



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

November 30, 2023 10:00 a.m.  
Town Hall Annex, Meeting Room  
39 Central Street  
Rowley, MA 01969

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

Also present: Noah Goldstein, Ryan Cox and Brad Atkinson from Bradford Tavern, James Decoulos

Agenda: AGENDA

- 10:00 a.m.      General Business
- a. Discuss Revised Request from Bradford Tavern, 89 Haverhill Street to add Permanent Outdoor Seating
  - b. Variance Request Map 9, Block 23, Lot 30, Emily Lane
  - c. Follow-up Review of Septic Design for Danielsville LLC Development.
  - d. Update on Household Hazardous Waste Day
- 10:15 a.m.      Office Administration
- a. Review of Bills
  - b. Review of Minutes
  - c. Set Next Meeting Date
  - d. Concerns of the Board

Ms. Behringer moved to open the meeting at 10:02 am. Ms. Elwell seconded the motion, which passed unanimously.

**Request from Bradford Tavern to add permanent, seasonal, outdoor seating – continued from October 24<sup>th</sup> meeting.** The Tavern management proposed a revised seating plan reducing the number of patio seats to 14 and adjusting other seating to be slightly lower. Mr. Marchegiani proposed that they keep the second-floor dining area and the third-floor function room closed when the patio is open. Mr. Atkinson stated that most functions take place in the winter and during the summer it's mostly funeral receptions which can't be scheduled in advance. He proposed that when a function is to be held during the patio service/summer season, the patio would be closed and they would send us notice 48 hours in advance. Since the Board is closed on Fridays, the 48 hours' notice could not include the weekends. Mr. Cox will resubmit the patio design, with the patio down to 14 seats and complete floor plans.

Ms. Behringer moved to allow Bradford Tavern to operate an outdoor seating area containing 14 seats, contingent upon approval from the Planning Board and Board of Selectmen, and contingent upon closure of the 3rd floor seating area and function room during the duration of the usage of the patio, except that functions can take place with 48 hours' notice to the Board of Health and closure of the patio during the function. The board recommends that the patio seating be allowed during the period from Memorial to Labor Day, subject to the approval of the other Boards. Ms. Elwell seconded the motion, which passed unanimously.

**Request for approval of Septic Design for 41 Emily Lane.** It was verified that all abutters had been notified. The hearing notice was read. Ms. Behringer moved to open the Public Hearing on the application of Mr. James Decoulos for variances from the Rowley septic and wetland regulations for the property denoted as parcel 9 – 23 – 30, at 10:15. Ms. Elwell seconded the motion which passed unanimously. Comments were received from several abutters. Ms. Behringer read a letter from Todd Terrien, Trustee of the Terrien Family Trust which owns 25 Emily Lane. She also read comments from Mike Savage and Alicia LeBlanc of 20 Emily Lane.

It was apparent from the abutters' comments that the abutters needed to know more about the possible systems and the nature of the variances requested from the Board of Health. For example, Mr. Terrien asked why not install a PRESBY system, but that is the type of system that Mr. Decoulos has proposed. Also, the variance request asked to reduce the setbacks from the Rowley regulations' 30'100" property line/wetlands numbers to the 10'/50' boundaries prescribed in the Commonwealth's Title 5 regulation (310 CMR 15.000.) Mr. Decoulos thinks the actual number of feet required will be in the 20'/70' range. The effluent will be of drinking water quality and comparable to the new Cape Cod standards.

If the variances were not granted, they would bore under the wetlands to connect the new house to the proposed Danielsville shared system. Mr. Decoulos agreed that the abutters needed more information and he agreed to provide that. Ms. Behringer asked whether designing a three-bedroom house would increase the area available for setbacks. Mr. Decoulos said it would not be significant. He agreed that he needs to do more to inform the abutters, in writing, of the details of the proposals, the alternate systems that could be used (FAST, PRESBY, Waterloo) etc. Mr. Decoulos agreed to submit a letter consenting to continue the hearing until December 30<sup>th</sup>. A tentative next meeting was proposed for Tuesday, December 19<sup>th</sup>, at 10:00 am. Ms. Behringer moved to continue the Public Hearing on the application of Mr. James Decoulos for variances from the Rowley septic and wetland regulation until December 29<sup>th</sup>, 2023. Ms. Elwell seconded the motion which passed unanimously.

**Follow-up Review of Septic Design for Danielsville LLC Development.** Mr. Decoulos has sent us a draft of the Condo Associations documents, but they are not finalized. The final version will be recorded at the Registry of Deeds and will cite the O&M agreement. He wants to look at plans for other developments as examples. The purchasers must be given the agreements on purchase.

On-site power – the generators have remote dial-in capability and are gas powered.

Ms. Elwell expressed concern whether the residents would cooperate in case of system problems. Mr. Decoulos answered that the benefit of each house having individual tanks is that owners can tell that failures on their property are their own fault. Discussion ensued of the possibility of more homes being added to the shared system. That would require amendment of the OSRD from the Planning Board. Mr. Decoulos welcomed the Board to drive into the site and take a look around.

Mr. Decoulos said that he would like to finalize the design by the next meeting so that they can begin to order parts. He agreed to continue this hearing until December 29<sup>th</sup>. Ms. Behringer moved to continue the discussion approval of the Danielsville Septic Plan until the next meeting. Ms. Elwell seconded the motion which passed unanimously.

### **Other Business**

**Household Hazardous Waste Day, November 18<sup>th</sup>, 2023.** No bills have been tendered as yet, but it was a good turnout and 153 cars came through. Ms. Elwell noted that the Highway Department employees who helped out and were very cooperative.

**Outstanding bills:** none.

**Concerns of the Board:** none expressed.

**Minutes** from October 24th, 2023. Ms. Behringer moved to approve the minutes. Ms. Elwell seconded the motion, which was approved unanimously.

**Next Meeting:** Tentatively set for December 19th, 2023, at 10:00 am.

Ms. Behringer moved to adjourn the meeting at 11:28 am. Ms. Elwell seconded the motion which passed unanimously.