

Town of Concord  
Board of Health

Minutes of the Meeting  
Tuesday, April 26, 2022

PRESENT: Jill Block, Chair, MPH  
Mark Haddad, Esq.  
Dr. Deborah Greene  
Raymond Considine, MSW

Karen Byrne, Senior Administrative Assistant  
Gabrielle White, Public Health Inspector  
Casey Mellin, Assistant Public Health Director  
Melanie Dineen, Public Health Director  
Marcia Rasmussen, Director of Planning and Land Management

OTHERS: Michael DiModica, MJ DiModica Contracting for 117 Seymour Street; Joe Rogers, Tracy Street; Steven Ventresca, PE, Brian Biagini, EIT, SE, Nitsch Engineering, Concord Middle School Project; Susan G. Rask, Special Project Assistant for the Town of Concord (Middle School Project); Carmen Reiss, Town Moderator.

**1. OPEN MEETING**

Chairman Jill Block opened the meeting at 7:00 p.m. stating that it was held on the Zoom Platform in accordance with the Town of Concord's Policy Directive and Guidelines on April 1, 2020, as amended. She read a brief statement outlining meeting protocol and noted that the meeting was being recorded and available for later viewing on the Town's website. All Board votes will be taken via roll call starting with attendance. Board Members present (Block, Considine, Greene, Haddad).

At this time, Director Rasmussen introduced the Town of Concord's new Public Health Director Melanie Dineen who joined the Health Division staff on Monday, April 25<sup>th</sup>. Ms. Rasmussen outlined many of Ms. Dineen's qualifications noting that she has served in many different positions in both private and public sector work over the years. Most recently, Ms. Dineen had worked as the Grant Coordinator for the Mystic Valley Public Health Coalition. The Board welcomed Ms. Dineen who said she was happy to be on board and looked forward to working in the Town. Ms. Block felt that the newest edition to the Health Division would bring a collaborative work energy and felt it would be a great fit.

**2. PUBLIC HEARING – ONSITE SEWAGE DISPOSAL SYSTEM VARIANCE REQUEST**

Michael DiModica, MJ DiModica Contracting, system installer met with the Board for his clients (117 Seymour Realty LLC) to request the following Local Upgrade Approvals and Property line variances in accordance with 310 CMR 310.211 and 15.402 through 15.405 and Local Variance from CBHR 7.00 Well Construction Requirements as follows:

**Variance from Title 5  
Local Upgrade Approvals & Local Variance CBHR7.00**

- To construct a leaching field five feet from the property lines (on three sides of the Parcel 3225-2), instead of ten feet as required by Title 5 CMR 310.15.405(1)(a).
- To increase maximum allowable depth of components of an onsite sewage disposal system 48” +/- instead of 36” as required by Title 5 CMR 15.405(1)(b).
- To construct a leaching field ninety-five feet from a private drinking water well (on abutting property), instead of one hundred feet from private well as required by title 5 CMR 15.405(1)(g) and Local Board of Health Regulations 7.05, Well Construction and Use Requirements (C), Table 1.

## **Background**

The Current leaching field and pump serving 117 Seymour Street is located across the street (PCL: 3225-2) (existing tank is located on 117 Seymour Street (PCL: 3223)) and is in hydraulic failure. This property is located within the White Pond area of town. It is also located within the Groundwater Conservancy Overlay District/Zone II Wellhead Protection Areas of public water supplies. Construction of replacement systems limit the number of bedrooms that the existing dwelling has (can be replaced in kind); for new construction systems located within a Nitrogen Sensitive Areas are limited to 440 gpd of design flow per day per acre except as set for in 310 CMR 15.216 (aggregate flows) or 15.217 (enhanced nitrogen removal).

Mike DiModica outlined the proposed plan and design for the replacement 2-bedroom home (220/gpd) with hopes to utilize the existing septic tank that was installed in 1992 and in good shape, add a Zabel filter and replace the failed leaching field with a leaching gallery design on the same lot across the street (PCL: 3225-2).

The Board discussed the plan and felt under the conditions this was the best solutions working with such limited lot sizes, etc. Abutter Joe Rogers thanked all involved for producing a design that he felt was suitable for all parties.

Following a brief discussion, Mark Haddad moved to APPROVE the variances with conditions set by Health Division staff as follows:

1. Install a leaching field five feet from (3) sides from the property lines on Parcel (3225-2), instead of ten feet as required by Title 5 CMR 310 15.405(1)(a) with the condition:
  - a. The property lines be certified by a Professional Land Surveyor 15.220 93) prior to the issuance of a Certificate of Compliance.
2. To construct a leaching field ninety-five feet from a private drinking water well, instead of one hundred feet from a private well as required by Title 5 CMR 15.405(1)(g) and Regulations 7.05. Well Construction and Use Requirements (C), Table 1.
3. To increase maximum allowable depth of components of an onsite sewage disposal system 48” +/- instead of 36” as required by Title 5 CMR 15.405(1)(b)
4. A 2-bedroom deed restriction required to be filed PRIOR to issuance of Certificate of Compliance.

Dr. Greene seconded it. All VOTED in favor. (Roll Call: Block, Considine, Greene, Haddad in favor; motion carried (4-0).

### **3. PUBLIC HEARING – ONSITE SEWAGE DISPOSAL SYSTEM VARIANCE REQUEST**

Steven Ventresca, PE, Soil Evaluator and Brian Biagini, EIT, Soil Evaluator Nitsch Engineering, met with the Board for its client the Town of Concord Middle School (Sanborn Middle School, 835 Old Marlboro Road, Concord MA) to request:

## Variance from Title 5

- A design flow variance specifically for a school design pursuant to 310 CMR 15.416(Title 5)
  - Variance Request to Massachusetts Department of Environmental Protection (MADEP) requires an Approval from the LBOH and a letter of support from the CBOH to submit the variance package to MADEP.

Mr. Ventresca, PE gave a brief overview of the project and outlined the reasoning behind the variance request specifically as it related to the school project being located entirely within the Groundwater Conservancy District/Zone II Well Protection. He thanked both Marcia Rasmussen, Director of Planning and Land Management and Susan Rask, Special Project Assistant for their input and for being on hand to provide additional information relative to the project if needed.

### Background

The Town of Concord is planning to demolish the existing Sanborn Middle School located at the above referenced address and replace it with a new school (in the same location) and it is expected to have a population of approximately 830 students, teachers and staff combined. Part of the project will include replacing the existing onsite sewage disposal system with an I/A Technology System (to be determined) to accommodate nitrogen loading requirements for a system located within the Groundwater Conservancy District.

Mr. Ventresca explained that prior to the demolition or submittal of a plan to the Local Board of Health (Staff) for permitting, Nitsch Engineering intends to apply to the MADEP for a variance in accordance with 310 CMR 15.316 – Variances for Schools from the standard Title 5 system sewage flow design criteria listed under 310 CMR 15.203<sup>1</sup>. He noted that 310 CMR 416 specifically pertains to school facilities and allows the use of water meter readings from similar facilities to establish a unit flow rate instead of the rates listed in CMR 310 15.203 and allows the sewage disposal unit flow to be established at 200% of the water usage.

He explained how Nitsch reviewed water usage data for the past five (5) years for the Concord Carlisle High School because of its similarity of size and 2015 construction. Covid-19 closure dates were not included. At 200% of the average water usage, the resulting sewage design flow is 7.23 GPD/per person. Mr Ventresca also noted several types of alternative technology systems (I/A Technology) being considered for the project such as infiltrators, Amphidrome, Bioclere and Aqua Point to name a few.

The Board reviewed the plan proposal as outlined by the system designer and the consensus was that since there will be no showers and the middle school is not utilized during the summer months, a request for the reduced design flow seemed appropriate. Following a brief discussion, Dr. Greene moved to approve the request as submitted and that a letter of support of the project be submitted to the Superintendent of Schools per MADEP request. Mark Haddad seconded it. All VOTED in favor. (Roll Call: Block, Considine, Greene, Haddad – in favor; motion carried 4-0). The Board directed Administrative Staff to draft and forward the variance and letter of support to Dr. Laurie Hunter, School Superintendent.<sup>2</sup>

## **4. COVID-19 UPDATE, PUBLIC MESSAGING MOVING FORWARD**

Board members briefly discussed how the Board would like to continue common sense education and messaging for prevention and spread of the Covid-19 virus. Although cases were increasing in some areas, the Board did not feel currently that any additional mask requirements (mandates) were necessary. At upcoming

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<sup>1</sup> Letter dated 4/18/22 from Nitsch Engineering

<sup>2</sup> Draft Copy attached dated 5/4/22

meetings and once the new Public Health Director has acclimated herself, the Board felt that a strong public health message was important to maintain as it related to encouraging vaccinations, masking in large crowds when social distancing is not possible and monitoring the data with the public health team and the state data.

Jill Block noted that this was a good segue into the Town Moderator's request to review protocols that the Town planned to have in place for the Annual Town Meeting. Carmen Reiss, Town Moderator thanked the Board for its time and reviewed the Covid-19 safety protocols the Town planned for the upcoming Town Meeting. She noted that there would be (2) separate sections - (1) masks required and (2) masks optional sections for seating. Upon entrance to the high school residents would be required to wear masks while checking in and picking up meeting materials, but then could choose which section to sit in. The meeting would be hybrid as well so many residents may opt to watch from home.

Board members felt this was a commonsense approach allowing residents to decide for themselves what felt comfortable to them by providing a masked/unmasked area. Members recommended that this information be posted on the Town's website and sent out to residents as soon as possible. No further action required.

## **5. RECISSION OF NOISE VIOLATION – CONCORD MARKET**

### **Background**

The Concord Board of Health via its Agent (former Public Health Director Susan Rask) issued a noise complaint violation order against Concord Market in October 2021. The violation for the excessive noise levels (to abutters) by Concord Market has been rectified by the installation of sound insulation panels by the owners of the market.<sup>3</sup> In accordance with an agreement signed by Acting Public Health Director/Director of Planning and Land Management the Board of Health must officially vote to rescind the order on record.

After a review of the documents, Ray Considine moved that the Board officially rescind the Noise Order on Record against Concord Market dated 10/13/21 in accordance with the Stipulation of Dismissal Docket No 2021-029. Mark Haddad seconded it. All VOTED in favor to approve. (Roll Call: Block, Considine, Greene, Haddad – in favor; motion carried 4-0).

## **6. BOARD MEMBER CHANGES**

Board members received copies of several resumes and volunteer cards to review for consideration as a potential replacement for the unexpired term left when Alma Healey, RN stepped down from the Board officially in March 2022. Chairman Jill Block called each potential candidate and felt that each person had unique qualities that could round out the Board's membership.<sup>4</sup>

Senior Administrative Assistant Karen Byrne reviewed the procedures for the Board as it related to making a recommendation to the Town Manager as the official Appointing Authority. Following a brief discussion, Dr. Greene moved that the Board recommend that James Whelan (nurse anesthetist) be considered for the Board of Health to replace and complete the unexpired term of Alma Healey. Ray Considine seconded it. All VOTED in favor to approve. (Roll Call: Block, Considine, Greene, Haddad – in favor; the motion carried 4-0).

Chair Jill Block asked Senior Administrative Assistant Karen Byrne to draft a memorandum and forward it to the Town Manager's Office.

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<sup>3</sup> Order Issued on 10/13/21; Email from Marcia Rasmussen via Town Counsel (Anderson Krieger); Stipulation of Dismissal Docket No 2021-029

<sup>4</sup> Jill Block Summary Attached

7. **BOARD MEMBER REPORTS**

There were none.

8. **STAFF REPORTS**

Public Health Inspector Gabrielle White submitted a draft of a Restaurant/Food Establishment Guide that she has been the lead, in conjunction with Town Planner Elizabeth Hughes to present to the Economic Vitality Committee in the upcoming months. Board members provided positive feedback to Ms. White and commended her for the comprehensive information outlining the many layers of applying for a Restaurant or Food Service Establishment and commended her on a job well done.

9. **BOARD CALENDAR & MINUTES**

The next regularly scheduled meeting for the Board is May 17, 2022.

The Board reviewed the minutes from the February 15, 2022. Dr. Greene moved to APPROVE the minutes as submitted. Ray Considine seconded it. All VOTED in favor. (Block, Considine, Greene, Haddad – in favor; motion carried 4-0).

The meeting adjourned at approximately 8:45 p.m.

Board of Health  
Signature Page  
Tuesday, April 26, 2022

Respectfully submitted,

Karen M. Byrne, Senior Administrative Assistant  
Concord Board of Health

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Jill Block, Chairman, MPH

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Dr. Deborah Greene

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Mark Haddad, Esq.

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Raymond Considine, MSW