



**Town of Middleton
Massachusetts Board of Health
Minutes of the Meeting
Wednesday May, 4, 2016**

The Middleton Board of Health held a Board Meeting on Wednesday, May 4, 2016 at the Flint Public Library Meeting Room, One South Main Street, Middleton, Massachusetts at 7:00 pm

Board Members Present:

Robert Ambrefe, Chair

Matthew Greenfield

George Demeritt

Ray Cryan

Paul LeBlanc

Others Present:

Derek Fullerton, Public Health Director

The meeting was called to order at 7:00 pm. Chairman Ambrefe asked if there were any additions or changes to the Minutes of the March 2, 2016 meeting.

Mr. Cryan motioned to accept as written; Mr. Demeritt seconded the motion, and the Minutes were unanimously accepted by the Board.

Request for Local Upgrade Approval for 11 Highland Road (Map 19 Lot 41) as follows:

(1) 310 CMR 15.405(1)(a): Reduction of the system location setback to a property line (Highland Road) from 10 ft to 15 ft;

(2) 310 CMR 15.405(1)(b): Reduction of system setback to cellar wall from 20 ft to 17 ft.

Mr. Greg Bernard addressed the Board and said he is representing John Merriam, the owner of 11 Highland Road. The building is currently a three bedroom single family property with a small lot size of 7,840 sq. ft., situated on top of a hill. The existing cesspool is located behind the house and is in failure, although no official title 5 inspection has been completed. Mr. Merriam would like to replace the cesspool with a septic system and demolish the existing house, which has termite problems, and replace it with a modular home. The proposal is to situate the new dwelling 3.5 ft. from the front of the existing building. The proposed dwelling will be increased by approximately 400 sq. ft. because of the addition of a garage.

Mr. LeBlanc made a motion to approve the request for reduction of the system location setback to property line (Highland Road) from 10 ft. to 15 ft, and reduction of system setback to cellar wall from 20 ft. to 17 ft. Mr. Demeritt seconded the motion and all were in favor.

Request for Local Upgrade Approval for 11 Hilldale Avenue (Map 32 Lot 21) as follows:

(1) 310 CMR 15.211(1): Reduction of the system location setback to a domestic well from 100 ft to 79 ft;

(2) 310 CMR 15.211(1): Reduction of the system location setback to an in-ground swimming pool from 20 ft. to 15 ft.

(3) Middleton BOH Regulation Chapter 339, Article III, Section 339-12(A): Reduce the required design flow per bedroom from 150 gal/day to the State 310 CMR 15 Code of 110 gal/day.

John Morin of the Morin-Cameron Group Inc., addressed the Board and said he is representing Mr. and Mrs. Clough who would like to sell the property located at 11 Hilldale Avenue, but the cesspool did not pass Title 5. The property was built in the 1930's, the lot is 32,000 sq. ft., and the house is 1530 sq. ft. with the domestic well located in the center of the property with abutting wells surrounding it. This is a small area where all the houses are serviced by wells which bring many restrictions. This location is currently serviced by a cesspool situated on the southerly side of the property right up against the lot line and the proposal is to install a new septic system. The well has been tested and the results were acceptable. The proposal is to locate the new septic system in the current location and to apply for a reduction of the setback from the in-ground pool and relief from the well. The new system would be approximately 37 ft. further from the well than the current cesspool and would have the addition of the septic tank. Because of the limited space on the property, there is a request for relief from the 150 gal per day to 110 per day which is the state sanitary code. A deed restriction will be submitted as part of the certificate of compliance request limiting the number of bedrooms to 2 bedrooms. The Board members had a discussion and questioned Mr. Morin regarding the requests being made.

Mr. LeBlanc made a motion to approve the reduction of the system location setback to a domestic well from 100 ft. to 79 ft., a reduction of the system location setback to an in-ground swimming pool from 20 ft. to 15 ft. and to reduce the required design flow per bedroom from 150 gal/day to 110 gal/day. Mr. Demeritt seconded the motion and all were in favor.

Regulations-Tobacco Use Prevention: Review proposed revisions to Environmental Tobacco Smoke and Restricting the Sale of Tobacco (Youth Access) Regulations.

Chairperson Ambrefe invited Cheryl Sbarra, Senior Staff Attorney Director of the Tobacco Control Program in Massachusetts and Ron Beauregard, Director of the Healthy Communities Tobacco Program, who works closely with the Middleton Board of Health, to introduce themselves and said that there would be a discussion on the following:

1. Prohibit the sale of tobacco, including (including electronic cigarettes) to persons under the age of 21.
2. Prohibit the sale of any flavored tobacco (including electronic cigarettes) except in retail tobacco stores where no one under the age of 21 is permitted entry.
3. Require packages of two or more cigars be priced at \$5.00 or more and maintain the requirement that all single cigars be priced.
4. Prohibit the sale of blunt wraps, except in retail tobacco stores where no one under the age of 21 is permitted entry.
5. Mandate that retailers require a government-issued photographic identification card be presented by all persons under the age of 40 who wish to purchase tobacco products.
6. Prohibit the use of e-cigarettes wherever smoking is prohibited per Massachusetts state law and/or the Middleton Board of Health Regulations.
7. Prohibit the establishment of "smoking bars" including but not limited to cigar bars and hookah bars.
8. Continue to allow smoking in a retail tobacco store but only if the store 1) prohibits entry to persons under the age of 21 at all times, 2) limits sales primarily to tobacco and tobacco paraphernalia, 3) will not sell items that require a food retail food permit, and 4) is housed in a freestanding building that is not occupied by any other business, residence or workplace.

9. Prohibit smoking and use of electronic cigarettes in outdoor seating areas of restaurants, bars and other establishments holding a food permit.

Chairperson Ambrefe said that a lot of data has been received and studied which shows that limiting the access of cigarettes to minors under the age of 21 reduces long term effects. Chairperson invited anyone to address the meeting with their comments or concerns. Lisa Teichner, Executive Director of Tri-Town Council in Topsfield and Diane Knight, Director of the NE Tobacco Free Partnership addressed the Board and their comments are attached to these minutes.

Vijay Patel expressed his concerns regarding prohibiting the sale of tobacco to persons under the age of 21 and the impact this regulation would have on his business and John McAuley stated his concerns regarding having to ask his customers for government issued ID. The Board members addressed these concerns and explained the reasons why the regulations are being brought into effect. Ron Beauregard said that he would visit all the businesses affected by the new regulations to give them all the information available.

Cheryl Sbarro addressed the meeting and said that there is a proposed Massachusetts Senate bill drafted recently to include the following:

- 1) Increase the legal age of tobacco sales to 21.
- 2) Prohibit the use of electronic cigarettes wherever smoking is prohibited.
- 3) Ban the sale of tobacco to pharmacies.

This did pass the Senate overwhelmingly, with only 2 Senators voting against it but it now has to go to the MA House. It is understood that the Speaker does not want it to go to the Floor at this time and it is unlikely to happen before the end of this legislative session in July.

Mr. George Demeritt made a motion to adopt the new regulations with start date of October 1, 2016.

Mr. Ray Cryan seconded and all were in favor.

Chairperson Ambrefe thanked everyone for attending the meeting.

Other:

Lead in Drinking Water – The Board members had a general discussion regarding lead in drinking water. Mr. Fullerton said he had attended a training session run by MWRA and discovered that most lead services are related to houses built prior to World War II, 1950 and before. The DPW's across the commonwealth have been running a lead service replacement program for many years. There is no data available to show the number of houses in Middleton that have lead services. Mr. Fullerton said that Middleton treat for corrosion in the Town's water system which helps to prevent the leaching of lead even if lead is present in brass fittings. There is also a lead/copper program in Town where water is tested weekly/bi-weekly. Governor Baker recently announced a \$2M budget for schools to take advantage of testing their water system for lead and the MWRA have announced a state-wide program offering a zero per cent interest rate loan for homeowners who have identified lead services from their property line into their home to allow them to get the lead service replaced.

Howe Manning School Pond-Vector Management – Mr. Demeritt said that he had observed that the pond behind Howe Manning School was not treated. Mr. Fullerton said that he has requested that it to be included on the Vector Management plan and said that the schools do have a pest management plan in place.

Mr. Ambrefe said that there is an information being researched related to an alleged link between mosquito spraying and autism.

The next Board of Health meeting will be held on July 6, 2016.

Mr. Demeritt made a motion for adjournment. Mr. Cryan seconded the motion and all were in favor. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Julie Roscoe

Recording Secretary