



**Town of Rowley
Board of Health
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BOARD OF HEALTH MEETING MINUTES

February 22nd, 2024 10:00 a.m.
Town Hall Annex, Meeting Room
39 Central Street
Rowley, MA 01969

AGENDA

- 10:00 a.m. General Business
- a. Hearing on Variance Request for Septic Design at Danielsville LLC Development.
 - b. Update on the progress of replacement septic system at Pine Tree Condominiums
 - c. Report on Licensing Renewals for 2024
 - d. Review of Board of Health Town Report for 2023.
- 10:15 a.m. Office Administration
- a. Review of Bills
 - b. Review of Minutes
 - c. Set Next Meeting Date
 - d. Concerns of the Board

Members Present: Susan Elwell, Mary Behringer
Frank Marchegiani, Health Director
Thomas Mannetta, Health Agent
Deb Holland, Administrator

Also present: James Decoulos, Jacyn Stultz

Ms. Behringer moved to open the meeting of February 22nd, 2024, at 10:00 am. Ms. Elwell seconded the motion which passed unanimously.

Mr. James Decoulos representing Danielsville, LLC appeared seeking a variance to locate septic tanks within 30 feet of the “lot lines.” Since Danielsville is an OSRD governed by a Condominium agreement, all the land belongs to the Condominium Association, but each dwelling is assigned a plot that is associated with the dwelling for purposes of recreation, etc.

Ms. Elwell asked if all the abutters have been notified. Mr. Decoulos answered yes. Ms. Elwell read the contents of the notice.

Public Hearing: Ms. Behringer moved to open the public hearing on the Danielsville, LLC request for a variance from the Rowley Board of Health regulations Section 2.1.a which specifies a 30-foot setback from septic tanks to lot lines, at 10:03 am February 22nd, 2024. Ms. Elwell seconded and the motion passed unanimously.

Mr. Decoulos showed amended plans showing the tanks at least 10 feet from the “lot lines” and therefore in accordance with 310 CMR 15.000 (Title 5.) Lots 1 – 5 will feed into a common collector, and there will be three crossings under the road, at lots 4, 6/7 and 8/9. Mr. Decoulos reiterated that the lot lines are not really property lines because all the land is owned by the Condominium Association, but that they will be compliant with Title 5, although not with the Rowley local septic regulations.

Mr. Mannetta notes that the house and line configurations will have to change for lots 4 – 9. Mr. Decoulos stated that the actual plot plans will have to be submitted to the board individually for its approval. Ms. Behringer asked whether the tanks would be at least 10 feet from the road as specified in 310 CMR 15.000. Mr. Decoulos affirmed that they would.

Ms. Elwell asked if there was any comment from the audience. Hearing none, Ms. Behringer moved to close the public hearing on the Septic System plan for the Danielsville OSRD at 10:08 am February 22nd, 2024. Ms. Elwell seconded the motion which passed unanimously.

Ms. Behringer moved that the Board accept the septic plans for the Danielsville Open Space Residential Development (also known as Betsy Lane) as amended and dated February 20, 2024, subject to the following conditions.

1. The common septic system shall be constructed according to the plans entitled “Danielsville Open Space Residential Development, Common Septic System Design, property of Danielsville, LLC, prepared by Decoulos & Company, LLC”, dated February 20, 2024 (the “Plans”);
2. The common septic system shall be constructed on property to be held by the Betsy Lane Condominium Trust (the “Condominium Trust”), the Master Deed of which shall be recorded at the South Essex Registry of Deeds;
3. Sewer distribution lines for each unit in the project shall be located either on the dedicated exclusive use lot, within easements or within common areas of the Condominium Trust;
4. Individual plot plans shall be submitted to the Board of Health for Lots 4 through 9 as

shown on the Plans prior to the filing of building permit applications for each lot. The purpose of the submittal is to demonstrate that the final location of the building foundations, driveways, grading and septic tank locations are compliant with Title 5 and the Board's Regulations;

5. Septic tanks for each unit in the project shall be located as shown on the Plans, within the dedicated exclusive use areas, with a minimum setback distance of ten (10) feet from the lot lines as shown on the Plans or submitted on individual plot plans;
6. The proposed sewage distribution system shall be fully compliant with the "Alternative Sewer Systems, 2nd edition" published by the Water Environment Federation;
7. The proposed leaching system shall be fully compliant with the design and maintenance requirements of Advanced Enviro-Septic Leaching Fields as manufactured and specified by Presby Environmental, Inc.; and
8. The common septic system and all appurtenant lines and structures shall be subject to the "Operation and Maintenance Plan, Common Septic System, Betsy Lane, Rowley, Massachusetts; Prepared for Betsy Lane Condominium Trust; Prepared by Decoulos & Company, LLC; January, 2024";

Ms. Elwell seconded the motion, which passed unanimously.

Mr. Decoulos stated that he appreciated the Board's cooperation in this lengthy matter. Mr. Mannetta stated that he would approve the plans, after Mr. Decoulos submits two complete copies of the final set presented today.

Licensing Renewals: The Health Department is now responsible for issuing over 200 annual licenses each year, plus any temporary licenses for dumpsters, toilets, markets, special events, and so on. The past few years have seen a large increase in this task. For example, a December weekend Christmas Market at Bradstreet Barn consumed two weeks of the department's attention. This year we have also issued two licenses for body artists (tattooists) and a body art establishment. A long discussion ensued with Ms. Stultz who is a member of the Commonwealth's Dental Commission concerning the licensing of dental hygienists who also perform cosmetic procedures such as microblading and microneedling.

Update on Pine Tree Condominiums: The replacement of the Septic Systems at the Pine Tree Condominiums is taking a very long time and the Board has received complaints from owners who are unable to sell their units because they are not in compliance with Title 5. Here is a timeline of the work so far:

Timeline of the new septic system installation at Pine Tree Condominiums.

2-9-2023 The Conservation Department issued their determination of wetland status for perc testing.

3-2-2-2023 Perc and soil tests performed

4-26-2023 Disposal System Construction Permit application filed with Board of Health.

5-8-2023 Plans submitted by Hancock Associates, along with information about the Geo-Mat system.

5-24-2023 Plan approved by Board of health

9-22-2023 Purchaser of Unit 16 asked the BOH for Title 5 date.

- Mr. Mannetta inspected the bottom of the tank excavations.
- He inspected the bottom area of the leaching bed excavation
- He inspected the installation of septic sand
- He inspected the leaching field installation
- Upon final inspection, the pumps were run but an acceptable squirt height was not obtained at the ends of the leaching field.
- According to the design engineers, larger pumps are required to obtain an acceptable squirt height
- The design engineers have determined the pump size required, but nothing has been installed to date (December 20, 2024.)

12-21-2023 The Pine Tree Estates Board reported that their next step is to confirm the current wiring at the complex has the power to handle the new 14HP pumps recommended by the engineer. As suggested by Mr. Mannetta I will contact the town electrical inspector to schedule a site visit. I plan to have our property manager and septic installer at that meeting as well. I will update the Board of Health as information is confirmed.

1-22-2024, the Condo board said they were awaiting an itemized quote and contract from the electrician made out to Pine Tree Condos for review, before proceeding.

2-5-2024, The BOH asked for an update on progress from both Condo board and Management Company.

2-12-2024 Ken Foley reported by phone that they have sent a deposit to the electrician to have him begin work on the 14 HP motors, and they are working with Pearson (the installers) to find a date to get it done.

2-20-2024 Ken Foley reported by phone that the Pine Tree board has come to an agreement with Pearsons's, and will be working out a date to begin trenching. Still waiting for the pumps to be delivered, and they will inform us when work begins again.

The Health Agent will continue to follow up on the progress of this installation.

Bills: There were no bills to be approved.

Minutes – the minutes of the January 18th, 2024, meeting were approved with a correction where the word “the” was used instead of “they.” Ms. Behringer moved to accept the minutes as amended, Ms. Elwell seconded the motion which passed unanimously.

Next meeting – tentatively scheduled for March 20th at 10:00. This will have to be changed, however, due to the Council on Aging reserving the conference room for Wednesdays for the rest of the year.

Concerns of the Board – the MHOA coalition effort is continuing with the formulations of the agreement, which needs to be hammered out between all the towns and is predictably taking some time.

Beaver problem on Central Street – the Highway Department is doing a good job of cleaning out the culvert/catch basin but it is still a recurring problem.

Ms. Behringer moved to close the February 22nd meeting of the Board of Health at 10:40 am.
Ms. Elwell seconded the motion which passed unanimously.