

Town of Concord
Board of Health

Minutes of the Meeting
Tuesday, September 19, 2016

PRESENT: Jack Bergman, Chairman
Ray Considine
JoAnn Di Nardo
Dr. Deb Greene

Susan G. Rask, Public Health Director
Karen M. Byrne, Administrative Assistant

PRESENT: Thomas Tarpey, 59 Westvale Drive; Carolyn King, 59 Westvale Drive; Ian Rubin,
Markey & Rubin, 360 Mass Ave, Acton; Alice Kaufman, Liaison, BOS; Terri
Ackerman, FinCom; Hope Beckman, 653 Main Street, Concord, MA

1. OPEN MEETING

Chairman Jack Bergman opened the meeting at 7:00 p.m.

2. PUBLIC HEARING – SEMI-PUBLIC WELL

169 Heath’s Bridge Road – Request for Variance/Geo-Thermal Well

The Board heard a request for variance from Thomas Tarpey and Carolyn King, 59 Westvale Drive to construct irrigation well at their property located at 169 Heath’s Bridge Road. The applicants requested the following variance from CBHR7.000, “Minimum Sanitation Standards for Private and Semi-Public Water Supplies, Section 7.05 (C) Table 1:

Variance Request

- Locate a private well (geo-thermal) 10 feet from a structure with a foundation instead of 20 feet as required by CBHR7.05, (C) Table 1.

PHD Rask advised that Assistant Public Health Director Stan Sosnicki had reviewed the proposal with the applicants and the well driller in early September for feasible locations to site the well but due to conditions placed on the construction/location of the structure by the Board of Appeals and Natural Resources Commission they were quite limited. Therefore, he felt the proposed location would be adequate and sufficient to continue to meet the sanitation standards for the well. Ms. Rask said that a geo-thermal well would not being used for drinking and/or irrigation purposes so this location was fine.

Consensus of the Board was that the variance could be granted as proposed, but prior to the vote, the applicant requested consideration for approval for an alternate proposal as well that would include installation of a new septic tank (turning it 90 degrees) therefore allowing the geo thermal to be installed outside of the driveway area but still maintain the 10’ variance requested setback and maintaining 50’ to the wetlands. Following a discussion, Board members felt it best to approve the requested variance as submitted and if Mr. Tarpey was able to

provide a proposal by the design engineer to staff showing the alternate scenario they would review it at the October meeting.

Dr. Greene moved to GRANT the variance to construct a geo-thermal well 10' from a structure with a foundation instead of 20' as required by CBHR7.05 (C), Table 1. JoAnn DiNardo seconded it. All VOTED in favor.

3. PUBLIC HEARING – PRELIMINARY SUBDIVISION

Keuka Road/Hosmer Meadow (PCLS: 3838, 3842-2; 3849; 3850; 3851; 3825

The Board reviewed a set of plans for a Preliminary Subdivision Plan (Keuka Road/Hosmer Meadow) prepared by Ian Rubin, Markey & Rubin dated August 10, 2016 for their clients Hope and Craig Beckman (Keuka Road, LLC) in accordance with the Concord Zoning Bylaw and Concord Planning Board Subdivision Rules and Regulations. As part of that submission, acting under the authority of Massachusetts General Laws, Chapter 41, Section 81 S, the Public Health Director (as the Board of Health Agent) has reviewed the plans to determine whether any areas shown on the proposal could not be used for building sites without injury to public health.

Background

Health Division staff (PHD Rask & APHD Sosnicki) reviewed the Preliminary Subdivision Plan for an 11 Unit Planned Residential Development (PRD) on Keuka Road (a Paper Road off of Main Street) at length. Keuka Road was established as a “Paper Road” established in 1913¹ but has never been built. The proposed plan presented by the applicants is for road improvements intended to create sufficient road frontage for 5 buildable lots that will include both single family homes and condominiums (according to the plan submitted).

Discussion

Ian Rubin, PE briefly reviewed the preliminary plan with the Board and stated that he was perplexed as to why the plan was being reviewed by the Board of Health at this stage in the process. Ms. Rask interjected that it was being reviewed because an application had been submitted to the Board and it was required by law to act within 45 days of submittal. He noted that in all of his previous experiences with Preliminary Subdivision submittals (in Concord and other communities) the Board of Health reviews the plan for the feasibility of onsite sewage disposal systems and other related concerns if applicable (well water, etc.) and passes comments on to the Planning Board and Board of Appeals for discussion and/or incorporation of conditions prior to the Definitive Subdivision Plan submittal.

PHD Rask stated it was unusual particularly for septic design purposes under Title 5 to see both single family homes and condos on the same plan because of specific design criteria requirements for each type of facility (home/condo)(as is the case with this submission). In her opinion at minimum the applicant had not demonstrated that it met the definition of cluster development and/or demonstrated that the two proposed onsite sewage disposal design systems for the buildings to be served by the shared system did not exceed the design flow and could subsequently be constructed in compliance with Title 5 without the use of a shared system. Ms. Rask expressed many concerns relative to the amount of fill material that would be brought onto the site to construct the road, septic systems and house foundations. She provided the Board with a summary² outlining many of her concerns and recommended that the Board deny the preliminary subdivisions due to insufficient information to determine whether the septic systems could reasonably be constructed as proposed.

¹ Information summarized from Preliminary Subdivision Review – Keuka Road/Hosmer Meadow – by PHD Rask

² Preliminary Subdivision Review – Keuka Road/Hosmer Meadow – by PHD Rask

Hope Beckman, owner/applicant reiterated Mr. Rubin's statements that she did not truly understand the purpose of this public hearing. Mr. Rubin said that both he and Ms. Beckman understood completely the design criteria for what would eventually be submitted may need to be altered, but at this point the preliminary plan was submitted for the purposes of the construction of the road so that the design can move forward in the Planning Board and Board of Appeals process, but as is required, it also demonstrated that some type of onsite sewage disposal system could be constructed for the purposes of building either a condo or single family home. He said that his client was there in good faith and understood completely that changes would likely occur prior to the final design of both the septic systems and layout of the homes.

Following a discussion, Dr. Greene concurred stating that the applicant was acting in good faith by appearing at the hearing and based upon the discussion with Mr. Rubin, the design engineer, felt confident that appropriate steps would be adhered to relative to the process with the Planning Board and Board of Appeals. However, she did feel that all of the conditions outlined in the summary prepared by Public Health Director Susan Rask for consideration for denial should be incorporated into the approval and forwarded to the Planning Board as part of the approval. Therefore, she moved to APPROVE the Preliminary Subdivision Plan contingent upon the conditions outlined in the summary³ prepared by Public Health Director Susan Rask. JoAnne DiNardo seconded it. All VOTED in favor.

Ms. Beckman and Mr. Rubin thanked Board members for their time.

4. MINUTES AND BOARD CALENDAR

Discussion of the August 2016 meeting minutes was deferred to the October meeting.

There were no changes to the Board calendar. The next regularly scheduled meeting is Tuesday, October 18, 2016.

5. Chairman and Board Member Reports

None.

6. Discussion – Polystyrene Committee Charge

The Board reviewed the committee charge drafted by the Board of Selectmen for the Polystyrene Education and Outreach Committee. This committee was a result of strong encouragement by Board of Health members particularly because it was considered the most appropriate entity to hear petitions for waivers from the bylaw approved at April Town Meeting.

The committee will consist of:

- A representative from the Petitioners of Article 45
- A representative nominated by the Board of Health
- A representative nominated by the Public Works Commission
- 2 members at large

At the August meeting, Dr. Greene advised that she thought a representative from the hospital would be a wise choice considering the wide variety of items used on a daily basis that contain polystyrene and it could be a very cost prohibitive endeavor for Emerson if it had to eliminate all items from its' daily operations. All agreed that someone from the hospital staff could provide excellent input. However, Dr. Greene said it turned out just as

³ Preliminary Subdivision Review – Keuka Road/Hosmer Meadow – by PHD Rask

difficult to find a staff member (from Food Service and/or Purchasing) that lived in town – she asked whether the Town could consider a member that did not live in town but either owned a business or had another professional stake in the Town. Alice Kaufman said that only in rare occasions has that been approved, but she would inquire.

After lengthy brainstorming and discussion, the Board felt that it would be beneficial for it to contact the Chamber of Commerce and ask for assistance in contacting all businesses in Town. PHD would draft a letter indicating the Board’s interest in soliciting interested parties outlining the goals of the committee particularly for setting waiver protocol asking that those interested respond within a two week time frame. Staff asked whether the committee charge could be included in the packet of information sent out and Ms. Kaufman said it should be as well as a letter that had been sent by Public Works, in conjunction with the Town Manager’s office advising that the bylaw would be going into effect in January 2017.

Ms. Rask will contact the Chamber of Commerce and report back to the Board in October. Alice Kaufman also noted that she would contact Sean Dugan to post

7. Staff Reports

- Staff advised that summer beach testing had ended for the season and was uneventful this year (which is an excellent thing) – no algae blooms and no beach closures the entire summer.
- Both the senior and employee influenza clinics had been scheduled in conjunction with the Council on Aging and Emerson Home Care for early October.
- Ms. Rask noted that she did not have an opportunity to explore (other than the information sent) further what other towns/municipalities were doing relative to continuous groundwater monitoring for artificial turf fields. She said quite frankly there was not a lot of information available for Massachusetts, so in her opinion, the best data set available was from the Fenn School who had continual monitoring for many years in the spring/fall. Ms. Rask will review the information and provide a summary at the October meeting so that the Board can make a determination whether it wants continued monitoring at the new fields at the high school.
- Staff was advised that Attorney Mark Haddad had been interviewed as a potential Board member but Ms. Byrne had not seen any official paperwork from the Town Manager’s office.

8. Additional Comments

Chairman Jack Bergman announced that he and his wife were relocating out of Concord in the near future and it was likely that his membership on the Board would be ending by years end, possibly sooner. Board members and staff were obviously saddened by the news but pleased for Mr. Bergman. He noted that he would contact the Town Manager’s Office and encourage some of his contacts to fill out a green card for consideration as a replacement member.

The meeting adjourned at approximately 8:30 p.m.

Board of Health
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Tuesday, September 19, 2016

Respectfully submitted by,

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

Jack Bergman, Chairman

JoAnn DiNardo

Dr. Deb Greene