plan as required by Title V. He also mentioned that one of the abutters is connected to City water.

Director Bracey proposed for vote the following:

That the Board approve the request by Charles Palmisano for the following Local Upgrade Approvals for the repair of the septic system at of 10 Jefferson Court and the following conditions of approval:

TITLE 5 Local Upgrade Approvals

- Allow the leach field to be placed in an area where the offset to the property line adjacent to Roberta W. Corcoran at 8 Jefferson Court be reduced from 10 feet as required by Title 5 section 15.211(1) to 8 feet.
- Allow the leach field to be placed in an area where the offset to the property line adjacent to Alexandra and Gregory Coir at 2 Lancey Court be reduced from 10 feet as required by Title 5 section 15.211(1) to 5 feet.
- Allow a reduction in the required distance for removal of fill from the edge of a leach field from 5 feet as required by Title 5 section 15.255(5) to 3 feet.

Conditions of Approval:

- Property lines are to be marked by a Massachusetts Licensed Surveyor.
- During construction of the leaching field, abutters will maintain access to their property.

- The leaching field is to be inspected for integrity by a Massachusetts Licensed Title 5 Inspector once per year with a report filed with the Board of Health.
- If no one contacts the Board of Health within one business week from today with questions or concerns about the proposed plan, the approval will stand.

Move to accept the Motion: Sue Beluk

Motion Seconded: Patricia Lawrence

In Favor: Sue Beluk, Patricia Lawrence, Robin Blair

Opposed: None

Motion Passed: 3:0

Member, Patricia Lawrence, Patricia Lawrence was absent for the following discussion. Director, Robin Blair, noted that he was unable to open the attachments containing monthly staff reports from Office Manager, Patti McAlarney and Animal Control Officer, Matt Lipinski. Patti McAlarney stated that she will resend the attachments in an alternative format. Member, Sue Beluk, noted that some of the graphs contained in the Animal Control Officer's monthly report are redundant and that going forward information does not need to be presented in multiple graph formats.

Discussion ensued regarding the proposed informational sheet for residents and the Department's protocol concerning retrieval and testing of bats. Sue Beluk suggested the following changes to the informational sheet for residents: add the phone number for the State Epidemiology Department, add an explanation regarding the effect of cold weather on the incidence of bats found in homes, add an explanation regarding how the level of risk associated with bats found in proximity to humans is determined by the State, tone down the description of the symptoms of rabies, add footnotes and references to identify the source of the information. Director Bracey explained that the Health Department is currently reviewing the protocol for the retrieval and testing of bats in light of the recent incident which caused a specimen to be delayed in delivery to the State Rabies' Lab. Sue Beluk suggested that the Health Department call the Lab the day the specimen is submitted to confirm receipt and ensure timely testing.

Director Bracey provided the following updates:

- Mosquito Control – Ground spraying was completed on Plum Island without incident. Approximately seven residents opted to have their property omitted from spraying.
- Marine Water Testing – Weekly testing continues and all beaches have done well.
- Water Testing on Merrimac River – A local group has taken on the task of testing the water in a location frequented by swimmers. Director Bracey explained to the Board that the Health Department is not in support of the testing since testing the area's water to determine if it is suitable for swimming could be construed as the City's approval for swimming in that location and may expose the City to liability.

Tobacco – Discussion ensued concerning teenagers acquiring tobacco products, including chewing tobacco. Director Bracey explained that the Director of Tobacco Regulations, Ron Beaugrad, checks for compliance involving all forms of tobacco (including electronic cigarettes) during his compliance checks. Also, the Mayor has asked Director Bracey to speak with the local tobacco retailers concerning the upcoming increase in the age for tobacco purchase (from 18 to 21.) Member, Sue Beluk, noted that there is also an issue related to littering of cigarette butts and packaging. Director Bracey stated that he would contact the Police Department to determine whether the High School Resource Officer may be able to do some patrolling of areas around the high school to try to curb the incident of smoking and littering of tobacco products.

Meeting adjourned 8:03 pm.