

TOWN OF WENHAM

BOARD OF HEALTH

Meeting of Thursday, June 15, 2017

Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, § 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Health (BOH) was held on June 15, 2017 at 6:30 PM in the downstairs conference room at Town Hall.

With a quorum present, Dr. Ting called the meeting to order at 6:30 PM.

Board Members Present: Chair Dr. Andrew Ting, Regina Baker, RN; Gerald Donnellan

Also Present: Greg Bernard, Health Agent; Dan Johnson; Anne Jackman; Jackie Bresnahan, Permitting Coordinator and Recording Secretary

1. Reorganization of Board: elect Chair

- a. Dr. Ting Nominated by Regina Baker, 2nd by Gerald Donnellan. Nomination accepted. Motion to elect Dr. Ting as Chair, 2nd by Gerald Donnellan, unanimous.

2. State Title V Code Local Upgrade Approval: 22 Lake Ave (applicant)

- a. Dan Johnson, Domestic Septic Design, engineer on behalf of applicant, explained why the Title V inspection on the property failed, why new location was required, and that a survey was done by Peter Kane in regards to the property line. He then went over the design for the system at 22 Lake Ave and the three local upgrade approvals being requested
 - i. To reduce the setback from a soil absorption system to a foundation from 20' to 15'
 - ii. To reduce the setback from a soil absorption system to a property line from 10' to 5'
 - iii. To reduce a separation between the soil absorption system and high ground water from 5' to 4'
- b. Greg Bernard, Health Agent, provided explanations of the various codes and the feasible local upgrade approvals for each piece of the code.
- c. 20 Lake Ave, Abutters Robert and Dawn Pelletier were present and expressed concern about the proximity to their lot line and their tree just over the lot line. They said they were concerned that the tree was dying and the leaching pit nearby would kill it completely. They asked if it was feasible for the removal of the tree be done by the applicant and occur during the septic installation. The abutter asked that if the leaching field was dug as proposed, would it kill the tree or would the tree flourish?
- d. Dr. Ting acknowledged that the BOH could not adjudicate on the tree and that this hadn't come up before. Mr. Donnellan asked if it would help the tree long term and said he thought it would.
- e. The Abutter from 20 Lake Ave asked if the system would kill the roots
- f. Dr. Ting noted that paying for the tree removal was beyond the purview of the BOH. Design approval is the BOH's jurisdiction and that the tree would have to be in a private conversation between the land owners.
- g. Abutter said this conversation may fall between them and the next owner of 22 Lake Ave. They also said they did not dispute the local upgrade approvals.
- h. Dr. Ting recommended a conversation between the abutter and the homeowner who is leaving the property. Dr. Ting also asked the applicant's engineer Dan Johnson and Greg Bernard what happens when the installer digs for the system and finds a lot of root material.
- i. Dan Johnson, Engineer for the applicant, said it was common to install near a tree and that a liner would be put in to protect leaching area from roots. This liner would just cause the roots to grow in a different direction.

- j. G. Donnellan asked how deep the excavation would be and Dan Johnson replied that it would be a 1 and ½ foot deep excavation. He noted an excavation would not be as deep as a soil test. He noted that the tree was 13' away from the system and Title V Code requires 10' away from a tree. He noted also that the project won't affect the abutters tank on his property at 20 Lake Ave.
 - k. The abutters noted that they had a better understanding of the projects and had no further issues to discuss.
 - l. John Farrell, realtor for the applicant, asked if a letter could be provided by the Health Agent stating that the house is habitable and the Health Agent said that the current owner has 2 years to complete the repair, per Title V, and that he would write the letter the following Wednesday morning during his regular office hours.
 - m. A motion to approve all three local upgrade approvals was made by Gerald Donnellan, 2nd by Regina Baker, unanimous.**
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3. Public Hearing: "Sanitary Regulations for Barns, Coops, and Other Structures for the Commercial and Residential Keeping of Animals in the Town of Wenham"

- a. Open at 6:55 pm
- b. Dr. Ting summarized the regulations for the members of the public present at the meeting.
- c. Dr. Ting asked if there was anyone in the audience who wished to speak on the matter.
 - i. Anne Jackman, Town of Wenham Animal Inspector: this regulation outlines the standards for barn cleanliness and gives new residents standards by which to go by. Anne has been Animal Inspector for many years, but now will have written regulations to go by, if these regulations are passed.
 - ii. Jonathan Prescott, 9 Hull Street: Supports draft as proposed and appreciates the regulations.
 - iii. No other members of the audience wished to speak at this time
 - iv. Permitting Coordinator & Recording Secretary read a letter submitted to the Board of Health on the matter by the Salem & Beverly Water Supply Board (see attached letter)
 - 1. Greg Bernard, Health Agent indicated that the language suggested by the Water Board had been in an earlier draft, but had been deleted on the thought that the language was not the BOH's jurisdiction
 - 2. Deborah Stanton, 86 Maple Street: that manure degrades in 24 hours and that to her knowledge that had been no illnesses caused in the last few centuries. She also noted that the regulation noted by the Water Supply Board is a state regulation
 - 3. Dr. Ting acknowledged that if the regulation at the state level was outdated that would be something the state needed to address. He asked if the Health Agent and Permitting Coordinator could research this state regulation further and follow up for the next BOH meeting
 - 4. Anne Jackman noted that she can't think of a property that this regulation would address in particular, but that there may be one.
 - 5. Greg Bernard noted there was a distinction to be made between surface water and drinking water.
 - 6. Anne Jackman noted that if this issue did occur, it would be because an animal had broken through its paddock. Greg Bernard noted that it would need to be checked if this regulation was drinking water related, which is not the BOH's jurisdiction, but the jurisdiction of the Water Department/Water Supply Board.
 - 7. Dr. Ting asked for clarification on the state regulation at the next meeting and that the BOH can only address local regulations, not state level regulations. He noted that he was curious of if the state was enforcing it.

8. Anne Jackman noted some properties on Larch Row (in Wenham) and Bay Road (in Hamilton) may be properties affected by the state regulation.
 9. Dr. Ting said the BOH would look at incorporating the reference to the regulation that was requested after verification of the regulation and if it was part of the BOH's jurisdiction, maybe ask Town Counsel.
 10. Deborah Stanton, 86 Maple Street: Volunteer for Essex County Trail and knew a woman with horses near Wenham Lake using the trails and that someone made threatening comments to the woman and that it may have been a member of the Water Supply Board who did not understand the lack of harm of horse manure.
 11. Jackie Bresnahan, Permitting Coordinator, noted that if the BOH wanted to include the reference it could be added as section 6.3 in the regulation at the next meeting.
 12. Dr. Ting said he would like to have the changes and research ready for the next meeting of the BOH in August
- d. Public Hearing was closed at 7:15 pm
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Present: Dr. Ting; Regina Baker, RN; Gerald Donnellan

Also Present: Greg Bernard; Maribeth Ting; Jackie Bresnahan, Permitting Coordinator & Recording Secretary

4. Reappointments: Health Agent, Assistant Health Agent, Public Health Nurse
 - a. Dr. Ting moved to appoint Greg Bernard as Health Agent and Bobbie Cody as Assistant Health Agent, 2nd by Regina Baker, unanimous.
 - b. Regina Baker moved to appoint Maribeth Ting as Public Health Nurse, 2nd by Gerald Donnellan. Approved 2-0-1 (Abstain: Dr. Ting).
5. Vote to appoint a signatory for bill paying
 - a. Regina Baker moved to appoint Gerald Donnellan as the signatory for the BOH, 2nd by Dr. Ting, unanimous.
6. Updates from Health Agent, Assistant Health Agent, Public Health Nurse, Animal Inspector
 - a. Health Agent: Dodges Row, Wenham Pines all upcoming/current projects. No change in the status of the Maplewoods Project (litigation). Greg going on vacation end of June/early July.
 - b. Public Health Nurse: flu clinic preparation ongoing with help of Fire Dept., working on budget for flu clinics with Jackie, working on new public health education initiatives.
 - c. Permitting Coordinator: New procedure for exclusion from mosquito spraying. BOH asked to share through BOS meeting, BOH website, and Town Clerk Facebook.
7. Approval of minutes from February 15, 2017
 - a. Motion by Dr. Ting to approve, 2nd by Gerald Donnellan. Approved 2-0-1 (abstain: Regina Baker)
8. Old Business – no old business
9. New Business – Dr. Ting would like correspondence from Tobacco 21 group added to the next agenda.
10. Schedule next meeting – meeting was tentatively scheduled for Wednesday, August 16 at 8:00 am.

Meeting adjourned.

Respectfully submitted,
Jackie Bresnahan

SALEM AND BEVERLY WATER SUPPLY BOARD

THOMAS W. KNOWLTON, Executive Director
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June 14, 2017

Wenham Board of Health
Town Hall
138 Main Street
Wenham, Massachusetts 01884

Dear Board of Health Members;

The Salem and Beverly Water Supply Board (Water Board) has received a draft copy of proposed "Sanitary Regulations for Barns, Coops, and other Structures for the Commercial and Residential Keeping on Animals in the Town of Wenham". The Water Board is particularly interested in sections 6 and 7 since several of these issues are also regulated by the Commonwealth.

310 CMR 22.20 B (4) states:

No stabling, hitching, standing, feeding or grazing of livestock or other domestic animals shall be located, constructed or maintained within 100 feet of the bank of a surface water source or tributary thereto. Owners or operators of agricultural operations should consult the Massachusetts Department of Food and Agriculture's *"On-Farm Strategies to Protect Water Quality – An assessment and Planning Tool of Best Management Practices"* (December, 1996) about information about technical and financial assistance programs related to erosion and sediment control and nutrient, pest, pesticide, manure, waste, grazing and irrigation management.

The Water Board believes that it would be helpful if you could incorporate this section, if only by reference, into the Town regulations so affected people would be aware of its existence.

Another section that deals with the disposal of animal waste within Zone II and Zone III of a municipal well supply is 310 CMR 22:21 B (4). Since the Water Board does not manage any public wells, it is not familiar with how this regulation may affect management of the Town's municipal wells, but the Town's Water Department may wish to address this issue.

Thank you for your consideration of these matters.

Sincerely,



Thomas W. Knowlton, Executive Director
Salem and Beverly Water Supply Board