



# Town Of Newbury

Office of  
Board of Health  
25 High Road  
Newbury, Mass. 01951

BOARD OF HEALTH MEETING  
August 23, 2016

Chair Steve Fram opened the meeting at 6:00 p.m. Present were Board Members Steve Fram, Alba Gouldthorpe, Elaine Byrne and Health Agent Deborah Rogers.

27 Riverview Drive- Bob Grasso from Professional Land Services requested the following variance: a reduction in groundwater separation from the estimated seasonal high groundwater and the leach field from the 4 feet required to 2 feet provided with the use of a Presby Environmental system. After discussion and questions from Board members, it was moved by Alba Gouldthorpe to approve the variance as submitted, seconded by Elaine Byrne and voted unanimously.

93 Main Street- Bob Grasso from Professional Land Services requested the following variance: a reduction in groundwater separation from the estimated seasonal high groundwater and the leach field from the 4 feet required to 2 feet provided with the use of a Presby Environmental system. After discussion and questions from Board members, it was moved by Alba Gouldthorpe to approve the variance as submitted, seconded by Elaine Byrne and voted unanimously.

The Local Board of Health Regulation regarding the 300 foot setback from the Parker River was discussed. Attendees included the Board of Health Members, the Storm Water Committee Chair John O'Connell, Yvonne Buswell from the Parker River Water Committee and Newbury Conservation Agent Doug Packer attended.

Steve Fram opened the discussion by stated by stating for the record that he had a friend that is affected by Newbury's local regulation regarding the 300 foot Parker River setback who wants to add an addition to his house but whose plans are impacted by the regulation.. However, his decision to discuss this regulation was solely regarding the effects this regulation has on depreciating all of the landowner's value of their property as well as the possibility of sale. He feels strongly that this regulation is a taking without compensation.

Yvonne Buswell and John O'Connell explained to the Board that the regulation is meant to keep pollutants away from the Parker River which is severely impaired by pathogens and further that the Town under strict orders from the state not to make it worse. John O'Connell is concerned about setting a precedent Steve Fram stated only a certain section of the town is affected and that alternative

septic systems could help prevent pathogens into the Parker River. Elaine Byrne stated, she would like to get a list of how many house lots are affected, and how many have been denied in the past. She also requested a list of regulations from the adjacent towns which also abut the river. All parties agreed more research should be conducted before making any decision. Steve Fram stated he is all for removing the 300 foot setback local regulation and changing it to the state regulation of 100 feet.. The Board agreed to table the discussion until more information is provided.

Plum Island Fire Pits- Steve Mangion, a Plum Island resident requested to speak to the Board regarding fire pits on Plum Island. He stated he just wanted to bring it to the Boards attention that residents are burning drift wood, pressure treated wood and other pollutants in their fire pits that are causing a Public Health Nuisance. Steve Fram state, he will speak to the Fire Chief and bring the information to the Board of Health.

Correspondence/ Health Agent Report- Deb Rogers explained to the Board that the owner of 10 Old Farm Road has called the Board of Health office on numerous complaints regarding the seagulls landing on his roof and defecating. He stated, it is caused from a local farm feeding their chickens and attracting the seagulls.

Health Agent, Deb explained that in the past she had directed the owner to call the Newbury Agricultural Committee. In addition, she had called the State Fish and Game and MA DPH. All of those agencies stated that there is nothing on the books that would address the specific problem that the homeowner is complaining about. The Board concluded that it had exhausted all our resources and that the owner may want to look into decoys or research on ways to prevent them from landing on his roof.

70 Central Street- The homeowners of 70 Central Street are proposing to add an in-law apartment on their property. The existing 3 bedroom septic system is in the buffer zone of the 300 foot Parker River local regulation setback. The Board discussed in order for the in law to move into the dwelling a deed restriction needs be recorded at the Registry of deeds limiting the property to a 3 bedroom dwelling until the septic system could comply with the State and Local Regulation.

Massachusetts Title 5 310 CMR, Section definition of bedrooms, allows the owner a smaller number of bedrooms from the total number of rooms with a deed restriction limiting the number of bedrooms with the Board of Health's approval. It was moved by Elaine Byrne that the Board should, in this situation regarding the setback from the Parker River and the leach field, approve the proposed building permit application for an in-law apartment above the garage, with a deed restriction limiting the number of bedrooms on the property to three (3), until a new septic system can be installed to comply with both State and local regulations. A deed restriction must be recorded at the Salem Registry of deeds prior to an issuance of an occupancy permit. Seconded by Alba Gouldthorpe and voted unanimously.

The next meeting of the Board of Health is scheduled for September 27, 2016 at 6:00 p.m.

Meeting Adjourned at 7:21 p.m.  
Respectively submitted,  
Deborah Rogers