

BRAINTREE BOARD OF HEALTH

MINUTES

February 16, 2017

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Laurie Melchionda, R.N., Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Bregoli called the meeting to order at 7:00 pm.

MINUTES:

Motion By: Dr. Nedelman to approve the meeting minutes of December 15, 2016.
Second By: Dr. Bregoli

NEW BUSINESS:

1) Request for Variance: Irrigation Well (roadway & property line setbacks)-10 Messina Woods Drive.

Present: Louie Chun, property owner.

Ms. McGrath advised the Board that Mr. Chun is requesting to install an irrigation well on his property located at 10 Messina Woods Drive.

The property owner is requesting approval of a variance for the roadway setback of 73.3' and a property line setback of 6' to the side property line. Mr. Chun prefers this proposal.

Ms. McGrath advised that Mr. Chun can meet the property line setbacks if he placed the well 26' from the side and rear property lines, but that would position the well in the center of the yard, impacting outside areas that his and neighboring children use, creating a hazard.

Ms. McGrath advised that the distance between the proposed side property line setback location that is being requested and the abutting neighbor at 781 Liberty Street is over approximately 30'. The direct abutters have all received the abutters notification letter, including the neighbor at 781 Liberty Street regarding Mr. Chun's variance request.

The Board felt that as the neighbor at 781 Liberty Street is aware and has made no objection of the proposal to place the well on Mr. Chun's property with a distance of 6' from the rear property line of 781 Liberty Street, then they have no objection to approving the request for variance of 73.3' to the roadway and 6' to the side property line.

Motion By: Dr. Nedelman to approve the roadway and property line variance request.

Second By: Mrs. Melchionda

Unanimously Voted

2) Request for Hearing: Public Health Nuisance-Ingrown swimming pool at 288 Lisle Street

Present: Gail Spring, the court authorized legal guardian of the estate.

Ms. McGrath advised the Board that an ingrown swimming pool exists in the backyard of the property at 288 Lisle Street. There has been an ongoing issue with the swimming pool not being treated by chlorination creating stagnant water issues and a potential for mosquito breeding since 2014.

Ms. Spring advised that she has been treating the pool with mosquito dunks, the pool water is at the proper level for closing the pool in the summer, she has a pool cover on it and is keeping the water off of the top of it. She advised that given the winter weather, the water is frozen and doesn't know what more can be done with it at this time.

Ms. McGrath advised that when she was onsite on February 8, 2017, the water on the pool cover was not frozen. She advised that at the very least the water needs to be covered until the springtime.

Ms. McGrath asked what Ms. Spring's future intentions are with the pool.

Ms. Spring advised that she wants to have it dug up, but at present it is frozen because of the cold.

Dr. Nedelman asked if Ms. Spring was planning to sell the property.

Ms. Spring advised not until she gets it through probate, which she advised she would not let it go any longer than two years.

Ms. McGrath advised the Board that there are outstanding building code violations regarding the dwelling on the property. She advised that in April 2014, there was a significant house fire that resulted in the requirement to have the windows/door areas of the house to be boarded up. No one has lived in the house since the fire occurred.

Ms. McGrath advised that in October 2015, Ms. Spring received a letter from the Attorney General's Office regarding the abandoned house.

Ms. Spring agreed that she did, and has been maintaining the property by keeping the lawn mowed and taking care of everything. There is a locked fence around the pool with a no trespassing sign.

Ms. McGrath advised that once the weather improves in the springtime and the water is not frozen that the department needs to see a plan of action and progress on the pool to address the stagnant water issue.

Ms. Spring asked that she receive something in writing regarding this matter.

Ms. McGrath advised that she has issued a nuisance order on the pool, which Ms. Spring has received.

Ms. Spring advised that she does not have the money to put into it to clear it out, which is why she is keeping it safe.

Ms. McGrath asked Ms. Spring if during the spring, summer and fall months if she has an active circulating system that is working to filter the pool water.

Ms. Spring advised that she uses mosquito dunks, the fence is locked and they go over and pump the water out onto the lawn.

Dr. Nedelman asked what if Ms. Spring were to empty the pool come springtime, and leave the drain opened on the bottom of the pool.

Ms. McGrath advised that draining the pool is an option, as well as treating the pool with chlorine.

Ms. Spring advised that there is an artesian spring on the property, so the pool does not empty but rather the water comes in from the drain area, which is why they pump out the water from the pool.

Dr. Nedelman advised that the sum and substance of the issue here is that they want no stagnant water in the pool. So, come the springtime, the Board wants the pool emptied of the water and kept empty without accumulating water, or fill the pool in.

Dr. Bregoli asked how this issue came about.

Ms. McGrath advised that this has been an active property that the department has been working with the Attorney General's Office-Abandoned Housing Initiative.

Dr. Nedelman asked why this matter is coming before the Board now.

Ms. McGrath advised that Ms. Spring has requested a hearing before the Board on the nuisance order that was issued.

Ms. McGrath advised that between now and the springtime, Ms. Spring can place a cover over the pool and water on the existing cover, then in the spring the stagnant water in the pool needs to be addressed.

Dr. Nedelman advised that Ms. Spring needs to submit a plan to the department of what the plan of action will be regarding the pool and stagnant water.

Ms. McGrath advised that the options are chlorinate the pool water, remove the pool water or fill the pool in.

Ms. McGrath advised that last summer she requested that Norfolk County Mosquito Control District treat the water to prevent mosquitoes, which they did. She further advised that unless the pool water is chlorinated with an active circulating system to filter the chlorine in it, then there will be stagnant

water which breeds mosquitoes. Even with the mosquito treatment, the stagnant water still exists which needs to be corrected.

Motion By: Dr. Nedelman that Ms. Spring submit a letter indicating her plan of corrective action for the pool, correction of the stagnant pool water be accomplished by April 30, 2017 by either draining the pool water, chlorinating the pool water or filling in the pool; and if not accomplished then the department will file a complaint with the district court system.

Second By: Mrs. Melchionda
Unanimously Voted

3) Request for Lifeguard Variance: Hampton Inn-215 Wood Road

Ms. McGrath advised the Board that Hampton Inn is requesting the renewal of their annual lifeguard variance for the indoor swimming pool and special purpose pool. The establishment has provided the daily bather logs per month from January 2016-December 2016. The pool enclosure has a key carded locked door system, so only guests are provided access to the pool enclosure by means of their room key card.

Motion By: Mrs. Melchionda to approve the variance request.

Second By: Dr. Nedelman
Unanimously Voted

INFORMATIONAL:

4) Laurie Melchionda-Informational power point presentation on Quincy Registered Marijuana Dispensing Site.

Ms. Melchionda provided a power point presentation to the Board members on the Quincy Registered Marijuana Dispensing Site visit conducted with the site owner and Town of Braintree officials on December 27, 2016.

-The Board requested that Ms. McGrath draft a letter of opposition by the Board of Health for the approval of any Registered Marijuana Dispensing sites or Recreational Marijuana Retail sites in Braintree that will be forwarded to Mayor Sullivan, the Town Council President and members, the Police Chief and the Fire Chief. They requested that the draft letter be placed on the next Board of Health meeting agenda.

Motion By: Dr. Nedelman to adjourn the meeting at 8:15 pm.

Second By: Mrs. Melchionda
Unanimously Voted