

Board of Health Minutes
Tuesday, April 22, 2008, 6:00 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Susan Hubbard called the meeting to order at 6:05 PM.

Members attending: Susan Hubbard, Dr. Spencer Amesbury and Charles Hill.

Others attending: Health Director Colleen Fermon, Health Administrative Assistant Jennifer Brown, Gerry McDonald, P.E., Larry Graham, P.E., Alfred Rossi, P.E., Elaine Pura, Robert Grasso, R.S., Doug Smith, R.S, and Randy and Lisa Howe.

Citizens Queries: None.

Minutes:

A motion to approve the March 10, 2008 minutes was made by Dr. Spencer Amesbury. Chuck Hill seconded the motion. The motion passed unanimously.

6:06 – Hearing- David Melfi – 121 Little Neck Road – represented by L. Rossi, Inc. – septic variance.

Alfred Rossi, P.E. presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health regulations for a sewage disposal system plan designed by Alfred Rossi, P.E., dated July 26, 2007 and last revised April 16, 2008, for the dwelling located at 121 Little Neck Road, Ipswich, Massachusetts.

The system failed a Title 5 inspection on March 24, 2007. The Board of Health approved a design for this property on November 19, 2007. Subsequently, after the property lines were surveyed; the designer discovered there was a problem with the survey he had based the design on. One lot line, in the vicinity of the proposed septic system, was not properly depicted on the septic design so the design needed to be revised. In addition, the variances granted need to be adjusted for the change in the property line.

Susan Hubbard asked Colleen for her thoughts. Colleen outlined the changes in the variance requests. Since there was only small alterations to the variances granted previously, Colleen recommended granting the variances.

Susan Hubbard questioned if Conservation approval had been sought. Mr. Rossi confirmed that both Conservation Commission and The Department of Environmental Protection (DEP) approval must be granted.

Susan Hubbard made a motion to grant the following:

- A 40% reduction in field size with the use of a Presby Enviro-septic leaching system.
- A 2 foot reduction between the bottom of the leaching area to estimated seasonal high groundwater (ESHGW) with the use of a Presby System. A 2 foot separation is provided.
- Reduction in setback from leaching area to the property line from 10 feet to 5 feet.
- Reduction in setback from leaching area to the cellar wall from 20 feet to 10 feet.
- Reduction of setback from the coastal bank to the leaching area from 50 feet to 12.5 feet.
- Reduction of setback from the coastal bank to the leaching area from 100 feet (local regulation) to 12.5 feet.
- Allow the system to be located within 150 foot buffer zone for the ACEC. The entire property is within the ACEC buffer zone.

Susan Hubbard made a motion to include these Conditions of approval:

- A 2 year Operations & Maintenance contract for the Presby Enviro-septic system to be submitted to the Health Department prior to issuance of Disposal System Construction Permit.
- A Lifetime Maintenance restrictive covenant to be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Health Office prior to issuance of Disposal System Construction Permit.
- Conservation Commission approval
- DEP approval
- Installer must be certified by Presby Environmental.
- Installer must provide a bill of lading certifying the sand meets ASTM C-33.
- Installer must provide a completed "System Installation Form" to the Health Office before the Certificate of Compliance can be issued.
- The system must be installed with the Certificate of Compliance issued by March 24, 2009.

Dr. Spencer Amesbury seconded the motion. The motion passed unanimously.

6:10 – Hearing- Elaine Pura – 48 Heartbreak Road – H.L. Graham Associates, Inc. – setback variance for proposed current pool.

Larry Graham, P.E., homeowner Elaine Pura and contractor John Reid presented, and the Board heard a request for variance to reduce the twenty (20) foot setback requirement to the leaching area for the indoor current pool. A fifteen (15) foot setback was proposed.

The issue of the current pool within the house was discovered when Mr. Graham presented plans before the Conservation Commission for a proposed addition.

The homeowners are proposing to build an addition that will contain a current pool; the bottom of the pool will be below grade so a twenty (20) foot setback to the leaching area is required.

John Reid met with Colleen and reported the pool sits below the floor at forty two (42) inches. A discussion was held regarding the distance between the leaching field and the pool and the setback requirement.

Colleen contacted Claire Golden at the Department of Environmental Protection (DEP). Claire confirmed that if the current pool is below grade it qualifies as an in ground pool and would require a variance if it does not provide the twenty (20) foot setback to the leaching area.

A fifteen (15) foot setback was proposed since this is the distance between the distribution box and the pool. How far away the leaching area was from the distribution box is unknown at this time. Larry Graham said a frost wall will be placed around the foundation which will act as a second barrier between the pool and leaching area.

Dr. Spencer Amesbury made a motion to grant the variance request since the current pool will be constructed at least 15 feet from the leaching area and there will be a frost wall around the foundation acting as a barrier between the pool and leaching area. Susan Hubbard seconded the motion. The motion passed unanimously.

6:15 – Hearing- Warren Moskowitz – 29 Ocean Drive – represented by H.L. Graham Associates, Inc.–septic variance.

Gerry McDonald, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health regulations for a sewage disposal system plan designed by Gerard McDonald, P.E., plan 04-435, dated January 8, 2008 and last revised March 26, 2008, for the dwelling located at 29 Ocean Drive, Ipswich, Massachusetts.

The system will serve an existing four (4) bedroom dwelling surrounded by marsh. There will be no increase in flow. The owner voluntarily proposed to relocate his leaching field since it currently sits partially on an abutter's property.

A fifteen hundred (1,500) gallon septic tank and a one thousand (1,000) gallon pump chamber will be utilized for the system design.

Percolation testing holes revealed seventy eight (78) and eight seven (87) inches of unusable soil. Since the soil that needed to be tested was below groundwater a request was made for the use of a sieve analysis in lieu of the percolation test. Mr. McDonald reported that estimated seasonal high ground water was found sixteen (16) inches below grade.

As far as the reduction in the separation to estimated seasonal high ground water, only thirty percent (30%) of the proposed system is less than four (4) feet above ground water.

Susan Hubbard asked Colleen for her thoughts. Colleen recommended approval of the variances. Colleen added that there is a drainage system also proposed on the sewage disposal system plan to pick up run-off and discharge it to the other side of the property.

Susan Hubbard made the motion to grant the following:

- A 1 foot reduction in the separation between the bottom of the leaching area to the estimated seasonal high groundwater (ESHGW). A 3 foot separation is provided.
- Use of a sieve analysis in lieu of a percolation test.
- Allow the system to be located within 150 foot buffer zone for the ACEC. The SAS will be located 145 feet from the ACEC and the septic tank will be 90 feet from the ACEC.
- Reduction of design flow rate from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

With these conditions of approval:

- A 2 year Operations & Maintenance contract for the pressure distribution system to be submitted to the Health Department prior to issuance of Disposal System Construction Permit.
- Conservation Commission approval

Spencer Amesbury seconded the motion. The motion passed unanimously.

6:00 – Hearing- Theresa Shelzi – 56 North Ridge Road – represented by H.L. Graham Associates, Inc. –seasonal tight tank and variances.

Susan Hubbard questioned if the abutters were notified. Abutter notification was not given so a formal hearing was not held.

Engineer, Larry Graham proposed relocating the tight tanks and provided two (2) different scenarios. Since the Conservation Commission denied the original tight tank plan designed by H.L. Graham Associates, Inc., a revised plan will be presented at the May 2008 meeting.

6:25 –Hearing- Hubert Gaspar, Jr. – 10 Paradise Road – represented by Professional Land Services, L.C. – septic variance.

Robert Grasso, R.S., presented and a hearing was conducted to consider variances from Title 5 for a sewage disposal system plan designed by William Holt, R.S., plan dated January 23, 2008 and last revised March 25, 2008, for the dwelling located at 10 Paradise Road, Ipswich, Massachusetts.

The property failed a Title 5 inspection on December 15, 2007. The upgrade septic system will serve an existing (3) bedroom dwelling.

Soil testing results provided a rate of four (4) minutes per inch.

The designer proposed a reduction in the separation to estimated seasonal high groundwater which would result in the leaching field final grade being 2.2 feet above the existing grade. An infiltrator system will be utilized to reduce the size of the system since the property contains wetlands.

Susan Hubbard asked Colleen for her thoughts. Colleen felt this met maximum feasible compliance. She recommended granting the variance with the condition that laundry is tied into the main building sewer prior to issuance of the Disposal System Construction Permit.

Susan Hubbard made a motion to grant, under local upgrade approval, a one foot reduction in the separation between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW). A 3 foot separation is provided. The approval was granted with the conditions that the laundry is tied into the main building sewer prior to issuance of the Disposal System Construction Permit and the septic system is installed with the Certificate of Compliance issued by December 15, 2009. Dr. Spencer Amesbury seconded the motion. The motion passed unanimously.

6:35 – Hearing- Barry Low – 55 Argilla Road – represented by Oak Engineers – septic variances.

Steven Sawyer, P.E., and homeowner Barry Low were present.

Susan Hubbard questioned if abutters were notified. Mr. Sawyer notified the Town Clerk via email. Susan Hubbard informed Mr. Sawyer that he must notify the abutter, which in this case is the town, via certified mail at least ten (10) days prior to the hearing date, as required in Title 5, and provide the Board with proof of notification. The Town Manager should receive the certified letter.

Since the abutter was not properly notified the hearing could not be conducted.

6:40 – Hearing- Cynthia Budzianowski – 159 County Road – represented by Soilsmith Designs – septic variances.

Doug Smith presented. Cynthia Budzianowski was also present and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health regulations for a sewage disposal system plan designed by Douglas Smith, R.S., plan 1155, dated October 15, 2007 and last revised April 15, 2008, for the dwelling located at 159 County Road, Ipswich, Massachusetts.

Susan Hubbard recused herself from the hearing given that she knew the homeowner.

Doug Smith said 159 County Road is an eleven thousand (11,000) square foot lot. The system that serves the dwelling failed a Title 5 inspection on December 17, 2007.

Soil testing was conducted for the upgrade of the system. Doug reported that the pits tested were very large. Susan Hubbard questioned who witnessed the testing. Alex Parker, consultant for the Board of Health, witnessed.

The pits were so close that Doug thought one (1) testpit would suffice. Susan Hubbard questioned if a second testpit could be done when the system was installed. Colleen confirmed this was possible.

Susan Hubbard asked Colleen for her thoughts. Colleen felt it was a challenging site. There was a second that wetland that wasn't discovered or confirmed by the Conservation Commission until this spring. The plan has gone through many revisions and at this point there are not many choices.

Susan Hubbard asked if the Conservation Commission had approved the plans. Doug confirmed that approval was granted at the April 2008 Conservation meeting.

Dr. Spencer Amesbury made a motion to grant the following:

- A 40% reduction in field size with the use of a Presby Enviro-septic leaching system.

- A 2 foot reduction between the bottom of the leaching area to estimated seasonal high groundwater (ESHGW). A 3 foot separation is provided.
- Allow 1 testpit within the disposal area.
- Reduction in setback from leaching area to the cellar wall from 20 feet to 11 feet.
- Reduction in setback from leaching area to the wetland from 50 feet to 42.5 feet.
- Reduction of setback from leaching area to the wetland from 100 feet (local regulation) to 42.5 feet.

Conditions of approval:

- Conservation Commission Approval
- DEP approval
- A Lifetime Maintenance restrictive covenant filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Health Office prior to issuance of Disposal System Construction Permit.
- A 2 year Operations & Maintenance contract for the system to be submitted to the Health Department prior to issuance of Disposal System Construction Permit.
- The system must be installed with the Certificate of Compliance issued by December 7, 2009.

Chuck Hill seconded the motion. The motion passed unanimously.

In addition, the homeowner asked about moving the proposed garage back towards the leaching system for the aesthetics of the home since a window would have to be closed and the driveway shortened if the garage was built as shown on the septic plan. Susan Hubbard asked how far back the garage would need to be to keep the window. The homeowner was not certain of the exact setback required; possibly five (5) feet. By doing this the garage would encroach on the ten (10) foot setback requirement. Susan Hubbard asked Colleen for her thoughts. Colleen questioned whether the system would meet maximum feasible compliance (MFC) and said a specific request needed to be made.

Susan Hubbard requested the homeowner come to the May 2008 Board of Health meeting with the exact setback proposed and have the septic plan revised to show the proposed new location of the garage.

6:50 – Hearing- Randy and Lisa Howe – 39 Skytop Road – Title 5-inspection variance.

Randy and Lisa Howe presented and a request for a variance from Ipswich Board of Health Septic Regulations, section 10.2, was heard.

Dr. Spencer Amesbury recused himself given that he knew Mr. & Mrs. Howe.

Section 10.2 requires that a septic system shall be inspected by an Ipswich licensed Title 5 Inspector whenever an addition or renovation to an existing building, excluding decks, is proposed that increases the footprint of the building and requires a building permit or occupancy permit from the building inspector. The inspection requirement shall be waived if a Certificate of Compliance was issued, a Title 5 Inspection was completed within the previous 3 years, or if the system is under an operation and maintenance contract.

Mr. and Mrs. Howe proposed to construct an addition on their existing deck. The addition is for the expansion of the living/dining room. The homeowners proposed an addition of a screen porch and a fifteen (15) by twelve (12) foot deck. Since this is an increase in footprint a Title 5 inspection is required by Board of Health Regulation. A Title 5 inspection was conducted on the system in 1997 and it passed. The septic tank was pumped in 2000 and 2004 with no problems noted.

Susan Hubbard asked Colleen for her thoughts. Given the floor plans for the addition, Colleen asked whether it was an expansion of a room or the creation of a new one. The owners said that the 6 foot sliders would be removed and that they could also remove some of the wall on either side of the sliders to open the new area to the existing living space. Colleen recommended granting the variance as requested.

Susan Hubbard made a motion to grant the variance and not require the Title 5 inspection for the proposed addition since a Title 5 inspection was conducted on the system in 1997 and it passed the inspection. In addition, the septic tank was pumped in 2000 and 2004 and no problems with the septic system were found. Chuck Hill seconded the motion. The motion passed unanimously.

7:00 – Hearing- Dave Grasso – Aquatic Therapy of New England – 40 Turnpike Road – medical personnel.

David Grasso presented and the Board of Health heard a request to offer occupational therapy, in addition to, physical therapy at the pool. The owner of Aquatic Therapy, Dale Therberge, is currently incarcerated so her husband is overseeing the business.

At the July 10, 2006 Board of Health meeting, the Board reviewed the letter from attorney, Richard Kallman, requesting that Aquatic Therapy of New England be exempt from the requirements of 105 CMR 435.13: Walkways and Decks since the walkway around the pool was not a minimum of four feet in width at one end of the pool. Instead of granting a variance to section 105 CMR 435.13, it was the Board of Health's decision that the facility, Aquatic Therapy of New England, is exempt from the regulation 105 CMR 435.000 Minimum Standards for Swimming Pools, State Sanitary Code, Chapter V provided the following conditions were complied with:

1. Licensed medical personnel must be present in the pool or on the pool deck during all hours of operation. Licensed medical personnel were defined as a person(s) recognized by a Board of Registration of Medicine in a relevant field.
2. The services offered must be limited to physical therapy (individual or group). Non-physical therapy exercises or activities are not allowed.

The Health Office received complaints in October 2007 regarding non-medical personnel working at the pool. Colleen sent a letter to Dale Therberge requesting documentation on her employees to show they have the proper certifications. Dale responded to Colleen's inquiry by providing licenses for one occupational therapist and one physical therapist. The Board felt Colleen should pursue this more and do a site visit.

Prior to conducting a site visit in February 2008, Colleen was shown an advertisement for open swim program for seniors at Aquatic Therapy. Colleen immediately contacted Aquatic Therapy and told them it was not allowed since services offered must be limited to physical therapy (individual or group). Non-physical therapy exercises or activities are not allowed. They immediately cancelled the upcoming classes but Colleen was informed that the classes had been going on for some time.

Attorney Richard Kallman contacted Colleen in February 2008 and informed her he was the attorney representing Aquatic Therapy since Dale Therberge would be unavailable starting March 2008. He provided Colleen with licenses for two (2) people in March 2008. One was for a massage therapist and one was for an occupational therapy assistant.

Colleen reviewed the pool code and determined that if the massage therapist is using the pool, the pool must be permitted. The Department of Public Health concurred with Colleen's determination. The pool is not permitted and can not be permitted since the width of the walkway around the pool does not meet the pool regulation requirements. On March 28, 2008 Colleen informed Rich Kallman that the massage therapist could not be working at the pool. In addition, she told him (via email) that the Board needed to decide if an occupational therapist is allowed since their decision in 2006 limited the services provided to physical therapy.

Colleen voiced concern with the employment of an occupational therapy assistant. From what she reviewed, it appeared that under state regulation the occupational therapy assistant must be supervised by an occupational therapist. No license has been provided for an occupational therapist.

Susan Hubbard questioned Mr. Grasso as to who was currently employed at Aquatic Therapy of New England. Mr. Grasso stated that currently there are two employees; an office manager and an occupational therapy assistant working at the facility. He had a physical therapist employed but she left one (1) month ago due to family issues.

Dr. Amesbury asked for clarification of what was happening at the pool. Mr. Grasso stated that they offer assistance, in the form of aquatic therapy, for accident victims. The Occupational Therapist Assistant, Patricia Port-Erhard, is handling existing patients by executing existing physical therapy plans put in place by the former physical therapist who did an initial evaluation of each patient. Patricia Port-Erhard was not taking on any new patients or doing any evaluations.

Dr. Amesbury posed the following questions:

- Can the occupational therapy assistant work unsupervised?
- Can she perform physical therapy?
- Does the pool need to be licensed?

Dr. Amesbury felt that Aquatic Therapy could not have an occupational therapy assistant supervised by a physical therapist. An occupational therapist must supervise an occupational therapy assistant. A physical therapy assistant must be supervised by a physical therapist. The treatment is a protocol or designated therapy/exercise prescribed by a licensed medical person that must be carried out by the appropriate qualified medical person. In addition, Aquatic Therapy could not have an occupational therapy assistant overseeing clients unsupervised. An occupational therapist must be present at the pool.

Colleen questioned if occupational therapy was allowed at the pool since, in their 2006 decision, the Board limited the services provided to physical therapy.

Dr. Amesbury felt the intent was there to include occupational therapy, but that the occupational therapy must comply with all state regulations and any activities at or in the pool must be supervised by a licensed occupational therapist.

It was determined by the Board that since Patricia Port-Erhard is an occupational therapy assistant, she must work under the direct supervision of an occupational therapist in accordance with 259 CMR 3.00 Occupational Therapist. Mr. Grasso does not have an occupational therapist working on site, therefore, no treatment can be provided until compliance with 259 CMR 3.00 Occupational Therapist is achieved.

Mr. Grasso questioned if Aquatic Therapy could keep functioning under the premise of “exercise.” The Board denied the request since the pool would need to be changed and permitted for this to occur. The pool can not be permitted since the width of the walkway around the pool does not meet the pool regulation requirements.

Dr. Spencer Amesbury made a motion that Aquatic Therapy of New England may provide physical therapy and/or occupational therapy (individual or group) at the pool provided licensed medical personnel are present in the pool or on the pool deck during all hours of operation and that the licensed medical personnel comply with all applicable state regulations. Licensed medical personnel are defined as a person(s) recognized by a Board of Registration of Medicine in a relevant field.

7:15 – Hearing- Northeast Massachusetts Mosquito Control and Wetlands Management District – Best Management Practice Plan for Ipswich.

The Board reviewed the Best Management Practice Plan for Ipswich and the District’s Vector Management Plan.

Colleen said the plan was basically the same as last year, with a few minor modifications.

The Best Management Plan (BMP) is designed to incorporate the Districts mosquito control recommendations and the specific needs of the community; including; vector/virus concerns. The analysis of collection data allows for monitoring mosquito activity, abundance, and distribution. Surveillance data can indicate unusual increases in “concern” species’ populations as well as “early warning” signs of potential threats to public health. Probable carrier species’ (“vectors”) are segregated, recorded, processed, and then sent to the Department of Public Health’s State Lab Institute in Jamaica Plain for virus-testing.

The focus of the Vector Management Plan will take precedent over the Best Management Plan (BMP) over all operations prescribed in the Best Management Plan (BMP). Regional control efforts will focus primarily on adult mosquito surveillance, virus testing and preemptive virus intervention strategies. Specific to Ipswich, as in the past, great emphasis will be placed on site specific salt marsh aerial larviciding applications. The District will also continue its long term Open Marsh Water Management, OMWM efforts. Catch basin treatment will be a prioritized in Ipswich. Catch basins will be checked and treated as necessary from approximately June 1, 2008 through August 31, 2008.

The Board of Health approved the Best Management Practice Plan as written. Susan Hubbard made the motion to approve the Northeast Massachusetts Mosquito Control and Wetlands Management District 2008 Best Management Practice Plan for Ipswich and the Vector Management Plan for the District. Dr. Spencer Amesbury seconded the motion. The motion passed unanimously.

Discussions:

Beaver Management:

Conservation Commissioner, David Pancoast, proposed the Board of Health modify its beaver policy to adopt language which emphasizes that the Conservation Commission does not support lethal methods used to manage beaver activity. He proposed the use of a statement such as the following:

“The Board of Health is aware that the Conservation commission favors non-lethal methods of beaver management and; therefore, the Board of Health encourages applicants to consult with the Commission in advance of filing with the Board of Health to obtain its input as to its preferred beaver management method”.

The Board felt it was not their position to determine the method used to manage beaver activity or to direct residents to the Conservation Commission. It was the unanimous decision of the Board to keep the beaver policy as written.

Temporary Food Establishment Guidance Documents:

The Health Director is working on five (5) food establishment guidance documents in an effort to simplify state food protection regulations and temporary food permit requirements for the general public. Colleen will present the finished documents to the Board for their review at the May 2008 meeting. The intent of the documents is to protect public health and simplifying the application process. The approved documents will be added to the town website. A mailing will go out to all current vendors who have pulled temporary food permits in Ipswich and a press release will appear in the Ipswich Chronicle.

Tobacco permit fees:

North East Youth Access to Tobacco Prevention Program Director, Karin Carroll, has been working on a recommended tobacco permit fee for local towns to charge tobacco retailers. The fee in our district ranges widely from zero (0) to one hundred and fifty (150) dollars; with most being fifty (50) dollars or below. The average cost across the state is one hundred (100) dollars.

It was brought to the attention of the Health Agent by Ms. Carroll that, at five (5) dollars, our fee was very low. Ms. Carroll suggested the hundred (100) dollar fee for boards to consider as a reasonable one. A fee of fifty (50) dollars was proposed. The Health Department will publish any fee change prior to its approval.

Body Work Regulation:

On February 1, 2008 the Health Department received a letter from Kopelman & Paige, counsel for the Town of Ipswich, requesting the Health Department discontinue issuing permits; stating current massage applications and fees should be returned and the applicant informed of the new state preemption. They also requested that the Board of Health repeal local Massage Therapy regulations.

Colleen spoke with a Kopelman & Paige attorney and confirmed that the state has exempted several massage techniques from the new law; and the applicant who practices one of these techniques may be under the jurisdiction of the municipality and subject to the Board of Health regulations. The local regulation would need to be altered by changing the language and removing the words massage therapy.

At the April 22, 2008 Board of Health meeting it was the decision of the Board that any technique that required touch must be regulated by the Board of Health. It was the decision of the Board that these exempt practitioners may use the terms "bodywork", "bodyworker" and "bodywork therapist" in their promotional literature. They may not claim to practice massage or massage therapy. The Board asked Colleen to draft a modification to the Board of Health regulation for Bodywork.

Colleen presented the draft modification to the Board of Health regulation for Bodywork. After review, it was the decision of the Board to modify their previous decision to regulate any technique that required touch and repeal the Board of Health regulation for Bodywork in its entirety. A hearing to repeal the current regulation will be set by the Health Agent.

Report of the Health Agent:

Household Hazardous Waste Day:

The Health Department is not properly funded by the town for Household Hazardous Waste Day. At this point the department is two thousand (2,000) dollars over budget at six thousand two hundred (6,200) dollars. The Board of Selectmen proposed that the town begin charging a fee in September 2008 to help offset the cost. The challenge is if residents will still participate in the event if a fee is involved. And; in addition, if the supplemental fee does not fully fund the event, Colleen did not feel it should be the responsibility of the Health Department to fund the remainder of the event. A permit fee will be discussed at the May 2008 Board of Health meeting.

RDNA regulation:

The Town Manager attended a biotech conference this month. He subsequently proposed the Health Department have Recombiant DNA regulations put in place. Given the complexity and time constraint of the project, a consultant would need to be hired to propose and draft a plan for the Board's approval. Emergency Planning money would be used to fund the project.

16 North Main Street (KAEDE):

The Building Department informed Colleen that the second means of egress at Kaede has been brought into compliance with the Building Code. The rear, northwest exit stairs from the top floor dwelling unit are now unobstructed. The sprinkler pipe has been reconfigured so it no longer projects and encumbers use of the required egress stairs.

6 James Road:

6 James Road is still with town council.

Private Clubs & Smoking:

The Health office received a complaint regarding smoking at one of the private clubs. Colleen's investigation revealed that the club was not complying with the restrictions in the state law that would allow smoking in the club, therefore smoking was prohibited. During her inspection Colleen was told that most, if not all, clubs were not complying with the restrictions outlined in the state law. As a result, Colleen personally met with a representative of each club to determine if they were complying or not. Those found to not be in compliance were ordered to either prohibit smoking or change the way the club was operated. Consequently, three (3) of six (6) clubs were found to be in violation. Five decided to go smoke-free.

227 Linebrook Road:

Colleen conducted a walkthrough of 227 Linebrook Road on March 31, 2008. She determined that the addition was not built in accordance with the plans approved by the Health Office and the Building Department.

Prior to receiving approval on the proposed building addition, the contractor, Ken Murray, met with Colleen on July 13, 2007 regarding a proposed renovation and addition to the existing dwelling. At this meeting he was informed that the location of the reserve area was only ten (10) feet from the garage so that the full basement proposed could not be built. Colleen also met with Michael Marini on July 27, 2007 and explained the setback requirements to the reserve area of the septic system per The State Environmental Code Title 5, provision 15.211.

The original building permit application and plans that the Health Office approved on July 30, 2007 proposed a slab foundation for the addition. An amended building permit application was submitted on August 20, 2007 which proposed a basement for the front portion of the foundation and a slab on grade for the back 10 feet and 6 1/4 inches of the foundation. The Health Office approved the amended building permit application on August 20, 2007. Unfortunately, instead of the slab on grade being constructed for the back 10 feet and 6 1/4 inches of the foundation, a crawl space was constructed.

In accordance with The State Environmental Code Title 5, provision 15.211, a leaching area for a septic system, including the reserve area, must be twenty (20) feet from a cellar or crawl space wall. The recently constructed crawl space wall was not twenty (20) feet from the reserve area. The homeowner's were notified in a letter dated March 7, 2008 that they were in violation of The State Environmental Code Title 5 and were ordered to either modify the foundation to bring it into compliance with 310 CMR 15.211 within 30 days from receipt of the order or apply for a variance from the Board of Health within seven (7) days from receipt of the order. The homeowner's requested a hearing at the May 2008 Board of Health meeting. The Building Inspector issued a letter today for the Board's review.

Next Board Meeting: The next meetings of the Board of Health were scheduled for May 5 and June 2, 2008 at 6pm.

Adjourn: Susan Hubbard made the motion to adjourn at 8:05 PM. Dr. Spencer Amesbury seconded the motion. The motion to adjourn passed unanimously.

Susan Hubbard, Chairman

Spencer Amesbury, Board Member

Charles Hill, Board Member