

**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
September 6, 2018
5:30 p.m.
City Hall Annex
3 Pond Road
Gloucester, MA 01930**

Board members present: Chairperson: Dr. Richard Sagall; Vice–Chairperson: Robert Harris; Frederick Cowan; Joe Rosa; and Claudia Schweitzer. Present from the Health Department: Health Director: Karin Carroll; Assistant Director: Max Schenk.

The meeting started at 5:30 p.m.

This meeting was recorded by audio in accordance with State Open Meeting Law.

PUBLIC ORAL COMMUNICATION

Michael Paulson property manager of 260 Concord Street appeared before the board. He stated that he is concerned about the septic system at the proposed Kerrigan Development. He stated that he is also concerned about which topographic map will be accepted. He stated that the most recent geodetic survey done in 2015 clearly indicates that the stream across his property is a perennial stream.

Joseph Russo trustee of 99 Wingersheek Road appeared before the board. He stated that he is before the board because of a special permit that was granted on August 30, 2018 to new owners adjacent to his property at 97 Wingersheek Road. He stated that the plan has proposed leaching areas that are only 65 feet away from his potable well. He stated that sees the well at his property as an asset and he does not want to see that asset go away. *Mr. Schenk* stated that there are ongoing discussions happening regarding the details of Mr. Russo's concerns.

Janice Toneatty of 18 Barker Avenue appeared before the board. She stated that she appeared before the Board of Health on August 2nd, 2018 with her concerns with her neighbor's cow, bull, and roosters and their proximity to the wetlands. She stated that one paddock is about 15-17 feet from her property line. She stated that only horses and dogs are regulated under the Health Department and asked the board to reconsider adding other types of animals to the regulation. She stated that her neighbors just got another bull on Sunday.

Mr. Schenk stated that he has been in touch with the Animal Inspector, Diane Corliss and asked her attend this meeting but unfortunately she could not make the Board of Health meeting. He

stated that he has also been in touch with Ken Whitaker the Conservation Agent regarding the issue. The board agreed to put this item on the agenda for the October meeting.

Carrie Fryklund of 250 Concord Street appeared before the board. She read a letter on behalf of over 100 people that live in the area of the proposed Kerrigan project citing concerns about the proposed septic system. She stated that their concerns are whether the system can handle the effluent from the 12 proposed homes but also whether the communal leach field will be able to absorb massive amounts of surface runoff.

APPROVAL OF MINUTES

MOTION by Mr. Rosa to approve the Gloucester Board of Health minutes of the meeting of August 2nd, 2018 as written. **Seconded** by Mr. Cowan. **CARRIED.** Mr. Harris and Ms. Schweitzer **abstained.**

Mr. Schenk requested that the approval of the Board of Health Septic Review Subcommittee Minutes of August 28, 2018 be tabled until the October meeting.

STANDING COMMITTEE REPORTS

Septic Review Subcommittee Report for August 28, 2018-

Mr. Cowan stated that there was one action taken at the Septic Review Subcommittee meeting of August 28th, 2018. He stated that it did include a variance to Title 5 and asked that Mr. Schenk review the proposal for 166 Atlantic Street and the vote to pass it, which they did, would be affirmed by the full board. *Mr. Schenk* stated that the item is on the agenda under "New Business". The board accepted the report of the Septic Review Subcommittee.

NEW BUSINESS

166 Atlantic Street (Map 254/37) Property Owned by Cynthia Densmore and Represented by Randy Burley, d/b/a Burley Engineering. (Approved by SRSC on 8/28/18)- *Mr. Schenk* stated that 166 Atlantic Street is a request for an upgrade for a failed system. He stated that this item was brought before the Septic Review Subcommittee for the variance request and their one provision was that the water line must be moved before installation begins.

Chairperson Sagall asked if there was anyone in the audience that would like to speak for or against the variance request. There was no one.

MOTION by Mr. Cowan that the Gloucester Board of Health approve the variance request for 166 Atlantic Street as written on the agenda on September 6, 2018 with the provision that the water line be moved prior to installation of the system. **Seconded** by Mr. Rosa. **CARRIED.**

Public Health Nurse Kelley Hiland - Six Month NS MVP Program Update, Including Statistics, Program Results, and Future Funding- *Ms. Carroll* stated that *Ms. Hiland* will give an update on the NS MVP Program at the October meeting.

OLD BUSINESS

Discussion Regarding Updating Workplace Smoking Regulations to Include Beaches/Parks With Joyce Redford, Director, North Shore/Cape Ann TAPP- *Joyce Redford* of the North Shore Tobacco Control Program appeared before the board. She reviewed the draft regulations for prohibiting smoking on Gloucester beaches, parks, and playgrounds.

The board agreed to keep the highlighted yellow suggestions except to eliminate the words “public sidewalks” from the language.

The board agreed to have a public hearing on the issue at the October meeting.

Ms. Redford stated that there are 116 communities and 21 cities that cap tobacco permits. She stated that capping tobacco permits holds the number of tobacco and nicotine establishments including vape shops at a particular number. She stated that a cap of tobacco permits can help with compliance issues. She stated that tobacco permits are non-transferable per State law.

Ms. Redford stated that when the Board of Health established their adult-only regulation it stated that nobody under 21 could cross the threshold of the establishment. She stated that there were no sales to minors in the adult-only stores however minors were able to get into the store and pick out products to be bought. She stated that they do not usually give warnings out but is considering warning store owners of this situation stating that people under 21 who enter the premises is a Board of Health violation.

The board agreed to get some more information before making a decision on a cap on tobacco permits.

Val Gilman stated that asked if the signage would include vaping or just smoking. *Ms. Redford* responded the signs would say “no smoking” but that Board of Health’s language in the regulation doesn’t differentiate between cigarette smoke or vape smoke, so it would include any combustible.

Ms. Gilman stated that she spoke with Councilor Lundberg last night regarding marijuana establishments and he suggested that the Board of Health join the meeting that will be held with the School Committee and the City Council.

Discussion Regarding Local Board of Health Marijuana Regulations- *Ms. Carroll* stated that within the Board’s packet there is the latest version of the proposed Local Board of Health

Marijuana Regulations. She stated that the only difference right now between the Planning Board's draft marijuana regulations and the Board of Health's is that the Board of Health's draft regulation has added that a marijuana shop cannot be within 500 feet of a youth-serving agency. She stated that density is more significant than proximity and the City Council has capped the number of shops at three.

The board discussed the proposed Local Board of Health Marijuana Regulations. They agreed that the distance to k-12 schools should be 500 feet but to eliminate the "youth-serving agencies".

Ms. Gilman stated that she was a proponent to having shops send a letter to neighboring clubs and churches but it did not pass at the City Council meeting. *Ms. Carroll* stated that once it is zoned, the neighbor's may not have a say if they opposed the location of a shop. *Mr. Cowan* stated that there would have to be reasons documented beyond public sentiment to deny an application. *Ms. Redford* stated that there will be lawsuits if permits are denied even though shops meet the criteria of the zoning and regulations.

The board agreed to exclude parks and playgrounds in the regulation but agreed to revisit the issue if needed.

The board agreed to bring the revised proposed regulations for vote at the next meeting.

MOTION by Ms. Schweitzer that the Gloucester Board of Health approve the regulations to move forward for a public hearing as they are with the exception of the removal of "youth-serving agencies" **Seconded** by Mr. Rosa. **CARRIED.**

MONTHLY REPORTS

Presented by Karin Carroll and Max Schenk

The following "Monthly Report" was given to Board members.

[August Monthly Report](#)

Ms. Carroll stated that the Dental Center Manager has submitted her resignation and there will be a recruiting committee if any board members would like to join. *Ms. Schweitzer* stated that she would be willing to assist in the recruitment process.

Mr. Schenk stated that some of beach testing came back very high. He stated that Mr. Cowan has previously brought forward the issue of houseboats and dumping within the 3 mile limit and part of their review is to add an expectation of contracts for pump-outs and long-term boats that are moored in the harbor. He stated that they found that the high levels of beach contamination was from a boat in the harbor. He thanked the Harbormaster and the Environmental Police for their help in the matter.

CONCERNS OF BOARD MEMBERS

Wastewater Management- *Mr. Cowan* stated that he would like to talk about wastewater management at a subsequent Board of Health meeting.

Next Regular Monthly Meeting Board of Health- The next Board of Health monthly meeting will be on October 4, 2018 at the CATA Training Room at 5:30 p.m. *Mr. Cowan* stated that he will not be able to attend the October meeting.

MOTION by Mr. Rosa to adjourn.
Seconded by Mr. Cowan. **CARRIED.**
MEETING ADJOURNED – 7:33 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Richard Sagall, Chairperson

Documents Referenced:
September 2018 Board of Health Agenda
August 2, 2018 Board of Health Minutes
August 2018 Monthly Department Reports
Draft Local Board of Health Marijuana Regulations