

**MINUTES OF THE BOARD OF HEALTH MEETING  
July 23, 2018**

**PRESENT:** Matthew Newman (Chair), Gary Fine (Clerk), Gail McSweeney (Member), Lisa Cullity (Health Agent), Sheila Landy (Secretary), Ryan Craig (PACTV Video Recorder), Rob Adams (Reporter/Media Consultatant), Gordon Martin (resident), and Art Egerton (PTN), David Cedrone (WATD) and Adam Silva (Reporter Mariner Newspaper).

**6:00 MR. NEWMAN OPENED THE MEETING AND READ THE STATEMENT REGARDING  
AUDIO RECORDING OF THE MEETING**

**BOARD ACTION – Variance Request 18 High Avenue**

This variance request was submitted by Grady Consulting. The property is one of two (twin) cottages about 10 feet off of the shores of Stetson Pond. They are in poor condition. It was in a family trust. The current owner has managed to become the sole owner. This home will have a 2 bedroom restriction due to its proximity to Stetson Pond. It is legal for him to repair the property. The property is as close as it will get to maximum feasible compliance. The septic will be pushed further from the pond, 25 feet up the hill with a pump system. Fine asked the Health Agent to explain the difference between a direct tributary to a water supply and a Zone II tributary. The Health Agent said a *direct tributary to a water supply* is a water body that flows in some direct way such as a stream to a direct water supply, such as Great Sandy Bottom and Silver Lake. A Zone II aquifer is a map by the state of homes (not water) having direct impact to water supply water bodies. Fine asked if the lot had a 2 bedroom deed restriction. The Health Agent said it does not but it will. Fine asked about the current setbacks and the proposed. The Agent said the current cesspool is most likely in the water table. The proposed would move it further in the horizontal plane and, more importantly, in the vertical plane. The Chairman stated the property is going before the Conservation next month. He asked what would happen there. The Health Agent stated the property had to pass both Boards. She stated she thought if it was passed by the Board of Health, the Conservation Commission would also approve it with stipulations about the care needed to be taken during actual construction to prevent runoff into Stetson Pond. Ms. McSweeney made a motion to pass the local variance requests. Fine seconded and all were in favor. Fine made a motion to accept the local upgrade variances as read by the Health Agent. McSweeney seconded and all were in favor.

**HEALTH AGENT'S REPORT**

*The Fieldhouse* – There is no change in status for the Wolves Den/Fieldhouse. A final decision has not been made by the Planning Board. They hope to have a final decision by July 31.

*Pembroke Hospital* – The DEP dropped off the final approval for the repair. This project is expected to start next month and will be overseen by the DEP.

*Columbia Road* – Engineering plans have yet to be submitted. Field 2 seems to be working properly. It is being monitored by Waste Water Solutions Industries.

*Woodbine Avenue* – The property owner has been in touch with Mr. McPhee for an estimate. It was more than she expected. She is looking at finances and requests more time to remedy this situation.

*Birch Street* – The bank that holds the mortgage of the property contacted the Health Agent and stated they will be getting involved to protect their interest. The Health Agent stated we do not have any complaints regarding the home next door which was built at the same time by the same builder. Therefore, we cannot go in and look around.

*Mucky's Plaza* – The Agent was called out to inspect the stores at Mucky's Plaza. The sprinklers went off in Rhino Shield. There were no problems with food in the plaza.

*Pond Testing* – Pond testing has been going well with the exception of a spike in bacteria at Little Sand Pond in the beginning of the season. McSweeney stated Oldham was in the 900's but she couldn't find it on the website. The Health Agent was not aware of this and asked McSweeney for the date. McSweeney didn't

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know what date the testing was done. McSweeney asked about the report Mr. Thorne spoke of at a previous meeting. The Agent said she would reach out to Mr. Thorne.

*Plastic Bags* – At the forum, the Health Agent asked the public to contact the Health Office if they had any questions or concerns. There have been no calls.

Mr. Fine asked the Health Agent if she knew what the holdup was in the Planning Board. She did know at one meeting they didn't have a quorum. Fine asked the secretary asked if there were any calls complaining about the Wolves' Den. The secretary and the Agent stated they had not received any calls. Fine asked if the plans for Columbia Road were overdue. The Agent said as long as the septic system is working without failure, they are not overdue. Fine asked for a timeline from the engineers. Fine asked how bad the sprinkler problem was at Mucky's Plaza. It was extensive in the RhinoShield unit but the other units were unaffected.

Chair Newman asked about Pembroke Hospital and any action the Board needed to take. The Health Agent stated while she was invited to witness any action taken by the DEP, the DEP was in charge and would be handling all inspections.

Ms. McSweeney stated the Board needed to be apprised of the office activity. She was not informed about Mucky's Plaza. There was a deposition given that the Board did not know about. Information only seems to be coming before a meeting. The Chair asked McSweeney how often she calls into the office as a Board member for information. McSweeney stated she did in the beginning but was told she would get the information in the meeting. With the new board, she would like better communication. McSweeney stated errors were made with the forum. Chair Newman attempted to redirect the conversation back to the Agenda and the Health Agent's report. McSweeney read the Open Meeting Law and stated the forum was illegal. The Chair stated the Forum was a forum and not a meeting and forums do not need an Agenda.

### **BOARD ACTION** – Vote to approve a Plastic Bag Ban for Fall Town Meeting

Chair Newman stated he thought the Forum went well. He also thought they had enough information to put a by-law on the warrant. He turned the floor over to Mr. Fine. Fine said it was fairly well attended. Most were in favor and a couple of were against. Fine said he had volunteered to start a subcommittee. Due to a change in his work schedule, he was not able to do so. He believes Pembroke should strongly consider implementing a plastic bag ban. What that ban would look like, he does not know. Fine thinks surrounding towns have done ok implementing a ban but he thinks Pembroke could do better. At this point in time, he is completely against submitting an article to Town Meeting at this time. He wants to be clear: this does not mean he is against a plastic bag ban. He still thinks a subcommittee is the way to go. With a subcommittee, he is not sure it would be ready for the Fall Town Meeting. McSweeney stated she is not going to support the bylaw and she is against banning plastic bags. Chair Newman stated they could have done it with the help of Town Counsel. The Chair made a motion to put the bylaw on the Town Meeting warrant. There was no second and the motion died.

Clerk Fine made a motion to form a plastic bag subcommittee from the citizens of Pembroke sooner rather than later so that we can put forth a plastic bag ban at either the Fall Town Meeting or the following Town Meeting, a ban that the residents of Pembroke can get behind. McSweeney said she agrees with Mr. Fine. The Chair acknowledged the motion and believes putting together a subcommittee will further hinder getting a bylaw on the Fall Meeting. He also said it could be for the spring Annual Town meeting. The Chair asked for a second and McSweeney seconded. Fine and McSweeney were for the motion and the Chair was against. Fine said all of the Board would work on it together.

The Chair asked if any of the attendees wanted to speak. Gordon Martin of Birch Street spoke. He has heard both sides of the argument. Personally, he believes anything we use for just a few minutes should not harm our ecosystem. There is more of a cost of plastic bags than money: our ecosystem is at risk. Not all plastics need to be banned. Some need to be recycled. The Chair asked Mr. Martin if he would like to be on the

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subcommittee. Mr. Fine stated Mr. Martin was one of his picks from his previous attempt to form a subcommittee.

Rob Adams of Oldham Street said he thought a middle of the road approach would be best. He thinks the larger stores such as Stop & Shop should not have plastic bags. The small Mom and Pop stores should be exempt as it has an adverse effect on their bottom line.

The Chair thanked the attendees for their time and their input and moved on to the next item on the Agenda.

### **UPCOMING ISSUES**

#### **Streamlining of the Variance Approval Procedure**

McSweeney asked for a report of what Mr. Thorne is thinking about for variances. The Health Agent stated she would discuss it with Mr. Thorne.

#### **Well Water Regulations**

James Watt will attend the next meeting to discuss implementing new well regulations.

#### **Regulating fertilizer/pesticides near ponds**

The Board stated they wanted copies of the pond studies already completed. The Health Agent offered to search for regulations already enacted by like towns.

The Chair asked McSweeney how she came up with the topic of the ponds. McSweeney stated she worked in the office for three years. The former Health Agent, Mr. O'Leary conducted a large study of the pond and she used to assist him with it. The Health Agent asked McSweeney where the study was as she was sure it would have lots of helpful information. McSweeney said it was in the office somewhere. McSweeney said it was never returned to him. She said it was a three year study, four months a year.

Fine made a motion at 7:10 to adjourn and McSweeney seconded. The motion carried.

Matthew Newman  
Chair