

Board of Health Meeting

May 13, 2019

Present: Tyler Nims, Chairman, Mark MacDonald, Vice-Chairman, Paul Armstrong, Bob Valery, Director of Public Health.

The Board of Health Meeting opened at 6:00 p.m.

6:00 Reorganization:

Tyler W. Nims, Chairman, Mark W. MacDonald, Vice Chairman, Paul J. Armstrong, Clerk.

Appointments: Robert R. Valery, Director of Public Health

Valerie Blinn, Administrative Assistant, Kathleen Duddy, Administrative Clerk.

6:05 Discussion re; G12-24-01 Wyoming St. Aggregate Nitrogen Loading Plan. Steinbeck and Taylor/Terry McGovern presenting Vin Albanesse present.

Mr. McGovern presented the SAS plan which will include treatment (FAST system). Mr. McGovern spoke with Brett Ryan from DEP to verify that the treatment can be used as a ratio towards the 660 gallons per acre needed for a three bedroom system. The reason for this request is Mr. Albanesse cannot find another parcel of land to land bank and meet the acreage needed. Mr. Armstrong said a Deed restriction and a final review by the Board of Health will be required. Mr. Nims asked how we keep track of land banks to prevent the same parcel being used twice. Mr. Armstrong said the Assessor's office is notified of Deed restrictions and they can be tracked from that office. Mr. Albanesse offered to donate the parcels being land banked to the Town if need be to obtain approval. Mr. Armstrong said that the parcels of land could be donated to the water department.

BOH approves plan 3 – 0

6:15 Discussion re; 1165 Ferry St. Jeff Casale presenting.

Owner Mr. Casale is asking the BOH if the structure located at 1165 Ferry St. can be torn down and a house built with a tight tank for septic. Mr. Casale said he has allegedly received permission from the Building department and the Conservation Commission (no engineered plans available) but when he presented the idea to Mr. Valery he was told the according to the Assessor's card there are no bedrooms

and no bathrooms which classifies the structure as non-use, non-conforming. Tearing the structure down and building a home would be considered "new" construction and in accordance with Title 5 (310 CMR 15.260 (1)) tight tanks shall not be approved for "new" construction. Mr. Armstrong asked if had ever had electricity? Mr. Casale said yes and presented a document he received at the closing stating it had septic. Mr. Armstrong said he has been under the structure and there is no piping to a SAS. Mr. Casale stated that the new constructions going on behind his structure were allowed to have tight tanks. Mr. Armstrong explained that Title 5 is based upon flow rates and with no flow a tight tank cannot be approved. Furthermore the reason the other properties were approved for tight tanks is they already had an existing SAS (flow) which his structure has not. Mr. MacDonald said he would like to do some research on the subject. Mr. Nims asked if the structure has been occupied and if there was a toilet. Mr. Casale said he has slept there with his children but there is no toilet. Mr. Casale said he does not understand why an exception cannot be made for his request as the houses being built across the street have tight tanks. Mr. MacDonald said the houses across the street are a different situation. Allowing an exception could set a precedent on all no flow structures in the town. Your building is new construction and we cannot approve a tight tank. Mr. Nims said there is no history of the structure being somebody's residence as there is no evidence of water service or a SAS. Mr. Armstrong stated the structure is pre-existing and non-conforming. After much discussion the request was put to a vote.

BOH denies the request 3-0.

6:30 Discussion re; Water Quality Testing. Ocean Bluff Preservation Association/Mr. Fay presenting members in attendance.

The Ocean Bluff Preservation Association respectfully requests water quality testing at the Ocean St. /Massasoit Ave Boat Launch Ramp. Mr. Fay read the contents of a four page presentation given to the BOH and available upon request in the BOH office. Mr. Fay asked why the Ocean Bluff area of water is not a test site and if it could be added to the beaches the Town currently tests. Mr. Fay the concern of a broken pipe and the fluids being discharges. Mr. Armstrong said the pipe could be ground water and the DPW could give you an answer Mr. Valery explained that the beaches currently being tested have been approved by the Town as "beaches" which Ocean Bluff is not. Mr. Valery told the group that the "boat launch" according to the DPW is in fact an emergency equipment access ramp. Mr. Pecevich alleges to be proficient in water sampling and that the cost for the test is very cheap. Mr. Valery stated that the state funds the tests sites and would have to check with the DPH. Mr. Pecevich also stated that the BOH could sample whenever the tides or weather is convenient. Mr. Valery stated that the testing is done on Tuesday mornings so the samples can be picked up, tested, and allows time for retesting when necessary. Mr. Valery expressed safety concerns for the public/water quality tester at the proposed site due to numerous large rocks /boulders and strong tidal impact. MacDonald agreed the proposed test site is dangerous and the BOH cannot test whenever as there are numerous demands placed upon our department. Mr. Valery explained the mission of the BOH is to promote the best possible quality and quantity of life to the residents of Marshfield. However it is the responsibility of each individual's to decide whether or not to engage in an activity and weigh the risk verses the reward. After much discussion the BOH agreed to review other potential test site locations and let the Association know the outcome.

7:20 Discussion re; 468 Plain St. James Curley presenting.

Mr. Valery opened the discussion and explained to the BOH that a follow up inspection had been conducted by Mr. Valery on 5/9/19 to verify the completeness of the housing violations discussed on the 4/9/2019 BOH meeting. Unit 2 is currently vacant and no repairs have been performed. Mr. Curley said the unit will not be occupied until such repairs are completed and that he was concentrating on unit 1. Mr. Valery stated that all repairs had been completed on unit 1 with the exception of a second means of egress. Mr. Curley alleges difficulty in obtaining a building permit, obtaining a licensed contractor, and limited access to the unit, and securing proper funding. The BOH determined that Mr. Curley has made a good faith effort. A motion was made to allow Mr. Curley 2 weeks to obtain a building permit 5/27/2019 and one month to have a Building department approved means of egress.

BOH approves motion 3-0

7:45 Discussion re; 72 & 76 Indiana St. Tight Tanks

Mr. Valery states that repeated attempts to contact the Trustees and their lawyer Mr. Barrett there has been no response to the order letter. The BOH motions to approve contracting Licensed Title 5 inspector to complete an inspection.

BOH approves motion 3-0

The meeting concluded at 8:30 p.m. Next meeting July 1, 2019