

Town of Topsfield Board of Health  
Meeting of Thursday, February 27, 2014  
Town Hall, 8 West Common Street, Topsfield, MA 01983

Meeting Minutes

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Topsfield Board of Health, Thursday, February 27, 2014 at 7:30 pm in the Conference Room of Topsfield Town Hall.

With a quorum present, Acting Chair Dr. Vincent Guerra called the meeting to order at 7:34 pm.

Board of Health Members present: Vincent Guerra MD; Gerald Topping PE; Wade Goldman PE, John Coulon RS, Health Agent; Susan Winslow, Minutes Secretary. Also in attendance: Charles Johnson PE; Ara Aftandilian, resident; John D. Duffy, observer; Steve Shepard, Superintendent of Topsfield Parks and Cemetery Department, Robert Russo and Margaret Russo, residents; John Morin PE; Randy Sabino, resident; Richard Gandt, Selectman.

**ABBREVIATIONS:**

CEMP: Comprehensive Emergency Management Plan

CERC: Crisis and Emergency Risk Communication

DAR: Department of Agricultural Resources

DEP: Department of Environmental Protection

DPH: Department of Public Health

EDS: Emergency Dispensing Site

EP: Emergency Preparedness

PE: Professional Engineer

MRC: Medical Reserve Corps

NEMMC: North East MA Mosquito Control

RN: Registered Nurse

RS: Registered Sanitarian

TAR: Technical Assistance Review

TBOH: Topsfield Board of Health

TRMRC: Topsfield Regional Medical Reserve Corps

TBOH: Topsfield Board of Health

VNA: Visiting Nurse Association

Public Information

Agenda

**APPOINTMENTS:**

37 River Road:

Ara Aftandilian requested extension of Percolation Test Data Validity for two Percolation Tests: October 16, 2008 and March 12, 2008. Mr. Aftandilian explained that there has been no alteration of the soil conditions in the area of the soil tests since the original test dates. Mr. Coulon verified.

*VOTE: Mr. Topping made a motion to grant the extension of percolation test data validity for tests conducted at 37 River Road on October 16, 2008 and March 12, 2008 to March 12, 2016. Mr. Goldman seconded and the motion carried in a unanimous vote.*

13 Pond Street

NOTE: This project has been before this Board November 18, 2013, January 9, 2014. The property is a cottage on the shore of Hood Pond with a failed septic system (a flooded cesspool). The property is currently vacant. The lot has many challenges including restrictive property lines, wetland resource setbacks (the pond), groundwater established at 13", and the existing well < 50' feet from a structural component of the proposed septic system. Charles Johnson PE appeared before the Board to present three currently proposed options for this property including seven local upgrade approval requests delivered on DEP Form 9A as follows:

Section	Requirement	Request	Reason
310 CMR 15.211(l) & 15.405(l)(a)	Minimum horizontal separation between Septic Tank & Property Line of 10 feet	5 feet	Site Constraints
310CMR 15.211(l) & 15.405(l)(b)	Minimum horizontal separation between Concrete Structure and Slab Foundation of 10 feet	5 feet (Septic Tank to Garage) 5 feet (Waterloo Biofilter to Garage)	Site Constraints
310CMR 15.211(l) & 15.405(l)(e)	Minimum horizontal separation between Leach Facility and Wetland of 50 feet	30 feet	Site Constraints
301CMR 15.211(l) & 310CMR 15.405(l)(g)	Minimum horizontal separation between Leach Facility and Well of 100 feet	64 feet (Note that 50 feet is acceptable to MA DEP)	Site Constraints
301CMR 15.211(l) & 15.405(l)(g)	Minimum horizontal separation between Concrete Structure and Well of 50 feet	49 Feet (Waterloo Biofilter)	Site Constraints
310CMR 15.104 & 15.405(l)(i)	Performance of a Percolation Test	Sieve Analysis per MA DEP Guidance	Site Constraints
310CMR 15.227(5) & 15.405(l)(j)	Minimum vertical separation between Septic Tank Inlet & Outlet Inverts and High Groundwater of 12 inches	Septic Tank & Waterloo Biofilter to have Rubber Boots	High Groundwater Table

Mr. Johnson outlined three options for the repair of the failed septic system at this address.

- Option 1: Onsite Wastewater Treatment and Dispersal System including Septic Tank and Waterloo Biofilter structures which would keep the existing well and install a new Water Filtration System at a cost of \$50,299.82, representing 15.5% of the assessed value of the property.
- Option 2: On-Site Wastewater Treatment and Dispersal System including Septic Tank and Waterloo Biofilter structures and the drilling of a new well; installation of a new water service and new water filtration system at a cost of \$63,000.64, representing 19.5% of the assessed value of the property.
- Option 3: On-Site Wastewater Treatment and Dispersal System including Septic Tank and Waterloo Biofilter structures and tie-into the Ipswich Water Main on Boxford Road and install a new water service. This would be at a cost of \$80,726.06, representing 25.0% of the assessed value of the property.

The Board discussed the various options. Mr. Johnson informed the Board that Option 1 is the choice the owners would like to use for this property. Mr. Topping pointed out that this is a case that falls into the category of DEP maximum feasibility. Mr. Topping thanked Mr. Johnson for following the Board's instruction to explore the possibility of a tie-into the Ipswich Water line on Boxford Road with Vicky Halmen of the Ipswich Water Department.

**VOTE:** Mr. Topping made a motion to grant the variances requested on Form 9A for 13 Pond Street in order for Mr. Johnson to pursue Option 1. Mr. Goldman seconded the motion and the Board voted unanimously to approve the variance requests subject to the approval of a design plan for Option 1 by the Topsfield Health agent.

Burial of Dead Animals

Steve Shepard, Superintendent of the Topsfield Parks and Cemetery Department, presented the Board with a request for a \$500 expenditure from the line item 51205-52920 Bury Dead Animals for the purpose of building a safe pit and cover for the dead animal burial trench in the Topsfield Town Forest. Mr. Coulon gave the Board a brief synopsis of his oversight for this line item. Mr. Shepard presented the Board with a design drawing for the proposed structure as well as photographs of burial procedures.

**VOTE:** Mr. Topping made a motion to approve the expenditure not to exceed \$500 for materials necessary to construct the dead animal burial pit as presented by Mr. Shepard. Mr. Goldman seconded and the motion carried in a unanimous vote.

45 Campmeeting Road

Mr. and Mrs. Robert Russo appeared before the Board to request an extension on three of the items in the Compliance Orders issued by the Health Agent in response to a housing complaint by tenants living at that address. Mr. and Mrs. Russo own the property. Mr. Coulon gave the Board a brief description of the situation at 45 Campmeeting, including informing the Board that the Russos have complied with ten of the items issued by him after a joint inspection conducted at that address on 1/21/2014 including Health, Building, Plumbing/Gas, Electrical and Fire Department inspectors. The Russos appeared before the Board to request the following extensions:

Regulation number	Description	Original time limit for compliance	New time limit
.500	Second floor porch off master bedroom repair/replace under permit	30 days	60 days
.500	First floor porch repair/replace under permit	30 days	60 days
Town R:1-2 Section 9	Town regulation requires pumping ever 4 years. Records indicate last pumping in 2003	30 days	90 days

The Russos informed the Board that they will comply with these orders, but the winter weather and snow have made it impossible to meet with the 30 day compliance limit.

Mr. Coulon made it clear that the compliance dates are from the date of receipt of the compliance order by the Russos. He confirmed with the Russos that the receipt date of the compliance order was January 23, 2014.

**VOTE:** Mr. Topping made a motion to extend the compliance dates from the original 30 days to 60 days from receipt of compliance order for the extension requests presented regarding the first and second floor porches and 30 days to 90 days from receipt of compliance order for the septic pumping.

Mr. Goldman seconded and the motion carried in a unanimous vote.

### 38 Summer Street

John Morin, PE and Randy Sabino (homeowner) appeared before the Board to request that the septic system at this address be changed in the town records from a 3 bedroom to a 4 bedroom system. Mr. Morin explained that the system was repaired in 2005, at which time the Health Agent accepted the As Built Plan and a Certificate of Compliance was issued. At that time, the town of Topsfield regulations required 200 gallons per bedroom per day, so the leach field is designed for 600 gallons per day. Mr. Morin proposed that because the Topsfield Regulations were changed in 2013 to comply with Massachusetts Title V 110 gallons per bedroom per day, the septic system designed for 38 Summer Street now qualifies as a 5-bedroom system under the current regulation. He stated his client is only looking for a 4-bedroom determination. The Board discussed with Mr. Morin ways to ensure that existing septic systems presented to the Board for this type of reclassification are working correctly and will continue to do so after reclassification. This issue was tabled until the March Board of Health Meeting at which time the Health Agent will have reviewed a Voluntary Title V Inspection for 38 Summer Street, and the Board will make a final determination on the reclassification of this property and consider developing guidelines for others that may come before the Board in the future.

### **NEW BUSINESS:**

#### Valerie Nelson

Mr. Coulon requested that the Board vote to appoint Valerie Nelson as Acting Health Agent. He explained that Ms. Nelson is the Director of the Environmental Health and Safety Division at Harvard University, and she is looking for more current experience in the field of Local Public Health. He further explained that this will be in a volunteer capacity, and she will be assisting Mr. Coulon with the Topsfield Fair in the Fall of 2014. Mr. Goldman requested that the Health Agent ask Ms. Nelson for a CV. Mr. Topping extended an invitation to Ms. Nelson to attend the March 27, 2014 Board Meeting. The Board decided to table further discussion of this topic until the March 27, 2014 Board Meeting.

#### Mosquito Spray Exclusion

The Health Agent reported that the Town Clerk and the Topsfield Board of Health received a request from the Topsfield Conservation Commission for exclusion of nine (9) Town properties from mosquito spraying in 2014. The Board discussed the issue of ownership of Conservation Commission-managed lands in the town of Topsfield and questioned whether the Conservation Commission is the owner of record, because the Massachusetts General Law requires that the mosquito exclusion request can be made only by the owner of the property. Mr. Coulon informed the Board that he spoke with Assistant Assessor Kathryn Jackson, and gave her a list of the properties put forth by the Conservation Commission for mosquito spray exclusion, and she determined the owners of record for each property. Mr. Coulon has discussed this issue with Town Administrator Kelly Hebert and he said the NEMMC Directors are soliciting legal opinion from MA DAR General Counsel. The Board Tabled further discussion of this issue until the March, 2014 meeting.

#### New Page for Topsfield Board of Health Website

Mr. Coulon requested that the Board approve adding a new page for the Topsfield Board of Health website dedicated to identifying Board and Staff Members as well as licenses, trainings, awards and special recognitions. Dr. Guerra, Mr. Goldman and Mr. Topping approved of the proposal. The final decision was tabled until the other two members of the Board can go on record.

#### Tobacco Control

Mr. Coulon reported that he received notice on February 27, 2014, that Ron Beauregard, Regional Healthy Communities Coordinator for Tobacco Control, conducted a compliance check at Gil's Grocery, 30 Main Street, Topsfield, on February 26, 2014. At that time, a Gil's employee sold tobacco products to a minor. The Board discussed the matter and-unanimously decided to fine Gil's Grocery \$50 as determined by the schedule in R:1-6.5(1) TOWN OF TOPSFIELD REGULATIONS RESTRICTING YOUTH ACCESS TO TOBACCO.

### MRC Activities

Mr. Coulon reported that this is the fourth year the TRMRC has assisted the Tri Town Council with Open Gym Nights at Masconomet Regional High School. He told the Board that he will be attending the Region One (New England) MRC Education Day at Westover Air Force Base in Chicopee Falls on May 8, 2014.

### Emergency Preparedness

Mr. Coulon reported that DPH EP employees Pamela Smith, Austin Nagle, and David Trout came to Topsfield on Tuesday, February 25, 2014 to conduct the TAR audit of the town's Emergency Dispensing Plan. He told the Board that the audit went well, and that he and Board Member Sheryl Knutsen will meet on Monday, March 3, 2014 to finish up items from the Audit within the five-day post-audit timeline for final submission. The Board commended Sheryl Knutsen for her tireless efforts on the town's behalf. Mr. Coulon reminded the Board that Topsfield received a 92, the second-highest score in the State, on the CDC Audit of the Emergency Dispensing Plan last year. He believes the score from this audit will be within the 90s, another high score.

### Outside Activity

Mr. Coulon reported that cold temperatures and snow have curtailed outdoor projects for the past two months, but activity will resume as soon as the spring thaw arrives. He reported that there is a proposed development of twenty house lots at 120 Hill Street, and there are three or four more lots to be developed at Hickory Beech. He reported that English Commons and New Meadows developments are winding down in activity, and there has been a permit issued by the Planning Board for an event facility at 116 Boston Street.

### **MINUTES:**

**VOTE:** *Mr. Topping made a motion to accept the 1/9/2014 Minutes with one edit. Mr. Goldman seconded and the motion carried in a unanimous vote.*

NEXT MEETING: Mr. Coulon reminded the Board that the next meeting is scheduled for March 27, 2014.

**VOTE:** *Mr. Topping made a motion to adjourn at 10:00 pm. Dr. Guerra seconded and the motion carried in a unanimous vote.*

Respectfully submitted,

Susan Winslow  
Minutes Secretary