



BOARD OF HEALTH MEETING

January 22, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer, Public Health Nurse Regina Ghidella, and Health Agent Leslie Whelan.

New Business

5 Penryn Way septic upgrade plan – John Judd, Gateway Consultants and Tim Thurman, Treehouse Design. Dr. Wedmore gave an overview of previous BOH meeting discussion for this property. Soil testing was done since last meeting and Mr. Judd presented septic plans showing locations of 4 test pits. Test pits done by the existing leach field and found good depth of Title 5 sand. The water table was determined and it is proposed that a Presby I/A System be used. The leach field is 600 sq ft and is more than adequate for a 4 bedroom house. The Board had requested previously a more robust system, and this has been met. Board members all agreed that this is a much better system. Vote 3:0 to approve system.

Mr. Thurman presented new floor plan with proposed room count for Board to review. The house will consist of 11 rooms total with a deed restriction of 4 bedrooms. Previous home had a total of 11 rooms. Board requested that bathroom in home office above garage be removed so that it could not be used as a bedroom in the future. Motion made to approve plans with first floor bedroom and study kept with wall between. No plumbing for potable water or toilet to the garage building. Vote 3:0 to approve plans with changes requested.

A wetland area was recently discovered. Septic system will be 25 ft from wetland so this plan will be going before the Conservation Commission for a variance. The BOH granted variance from local BOH wetland setback requirement. Vote 3:0 to grant variance.

MAVEN – This is a computer program used for case reporting of infectious disease by the State. All local BOH are required to use this system to report follow-up. Scott Trophy, the MAVEN Coordinator will be coming to the office to review how to use system. The Health Nurse will do more research and this will be discussed at next meeting.

Flu Vaccine ordering & billing – The Nurse requested a change of venue for next year's flu clinic from the Methodist Church to the Community House. The Community House would have more room and it would be better to utilize a Town property. The BOH will be purchasing vaccine for the next flu season. Discussion of 400 doses to be ordered.

Other Business

Mutual Aid – North Shore Cape Ann agreement signed by BOS.

Mosquito update – CAEPT will host a panel discussion about mosquito control on Cape Ann at Cruise Port, Gloucester, Thursday, March 7, 6-8 PM. Health Agent continues to find scientific research papers showing the environment effects of spraying and lack of effectiveness in reducing mosquito populations and disease in humans.

Cover regulations and associated forms to septic professionals – Reviewed cover letters and associated forms to be sent to Haulers/Pumpers, Title 5 Inspectors, and Licensed Septic Installers. Comments to be incorporated.

Rats - Upper Main Street – Resident emailed Health Agent about problem with rats in area and requested that letters be sent to residents in neighborhood about rat problem and how to avoid the problem. Dr. Wedmore suggested that it would be more effective to speak to local newspapers about ways a homeowner can help to remediate rat problems and maybe add info to the website.

Reviewing Building Permit Applications – Discussion of how to review building applications. Health Agent spoke to Mr. Orlando (inspection services) and he has 30 days to approve or deny plans. Board wants to be more involved in reviewing plans for building permits. If questionable, Health Agent will bring before Board.

Vacation – Health Agent will be on vacation Monday, January 28 thru Tuesday, February 5. Laura Osmond and Paula Geehan work together, with the Board, in case of emergency.

Beach Variance Extensions – Renewal of variance request for extension to testing of Tier 3 beaches every 30 days or after a rain storm. Board voted 3:0 to approve.

Amend – Question of testing of stream from Millbrook Meadow going into Front Beach. Requests for signage in upper and lower pond about possible high bacteria in water.

Review Minutes 11/27/2012 – approved as amended.

Correspondence and Complaints

- 138 South St, Title 5 Review – Failure
- 172 Granite St, Housing Reinspection results
- 265 Main St, Housing Reinspection - Failure to comply. Town Counsel has also written a letter to owner.
- 10 Frank St, Tight Tank – Approval
- Kitefield Rd, Trash complaint

List of Documents Used

1. 5 Penryn Way proposed plan septic plan and floor plan
2. Cover letters for Haulers/Pumpers, Title 5 Inspectors, Installers
3. Septic System Pumping Record
4. Notification Form
5. Addendum to Title 5 Inspection Report

Next meeting scheduled for February 26, 2013. Meeting Adjourned at 8: 30 PM.



BOARD OF HEALTH MEETING

February 26, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, and Health Agent Leslie Whelan. Absent: Richard Meringer

Review Minutes for 1/22/13 – approved as written.

Millbrook Meadow Committee – Ted Tarr, representing MMC requested a BOH letter of support for request of Community Preservation funds to examine possible sources of pollution of watershed, pond, and stream. Discussion of what has been done and what needs to be done. Motion made by Dr. Wedmore that the BOH send a letter in support of the proposal to evaluate the conditions of the pond and watershed. Voted 2:0.

MAVEN – Regina Ghidella, Public Health Nurse updated the Board on the training received by the Health Nurse and Administrative Assistant. Scott Troppy, MAVEN Coordinator from the MA Department of Public Health came to the office to conduct the training and we have been on-line since February 14.

Health effects from spray foam insulation (isocyanates) – The Health Agent received call from someone who had moved into a rental property and became sick after a few months. She stated that the foam insulation had sealed the house so that air could not come in and she would like a fact sheet to be available to residents about this potential problem. There was discussion about the foam allowed by building code and about people developing sensitivity to it. Dr. Wedmore suggested a letter be sent to tenant on what was discussed and to the owner of the property about the adverse effects to this person. The Health Agent will do research on how much this product is used and its effects.

Electronic Cigarettes – Discussion about email from Tobacco Control Program regarding BOH authority to regulate e-cigarettes. Health Agent will bring language for discussion of possible changes to regulations.

Mosquito update – Flyer distributed about forum to be held on March 7, 2013 on Cape Ann. Some Cape Ann communities are thinking of joining the mosquito control district. The cost to join to have spraying and testing done is a minimum of \$120,000 over 3 years (40K annual). Dr. Wedmore stated that the mosquitoes come from the west so any information that goes to Essex or Gloucester could be used in making decisions on outdoor activities in Rockport. Spraying does not necessarily mean that it is effective in killing the vectors that carry the disease and spraying may not be good for people or the environment. Dr. Wedmore and Dr. Sandfield are planning on attending the forum.

Health Needs Assessment – Reviewed summary from Lahey Clinic of Rockport/North Shore Community Health Assessment Study. This report can be used for writing grants and to bring different organizations together to meet the needs of the community. This report will be made available to residents on the town website.

11 Eden Road – Septic upgrade with state and local variance requests. Dan Ottenheimer, Mill River presented plan to Board. Local upgrade approval request for reduction of distance between septic tank and water supply line from 10' to 4.3 ft; LUA requested for distance between building sewer and water supply line from 10' to 4.3'; LUA requested to use a sieve analysis in place of a percolation test; variance request for reduction of setback from soil absorption to wetland from 100' to 37.8'; variance request for reduction of setback from tank to wetland from 100' to 44.4'. The current system is marginal and the owners would like to upgrade. Property is surrounded by wetlands on three sides and a very high water table noted during soil testing. The treatment system will be a Waterloo with pressure distribution. The Health Agent had previously reviewed plan and made comments. Discussion of water line distance to system and it was decided that if the water pipe is not copper than replace with copper pipe and sleeve it. Board voted to approve requested LUAs and variances. Vote 2:0.

Review of Correspondence, complaints, approvals, sign offs, etc.

- Rockport Inn and Suites Pool Inspection – pool ordered closed. Health Agent has inspected pool 3 times in last few weeks and test levels have not been where they need to be. Health Agent warned the manager that pool permit could be revoked if problems not addressed. BOH requiring a written remedial plan within two weeks or pool may be closed.
- Hoarding complaint – Discussed

Next meeting scheduled for March 26, 2013. Meeting adjourned at 8:00 PM

NO MEETING HELD FOR MARCH 2013



BOARD OF HEALTH MEETING

April 23, 2013 – 6:30 PM
Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review Minutes of February 26, 2013 – approved as written.

Tool Company Demolition – The Health Agent wanted to advise the Board of the upcoming work to take place at the site. There could be concerns pertaining to lead paint and dust when the building is demolished. Marie Larsen thought that there might be a bubble used to contain debris. Toby Arsenian stated that he would hope that a plastic bubble is used over the area during demo to contain hazardous material. He raised questions about the smoke stack and if asbestos is present. He stated that the harbor is public property should be of equal concern since the owners are proposing to place floats in there. Mr. Meringer stated that the Board does need a timeline and be more informed on this subject and he questioned what has already been done at the property. A resident stated that paint is already being scrapped from the building. The Health Agent explained that dust and debris needs to stay on property. Dr. Wedmore arrived at 6:50 PM and was briefed. Dr. Wedmore stated that the harbor is not the purview of the Board but of the Army Corp of Engineers and DEP. The Board tasked the Health Agent to invite the new owner to the next meeting to find out when they plan to start demolition and what the plans are on how it will be done.

Jack Card, Northeast Mosquito Control – Dr. Wedmore stated that he and Dr. Sandfield attended the presentation in Gloucester and felt informed but wanted to know more of what could be done for Rockport. Dr. Wedmore stated we live on the end of the peninsula and information is coming from other towns about problems and is an early warning system for us. There are concerns about spraying and would like more info on the larvacide program that is offered. Mr. Card explained that the mosquito program is a State agency funded by communities in the program and the cost is based on State formula associated with land area and deducted from the cherry sheet. When you join the program a guide on best management plan is used to approach which problems need to be addressed. It is suggested to have plans in place before problems arrive. Monitor stations are set at different areas and data is taken to decide what steps need to be taken. They would like to have all cities and towns in the area join so there are no gaps in the district. Information also given on what types of remedies can be used to address different problems. This will be discussed further at another meeting.

16 Mary Helen Way, Barn Building Permit – Neighbors are concerned that the runoff was not addressed and questioned why no one looked at the site before approving stable permit. Dr. Wedmore reviewed zoning bylaw and stated the project meets the lot requirements of 10,000 sq ft without needing a variance from the zoning board. Neighbors also questioned size of building and setbacks. Dr. Wedmore stated that if the land meets the zoning requirements than the building does not come under the Board of Health unless there are health concerns. Residents raised question of horse flies carrying disease, where manure would be contained, of urine running down hill and into ground water, and odor. Dr. Wedmore concluded that the residents' concerns are of potential health hazards and of nuisance in a residential area. A resident stated she lives downhill and concerned about her well. A resident stated that the street

is the only access and is concerned that children who play there would be exposed to horse manure dropped in street. Dr Wedmore requested that a site visit be conducted on Saturday, April 27th at 9 AM and the board will request that the Wiles come to the next meeting with a plan on how these concerns will be addressed. Dr. Wedmore ordered that the BOH to put a hold on construction until the matter can be further investigated. All in favor.

Rockport Inn and Suites, remedial plan for pool and spa – Review of previous discussion about pool and spa not in compliance with regulations. The Health Agent conducted an inspection and found that the pool and spa chemical balance were again not in compliance and records did not seem to be accurate so the pool and spa were closed. Matt Anzivino, General Manager took full responsibility and has removed himself from maintaining the pool. In an effort to improve the maintenance two other associates have been trained and certified to maintain the pool. Mr. Anzivino has hired James Pollard of St Cyr Pool Company to act as lead CPO along with the newly trained associates. An A-9 Pool/SPA Inspection Checklist and Swimming Pool Inspection Report will be done weekly by the pool company. The associates will test daily and will close pool when out of compliance until corrected. Mr. Anzivino stated that he will hold his staff and the CPO accountable. The Board allowed the pool to reopen. It was suggested by Dr. Wedmore that after a test by the CPO the Health Agent be called to make a test immediately.

Isocyanate Research – This is an approved means of insulation. The Health Agent reported on her conversation with the owner about complaint. Issued closed.

Housing Follow-ups – The Health Agent looked to see how many housing inspections were done and to see if a letter of compliance was issued. Fifty inspections were done and ten are still open. The Health Agent will address the outstanding violations. Dr. Wedmore stated there is a need to have follow-up in a timely manner to address violations. The Health Agent will set priority on the critical problems and will follow-up. A copy of letters that will require building permits will be sent to the Building Inspector so that he is aware of problems. The Board reviewed and discussed a draft letter to be sent out to property owners that still have outstanding violations requesting that they contact office to set up an appointment for re-inspection within 30 days.

E-cigarettes, discussion of changing tobacco regulations – Board reviewed sample regulations that address sale of tobacco products and nicotine delivery systems. Board will review sample regulations and discuss at next meeting.

Discussion of permitting farmers markets – The Food Inspector has been working with Jay Smith and the vendors of the farmers market at former IGA location. The Food Inspector is in the process of researching other markets in area and will come to next meeting with proposal for fees and permitting structure.

Review of Correspondence, complaints, approvals, sign offs, etc.

Sandy Bay Estates, Violations – Discussed lack of exterior lighting at buildings and what is being done to fix problem. Health Agent is in contact with manager and they are trying to find out what is causing the problem.

Next meeting scheduled for June 4, 2013. Meeting adjourned at 9:05 PM



BOARD OF HEALTH MEETING

May 2, 2013 – 6:30 PM
Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

16 Mary Helen Way, Barn Building Permit – Dr. Wedmore gave background information on the charge of the Board of Health that includes maintenance, protection, and preservation of the health of the town. A site visit was conducted on Mary Helen Way by the Board members and the Health Agent who met with the Wiles on Saturday. Dr. Wedmore state that the Wiles in good faith came to the BOH to ask about regulations and bylaws and found that they would meet the requirements. The zoning bylaw is the first hurdle and that is why the BOH signed off on the building permit.

Dr. Wedmore asked if anyone would like to speak in favor of this. No one came forward but the Board did receive an email from the Wiles addressing the concerns brought up by residents in the previous meeting.

Dr. Wedmore then asked who would like to speak in opposition of this. Many neighbors and other residents of Rockport came forward with their concerns of the health issues pertaining to flies, smell, runoff, and the effects on the quality of life. Also of concern is the size of the lot and the need to change the zoning by-law.

The Board members then discussed what was observed during the site visit. The members concerns include size of lot, muddy paddock, and neighborhood where people live close. Dr. Wedmore noted that it's one thing to move into a neighborhood with a horse barn versus to already live in a neighborhood and have a barn and paddock brought in. Part of public health is not just implementing rules but to be aware of quality of life and acrimony for the good of the neighborhood and the public health of the neighborhood.

Dr. Wedmore made a motion to deny a permit for placement of a horse barn and horse paddock on that property or the keeping of horses, Mr. Meringer seconded. Vote to deny permit 3:0.

Meeting adjourned at 6:58 PM



BOARD OF HEALTH MEETING

June 4, 2013 – 6:30 PM
Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review Minutes of April 23, 2013 and May 2, 2013 – Approved as written.

Administrative Assistant Position – The Board reviewed the recent job description from the Personnel Board and Health Agent questioned the supervision clause that was changed from under general supervision of the Health Agent to the Board of Health. Dr. Wedmore stated that ultimately the Board is responsible for the person's performance and agreed to use this description as a template for now and will modify as necessary. Dr. Wedmore asked what steps need to be taken to have this advertised. The job will be posted in Town Hall and on the website. It was suggested to send copies of posting to other boards and committees.

Tobacco regulations, discussion of updating regulations – Reviewed and discussed checklist for policy decisions and will incorporate the changes to the regulations. Vote 3:0 to accept all policy decisions as “yes”, except for number 6 “no”, and number 8 “yes” for under 18 years old.

Mosquito control – Discussed spraying and especially the concerns about the larvacide program and the impact it could have on lobster and fisheries. After much discussion it was decided the Board would be in favor of joining the mosquito control program since it would be of value to at least monitor the mosquitoes to know what's going on. The Board will recommend to the Board of Selectmen that the town participate in this program.

Fines regulations – Dr. Wedmore stated that there is no need for local regulations to address fines for violations. The Board will have a discussion with person and if order is not complied with then take to court.

11 Parker Street, housing violations, owner Eugene D'Alessandro – The owner cancelled his appearance before Board to discuss this subject. The violations have been in existence for two years and the Board will request the town council to send a letter to address these housing violations in court.

Discussion of permitting farmers markets with Laura Osmond, Food Inspector – Laura Osmond presented a draft of a proposed policy and fee schedule for review by the Board for farmers markets in town. There is a need to have a procedure to be followed by market managers. Previously a market was run at the IGA. The Rockport Festivals Committee will be having a market at Harvey Park on Saturdays, June 21 through September 7. The intent is to get information about the vendors ahead of time and make sure that the proper food handling requirements are followed. Board accepted the policy and fees.

Beaver Trapping request at Loop Pond and Wellfield, Chris Martin, Water Treatment – Chris Martin stated that there are too many beavers in the watershed system and they are moving into

Cape Pond. Mr. Martin feels that the beaver deceivers do not work as well as trapping to thin them out. He has previously trapped and it seemed to work for a few years to at least control the number of them. They block the flow of the water into the water supply and can carry disease such as Giardia and Cryptosporidium. He is requesting a 10-day emergency permit to trap. Eric Hutchins, Applecourt Rd spoke about other methods that could be used such as a properly built deceiver. Julie McMahon also stated that beavers are drawn to the sound of running water and if the deceiver is built with a pipe underwater then the deceiver would work. Dr. Wedmore asked if there is a way to test for these diseases in the water. Mr. Meringer would like to grant the request for ten days to give him the tools to take care of this problem right now. Mr. Martin stated that beyond the health issue there is also a concern of the beavers slowing/stopping the flow in the watershed water into the reservoir, and that trapping one or two takes care of the problems for a few seasons. Board voted to grant 10-day emergency trapping permit. Vote 3:0

Housing Code violations, 11 R Marmion Way, Paul Seavey – Mr. Seavey is present and stated that the window for the bedroom is in place and that he is doing most of the repairs himself so it is taking some time. Dr. Wedmore noted that this has been going on for two years and that the critical problems need to be addressed now. The Board reviewed the violations and agreed to allow Mr. Seavey 3 months to comply. He will report his progress to the Board every two weeks in a written report and will come before the Board in two months.

Discussion of potential septic system within 100' of a wetland, 0 South Street (Map 28, Lots 1 & 2) Mason Browne and Dan Ottenheimer – Mr. Browne presented his case for requesting a variance for septic system on this property. This would be new construction within 50 to 100 ft of wetlands. He stated that the town Assessors considered the lots buildable and he would like to be able to construct a single family home. Board reviewed site maps. Mr. Browne stated that an improved septic system would not impact public health. He would consider a deed restriction on property for one house. Dr. Wedmore stated that new construction has a very high standard to meet and by definition should never require a variance. After much discussion the Board again stated that variances are not granted for new construction.

6 Witham Rd, application for garage with living space and bathroom above, owner Brett Hawkes – Mr. Hawkes is requesting to add a space above current garage for exercise room with shower and bathroom. Septic system is designed for a 3-bedroom home. Dr. Wedmore stated the only difference between extra room and a bedroom is a pillow. Board voted to allow exercise room above garage but no plumbing for bathroom. Vote 3:0

Correspondence, complaints, approvals, sign offs, etc.

Lanes Farm – Manure pile complaint discussed. Health Agent stated previous letter in the file required manure pile removed twice a week. Board requested Agent send owner letter of twice a week manure pile removal.

Site visit to Applecourt Rd regarding horse complaint scheduled for July 15, 2013 at 9AM

Next meeting scheduled for July 23, 2013. Meeting adjourned at 9:45 PM



BOARD OF HEALTH MEETING

July 23, 2013– 6:30 PM
Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Meeting opened at 6:30 pm.

Review Minutes of June 4, 2013– Approved as written, Vote 3:0.

13 Applecourt Road - horse complaint - The Board of Health conducted a site visit Monday morning, July 15. Attorney Meredith Fine representing the neighbors at 11 Applecourt Rd, Jay and Pat Paradis. Attorney Fine questioned whether there is a Board of Health permit for the horses. Health Agent Leslie Whelan explained that the BOH Stable regulations allow the Animal Inspector's annual inspection reports to represent the annual renewal of a Stable Permit from the Board of Health. Dr. Wedmore reviewed the Animal Inspector's annual inspection reports going back several years and concurred that there is a valid Board of Health permit for the horses.

Attorney Fine questioned whether there had ever been an appropriate building permit for the stable. Eric Hutchins, co-owner of the horses and property at 13 Applecourt Rd, stated that he has had numerous conversations with and visits from Paul Orlando, Building Inspector and that he believes he is in compliance with that office's requirements. Dr. Wedmore stated that the issue before us is not about the permits, but that the immediate neighbors find the horses objectionable, and it's the BOH's job to tease out what is perception, what is reality, and what is accepted practice.

Dr. Wedmore opened the floor to people to speak in opposition to the horse permit being renewed, then to people in favor of the horses, and then the Board members each spoke of the site visit and their impressions.

Mr. Meringer expressed interest in finding a solution that would work for both parties. He stated that he could not find anything objectively that is "off" but acknowledged that subjectively people are seeing it differently, which makes for a situation with "no easy answers".

Dr. Sandfield noted that historically across the town neighbors sometimes complain about odors from horses and other animals, and he is sympathetic to people who find such odors offensive. However the town allows horses and his opinion of this property was that if the Board doesn't allow horses here, the town wouldn't be able to allow anyone to have horses. He stated that he didn't find the odors at this site objectionable. He acknowledged this as "a tough question".

Dr. Wedmore stated that when he arrived at the site visit he could smell a horse, but he had to be close to the horse to smell it, when it was on the other side of the paddock he couldn't smell it, and he believes his sense of smell is as good as most folks. Regarding husbandry, his opinion is that the best practices were being done to minimize the smells. The paddock was dry, with some urine visible (likely from the previous hour). Is that offensive? If one is searching out

smells, they will be found. He characterized the smells as “background smells”. In balance, he couldn’t find sufficient objections to say “this should cease”. There were no flies during the site visit. He noted that the Board tries to balance disparate perceptions. He suggested that if the horse owners would plant fast growing vegetation hedge between the properties they may be able to alleviate the visual offense to the Paradis, and decrease the movement of wind.

Board of Health voted 3:0 to continue the permit for the horses. Dr. Wedmore stated that unannounced site visits by BOH will continue.

11B Parker St. Housing violations outstanding- Present are the owners Eugene D’Alessandro and Roberta Lombardi. Their neighbor Heidi is also present.

Owners were invited to attend the previous meeting after the Health Agent conducted a re-inspection of unit B (basement unit) and found that outstanding housing violations had not been corrected and the unit has been re-occupied in violation of BOH order dated 8/9/11. When the owners failed to attend the previous meeting, Board began legal action through the Town’s attorney.

Owners expressed their belief that the Board of Health had granted a variance at the 9/27/11 hearing to allow the height of the windows in the bedrooms since they were pre-existing and since it would be too difficult to lower the windows due to the exterior ground elevation. Dr. Wedmore corrected their mistaken belief in stating that the only variance granted was for ceiling height.

Discussion about the 2nd means of egress. At the 9/27/11 hearing the owners stated they would provide a second means of egress for the basement unit by making alterations in the upstairs unit to provide the basement unit access to the exterior door in the upper unit via existing stairway between the units. This was not built, and now there is a family living in the basement unit with only one legal means of egress. According to Mr. Alessandro, currently the basement unit’s second means of egress is through the unit on the upper level. However the current tenants in the upper level unit have chosen to vacate on/around Sept 1 due to the situation with the egress. The board and owners discussed and the owners agreed that they would build a wall and door by Dec 1, 2013 creating a vestibule for both units’ access with locking doors for each unit, in accordance with the Sanitary Code.

Discussion about the height of the bedroom windows and their size. The Health Agent will bring the Building Inspector to make a determination as to the current condition and whether it meets the Building Code and Sanitary Code, and if he could allow a permanent step to access a window for an “egress window” from a bedroom. If not, then the front room could be used for a bedroom and one or both of the back bedrooms would need to be eliminated as bedrooms.

At the time of the Health Agent’s re-inspection on 5/28/13 there was a framed opening in the wall between the kitchen and the living room, which the Board decided would meet the requirement of natural light in the living room.

Health Agent to schedule site visit with Building Inspector and occupant of basement unit, and then to write a letter to the owners with the findings and current status.

Mr. Meringer left at 7:52, at the end of this discussion.

Administrative Assistant position – The Board of Health has selected a candidate who would like to accept the position. Before offering an hourly rate, Health Agent will meet with the Personnel Board.

Mosquito control update – At a previous Board of Health meeting it was decided to recommend the Town join the Mosquito Control District. However, since Gloucester and Essex haven't decided to join the district and since the RBOH isn't keen on adulticide sprays and larvacide is toxic to lobsters, it seems that surveillance may be the only benefit of joining the district. The Board voted 2:0 "Since Gloucester and Essex and some of the surrounding towns are not going to go on the mosquito control program we will revisit the issue in a year, but not recommend joining at the present time." Health Agent will let Town Administrator know of change and to not proceed with item on town warrant.

Health Agent report, correspondence, complaints, approvals, sign offs, etc.

- Aug 13- 18 Health Agent vacation dates, Laura Osmond will cover in case of emergency.
- 8 Springfield Ct – State Sanitary Code Violations have mostly all been corrected at this point.
- Sandy Bay Estates – multiple complaints, many violations of State Sanitary Code remain outstanding past required deadlines. Chairman indicated lawyer should send letter to owner.
- Lot 51 Ruthern Way – septic plan approval for new construction discussed. Plan is contingent upon Tom Grossman's home connected to town water.
- 5 Penryn Way – board members directed Agent to confirm with Joe Guzzo, Plumbing Inspector, via email, that no plumbing is allowed in the garage.
- Noise Complaint-air conditioner at The Fish Shack, maybe in violation of DEP guidance standards of 10dB above the ambient. Health Agent to test with machine borrowed from DEP.
- Tool Company smoke stack demolition is imminent. Board will be vigilant about demolition and dust. Health Agent to visit site on Thursday.

Meeting adjourned at 8:10 PM



BOARD OF HEALTH MEETING

August 20, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board Members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review Minutes of July 23, 2013 - Approved as written, Vote 3:0

11R Marmion Way, Housing code violations - Mr. Paul Seavey was present and spoke in reference to the numerous violations. Some issues have been addressed including the rubble being removed; placing trash bins on the side of the building; a new window has been installed but new trim has not. Many issues still need to be addressed. Mr. Seavey was given deadlines to complete such tasks. All will be completed by end of September and November for heating. Health agent will re-inspect the property the end of September. Dr. Wedmore stated the board will be “bereft of charity” if work not completed.

Sandy Bay Estates, volume of complaints and inspections – Health agent stated that the owner has been compliant to do work but is doing it slowly. Health agent will re-inspect the property on Thursday 08/22/13 and construct a list of issues to be addressed at the next meeting. Board members stated that they will offer no more leniencies for Sandy Bay Estates. It was asked that the owner be at the next meeting.

Tool Company Demolition - Michael Rauseo manager was present. Tool Company to be torn down and the only pieces to stay will be the existing masonry buildings. All metal will be coming down and sold in 4 foot lengths. Dr. Wedmore informed Mr. Rauseo that steel walls are covered with foam due to presence of lead paint. Mr. Rauseo stated that the material will be kept wet to keep dust at bay and that the work will begin later in the season (perhaps October) when there are fewer people around. The work will be done by an experienced demolition company; Chad Ketchopulos and will complete work in three weeks start to finish. The smoke stack is coming down in pieces but after an HBO movie is finished filming there. It will be taken apart by hand to help eliminate anyone getting hurt in the process. Dr. Wedmore asked what will be done to keep dust at bay during demolition. Dr. Wedmore suggested that some sort of barrier should be used on the street side to keep dust levels down. Mr. Rauseo stated that keeping it wet will be helpful and hay barrels will be used to trap water. The board asked that Mr. Rauseo keep them informed of any progress that is being made.

11 Parker Street, Housing re-inspection - A re-inspection was completed with Paul Orlando who concluded that one of the two bedrooms has the required window area. Paul suggested adding a step to allow access to exit the window. The owner said he would be in touch and no contact has been made to date. Dr. Wedmore directed Ms. Whelan to contact the owner to follow up and find out when the step would be added and also to relay that BOH would like a window egress plus window well for back bedroom, and to convey that court is next step if we don't hear back from him.

The following correspondence and complaints were reviewed:

141 Main Street – Rats

269 Granite Street – Housing Complaint

Meeting adjourned at 7:30 PM



BOARD OF HEALTH MEETING

September 24, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review of Minutes of August 20, 2013 – Approved as written, Vote 3:0

11B Parker Street, Housing code violations – Mr. D’Alessandro was present. Mr.

D’Alessandro is requesting a variance for the smaller bedroom to use that room as a habitable space, but not a bedroom. Habitable rooms require windows to be minimum 8% of floor area, 2.24% is provided at this time. Room is a bedroom, which requires substantially larger and lower window or door for egress. Mr. D’Alessandro stated he has done significant work to the property including having Preferred Air install an air filtration system, which includes a dehumidifier and filter to improve air quality in the lower level. Health Agent stated she spoke with Paul Orlando, Building Inspector and that he stated that the room is habitable under the Building Code.

Room is below grade and according to Mr. D’Alessandro constructing/installing a new window is financially out of reach. Board in agreement that as long as apartment is rented as a two bedroom and is stated in lease as such that they will grant the variance to allow smaller bedroom to be used as a habitable space, but not a bedroom. Approved 3:0 to grant such variance. Mr. D’Alessandro is to send the board a copy of lease for review before the apartment can be leased. Health agent to re-inspect before owner leases the property again.

Mr. D’Alessandro stated he has installed and secured a table of significant construction to act as a step to the window providing access to the window in the larger bedroom.

8 Wharf Road, Animal complaint- Sandy Jacques of 93 Granite Street is present to discuss complaint about neighbor Heidi Z. whom he believes is again feeding animals that subsequently are causing damage to his property. The neighbor’s property abuts Mr. Jacques’ and his home is located within 100 feet of hers. Mr. Jacques stated that they have trapped 9 raccoons in the past week and a half alone. He has seen other animals on his property including squirrels, seagulls, rats, fisher cats and skunks. Not only are the animals causing personal property damage, they are known carries of serious diseases and Mr. Jacques fears for his grandchildren that frequent his home.

Dr. Wedmore instructed that the Health agent to send an order letter and make several random site visits in the morning to inspect property. Health agent to report her assessment at the next meeting.

Sandy Bay Estates, Housing code violations – Owner has been cooperative and has a positive attitude; repairs and progress are being made at this time. Health agent is making weekly inspections. Open case; to be continued.

Housing follow-up's – Health Agent has a system in place for dealing with open and active housing orders. Dr. Sandfield suggested that after initial inspection and one re-inspection that each re-inspection thereafter should require a fee. Board discussed the possibility of implementing a fee for multiple re-inspections. It was asked that Health agent look into state law for such regulations.

Mosquito update – Due to its environment, Rockport is listed as remote risk for EEE according to MA Department of Public Health. Board members are in agreement that we are not joining in with the mosquito control district to spray for mosquitos. Citizens need to take proper precautions to protect themselves against mosquito-borne diseases, including removing standing water and personal precautions.

Tobacco update – New regulations signed and ready for enactment based on checklist BOH approved 6/4/2013.

Health Agent to take vacation November 15-28 2013.

11R Marmion Way, Housing code violations – Mr. Paul Seavey was in attendance. The total numbers of housing violations are down from 17 to 9. Board has previously required that remaining violations be completed by September. Mr. Seavey identified several items that he can complete within the next week or two, with the heating to be completed by November 30th. Health agent will re-inspect property on Tuesday October 15th.

21 Dock Square noise complaint – Complaint comes from #23 Dock Square, left of the Fish Shack Restaurant. Second floor condo overlooks the roof of the restaurant where they placed a large air conditioner/compressor that is making quite a bit of noise. Health agent visited property and took noise readings with the air conditioner on and off. Depending on the noise levels on the street in the morning when the sound was measured, the air conditioner may or may not be heard. By the evening, the air conditioner was detected at 10 decibels above the ambient. At 10 decibels the unit is considered too loud at the property line. After the readings were done, Karen Porter said she had intentions to building a barrier around the unit to deaden the sound. She took plans to the historic commission and they are working to find something that will not only deaden the sound but make it visually appealing. By the next Board of Health meeting Karen Porter should have had her meeting with the Historic Commission and the Health agent will follow up.

Next meeting to take place on Monday October 21st at 7pm.

Review of Correspondence, complaints

3 Seaview Street – septic concerns

Title 5 inspector question: bedroom number in Title 5 report. There was discussion of the Board of Health requiring a deed restriction to match the number of bedrooms on the septic permit.

Meeting Adjourned at 8:15 PM



BOARD OF HEALTH MEETING

October 21, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review of minutes for September 24, 2013- approved as written, Vote 3:0

Dr. Wedmore inquired about the ability to charge a fee for re-inspections. Health Agent stated this could be done and that more information would follow.

45 Poole's Lane, Application for Stable Permit - Eric Hutchins and Julie McMahon of 13 Applecart Road present. Eric and Julie are looking to purchase 45 Poole's Lane and are applying for a stable permit to house their two horses on the property. Board members spent some time reviewing the application and looking at the site plan. Eric explained the layout of the property and where the stable would be located. Eric outlined the distances of the paddock to the existing residential structures. The distance would be approximately 800 feet to the nearest abutting dwelling. The horse shelter will be greater than 20 feet from the property line. Dr. Wedmore questioned if the septic system had been inspected yet. Eric stated that the owner was in the process of acquiring a Title 5 inspection. Dr. Sandfield asked why the property was registered land. Eric stated that the land had been through land court and had been registered in the 80's.

The Board and agent agreed that the application presented meets all regulations. Dr. Wedmore stated that the current permit that Eric has for the horses at Applecart Road would not be transferred with the sale of the house. Eric stated that he has no intention to market the property with such permit.

Vote taken and approved 3:0.

Mosquito update – Board reviewed the MA Department of Public Health's final weekly report from the Arbovirus Surveillance Program. Rockport is at lowest risk level for both EEE and WNV. Rockport does not have a large ecosystem of red maple swamps where EEE mosquitoes would breed. Dr. Wedmore stated that taking steps to reduce mosquito's such as clearing standing water and putting larvicide in catch basins, would reduce the number of WNV carrying mosquitoes. Information to be placed on the website.

11 R Marmion Way – Health Agent re-inspected the property and there are only three outstanding items. The heater will be corrected by November 30th. He will also have the exterior lights corrected at that time. Dr. Wedmore questioned the roofing concern. The roof is currently covered on three sides with a tarp because it was leaking. Currently there is no active leak. Paul Seavey is making continued progress. Open case; to be continued.

16 D Hodgkins Road – Health Agent did inspect and everything is currently in compliance. Letter will be written and sent and case will be closed.

4 Linwood Ave – Health Agent did an inspection of the foundation. There were signs of recent patches, but there are holes still visible. Letter will be written regarding the stone foundation and rodents.

11 B Parker Street – Health Agent will write variance and contact Mr. D'Alesandro in December for inspection.

15 ½ Hale Street – Owner did not contact Health Agent in response to order letter. He has 30 days to contact to schedule inspection after date of delivery of order letter which was 9/26/2013. Last communication from owner indicated he planned to keep the unit unoccupied until repairs are made. Board does not know if unit is still unoccupied, and Agent will research.

59 Main Street – New complaint of rats in dwelling. There are three units in house; each unit inspected. The owner has hired a pest control operator and they appear to have changed some locks and removed a wooden door that was blocking a second means of egress. Health Agent ordered the owner to hire a property manager. Dick Meringer inquired about a local contact as the owner of the property is living in Florida. Health Agent has contact information for a handyman and a local lawyer. Order letters have been forwarded to the attorney and the Health Agent will call the attorney.

8 Wharf Road - Heidi Zander is in attendance with concerns about a complaint. Heidi is here due to a complaint that was filed with the Board by neighbor Sandy Jaques concerning excessive animals doing damage to his property. Mr. Jaques feels the animals are drawn to his property from Heidi feeding them. Heidi's standpoint is that there are a lot of animals on and surrounding the property with the quarry and pier and have been long before she built her home in 2000. Heidi stated that after her conversation with the Health Agent she has not put out any feed and has removed the feeder. Heidi stated that her dad lives with them and has for three years and she takes care of him 24 hours a day. The animals were a means of stimulation for her dad. She stated that the complaints have become harassing and wants to know how to deal with this moving forward. Heidi is willing to stop feeding the animals.

Dr. Sandfield stated that there can be no complaints if she is not feeding the animals. Heidi feels this is unfair and not ok that someone else can have this amount of control over her. Dr. Wedmore stated that she simply needs to stop feeding the animals. Board will revisit this next meeting.

36 ½ Eden Road – Timothy Thurman President of Treehouse Design in attendance. Mr. Thurman stated that he has a potential client who is interested in purchasing the property at 36 ½ Eden Road. There are two existing structures on the property. The potential buyers are interested in a complete teardown of the existing units. Timothy Thurman has a proposed plan and is looking to determine the correct number of bedrooms. There is currently a discrepancy on the septic permit for 3 bedrooms vs. the 1988 plan for 4 bedrooms. Mr. Thurman is looking to gather information from the board to pass along to his clients to better make a decision on purchasing the property. The current property has two septic systems. Title 5 inspection still needs to be done. Engineering would need to connect the two systems to make one system. Currently the assessors have the property listed at 2,380 square feet and the plans for the new home would consist of 2,944 square feet. Board will allow existing septic system to serve a 4-bedroom dwelling. The propped house plans would be allowed with a 4- bedroom deed restriction. Health Agent requested guidance from the board on counting rooms in order to

advise applicants in general, in the future. The board will review unusual cases on a case-by-case basis.

Health agent workload update - Health Agent states that there is far more work to be done outside of the 20 hours that she is allotted and suggested 30 hours per week. Health Agent also suggests hiring another person to inspect the pools. Dr. Wedmore agrees that the time needed should be committed on paper and a request made. Dr. Wedmore asked that Tiffany to compile a report of departmental income vs. expense.

23 Dock Square update – The Fish Shack Restaurant. Karen Porter advised the Health Agent that the Historic commission has asked her to move the compressor so it is out of view from the road. She is planning to put a structure around the sides that are viewed from the road and in view of the neighbor. This will hopefully lessen the noise to less than 10 decibels above the ambient.

Sandy Bay Estates housing follow up – Owner continues to be cooperative and repairs are almost complete. Tenants have come forward and are requesting to meet with the board. Health Agent will meet with occupants to address their questions and concerns before coming before the Board. Board advises that all complaints be in writing. Open case; to be continued.

Next meeting scheduled for December 10, 2013.

Meeting adjourned at 8:30.



BOARD OF HEALTH MEETING

November 13, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore, Dr. Russell Sandfield and Health Agent Leslie Whelan.

Review of minutes for October 21, 2013 – approved as written, Vote 2:0

28 Eden Road – Owners Marietta and Joe Delehant and Engineer, Paul Avery P.E. present.
Tight Tank Approved, Vote 2:0

Health Agent Workload Update - Board reviewed efficiency of office and allocation of duties between Health Agent and Administrative Assistant. Board recognizes the need for an increase in Administrative hours. The Board will present a request for funding to increase the Administrative Assistant position at the Board of Selectman's meeting on December 10, 2013. Board will revisit this at the next meeting.

Review of Housing Nuisance and Complaints –

11R Marmion Way.

11B Parker Street.

Sandy Bay Estates – Tenant association has requested to meet with the board.

Open cases to be continued.

Next Meeting scheduled for December 10, 2013.

Meeting adjourned at 8:15 p.m.



BOARD OF HEALTH MEETING

December 10, 2013 – 6:30 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore, Dr. Russell Sandfield, Richard Meringer and Health Agent Leslie Whelan.

Review of Minutes of November 13, 2013 – Approved as written, Vote 3:0

Sandy Bay Tenant Association - Ms. Darcy Doucette and Ms. Caren Brosnan spoke on behalf of the Association. Dan Kelleher, onsite maintenance staff spoke as well as Bobby Cronkite maintenance supervisor. The tenants have come to the board with multiple concerns. The association feels that Sandy Bay is not following appropriate protocol for maintaining the buildings, handling complaints and dealing with bed bug complaints. There is a mechanism for communication now in place including a 24 hour emergency line. Dr. Wedmore stated that occupants must contact maintenance before contacting the Board of Health with complaints. Dr. Wedmore stated that the owner's bed bug protocol shall be the Board of Health order letter (Dated July 2012). Owner will provide names of three pest control operators to the Board of Health; Health Agent to check references. To be revisited next month.

Flu Clinics next year - Dr. Wedmore stated that the need for the town to hold a flu clinic is no longer current since flu shots are available at every drugstore and in physicians' offices and covered by insurance. He stated that for the people that are shut-ins the Public Health Nurse will continue to provide home flu shot visits on an as-needed basis.

11B Parker Street, owner request re:2nd means of egress for basement unit - Owners Mr. and Mrs. D'Allesandro spoke regarding the basement apartment. Owners have decided to not rent the apartment and are themselves living in upper unit. Owners shall not rent basement apartment without revisiting issue with the Board of Health.

1 Glenmere Road, potable water source - Mr. and Mrs. Hanifan spoke about salty water. They have owned the property for 24 years and have used and supplied bottled water to tenants for drinking and cooking due to a high salt content. They have put in a new water system to eliminate the iron in the water. The Board agreed to allow them to continue to provide bottled water.

Meeting moved to Town Hall to Board of Selectmen's meeting. Administrative Assistant hours discussed. Board of Selectmen approved increase of hours from 16 to 25.

59 Main Street, Violations of State Sanitary Code – Health Agent went to court with the Town's attorney. The judge issued an injunction but delayed to allow owner to respond. The property is currently for sale. To be revisited at next month's meeting.

Bearskin Neck Motor Lodge, complaint about temperature – Complaint made about the air temperature. Health Agent will call owner to inform them on the heating requirements of the State Housing Code.

4 Linwood Ave, holes in foundation – Board decided to leave the order open in case there are future complaints.

Next meeting scheduled for January 21st.

Meeting adjourned at 8:30