



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

December 19, 2023 10:00 a.m.  
Town Hall Annex, Meeting Room  
39 Central Street  
Rowley, MA 01969

### **AGENDA**

- 10:00 a.m.      **General Business**
- a. Discuss Replacement Septic System at 9 Fenno Drive
  - b. Continued Discussion on Variance Request Map 9, Block 23, Lot 30, Emily Lane
  - c. Follow-up Review of Septic Design for Danielsville LLC Development.
  - d. Discuss Board of Health Fee Schedule
- 10:15 a.m.      **Office Administration**
- a. Review of Bills
  - b. Review of Minutes
  - c. Set Next Meeting Date
  - d. Concerns of the Board

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

Also present: Holly and Christian Chadwick, James Decoulos

**Replacement Septic System at 9 Fenno Drive.** Mr. Marchegiani stated that the system at 9 Fenno Drive, owned by Holly and Christian Chadwick, has failed. It was a 2-bedroom system, but there is room on the property for a 3-bedroom system. The plan to install a larger system triggered a requirement that the system conform to the rules for new construction. However, the Rowley Board of Health regulations state that no new construction may be initiated between

December to March, so the owners have applied for a variance, since they do not have a working septic system.

Mr. Manna stated that the percolation testing has been done and the results are adequate for the larger system, the new plan has been approved and he is in favor of granting the variance.

Ms. Behringer moved that the Board allow the installation of an expanded septic system during this winter season (December 2023 – March 2024) at 9 Fenno Drive. Ms. Elwell seconded the motion, which passed unanimously.

**Discuss Board of Health Fee Schedule.** The Board considered a few changes to the fee schedule for septic and well permits and other fees that had been set at too low levels. The Board reviewed the proposed changes. Ms. Elwell moved to accept the updated (2024) fee schedule. Ms. Behringer seconded the motion, which passed unanimously.

**Discussion on Variance Request Map 9, Block 23, Lot 30, Emily Lane:** Mr. James Decoulos appeared on behalf of the owners of the property denoted as Assessor’s MBL 9-23-30, on Emily Lane in Rowley. Before the meeting, he had responded in writing to the abutters who submitted comments, and copied the Board. He feels the proposal that includes the Innovative/Alternative septic system from Waterloo protects the health and safety of the public and is Title 5 (310 CMR 15.000) compliant. They would be contracting with D.F. Clark to provide the required maintenance.

Mr. Decoulos feels that this is a proven system which is actually an improvement over a conventional system. He addressed Mr. Terrien’s comments about reduced setbacks versus the pipe under the wetlands to the Danielsville common system. First, note that the pipe would be buried under the wetlands, not running over them. It would be HDPE pipe. In his opinion it would be an effective and legal solution, but he would prefer the first option.

Mr. Costello asked which solution offered a higher level of effluent treatment – would the common system solution be more separated from the wetland?

Mr. Decoulos stated that it would be 300 feet from the lot to the common system. The soil is sandy and adequate for borings – there’s a gap in the bedrock formation. An easement is on record. There would be a separate pump chamber, the Condo Associations would be responsible for costs and maintenance. The pipe would be under pressure on both ends, and there would be pressure and leak testing. The pipe would consist of 20 sections, heat fused together. Mr. Costello asked what is the lifespan of the pipe? Mr. Decoulos said hundreds of years. The owner of the property would be responsible for upkeep, although the Condo Association would ultimately be responsible. Ms. Elwell said that she anticipated that there would be problems with the property being part of and governed by the Association, while being completely separate geographically. Mr. Costello stated that he preferred the pipe under the wetland because there would be less clutter on the lot. He asked Mr. Manna for his opinion.

Mr. Manna stated that he leaned toward the Waterloo solution. The variances asked for exceed the Title 5 variances, and we have issued similar variances before. Ms. Behringer asked what the anticipated actual setbacks would be.

Setback Category	Rowley Regulation	Title V	Actual Anticipated
Property line	30 ft0	10 ft	24.5 ft
Wetlands	100 ft	50 ft	57 ft

Mr. Marchegiani asked whether the distribution box would be on the property if the shared solutions were chosen? Mr. Decoulos said yes.

Ms. Behringer asked whether, if we granted the variances, the property would be totally independent of the Danielsville Condo Association? Mr. Decoulos said yes. Ms. Elwell repeated her concern about the property owner being isolated from the group.

Mr. Costello asked whether the Board felt it had enough information to make a decision. The consensus was that there was enough information to close the hearing and to begin deliberations. Ms. Elwell made a motion to close the public hearing, which was seconded by Ms. Behringer. The Board voted unanimously to close the hearing.

Ms. Behringer stated that she was in favor of the conventional/Waterloo system. Ms. Elwell agreed. Ms. Behringer moved that the Board grant the variances for the property delineated as parcel 9-23-30, Emily Lane, of approximately 24.5 ft. from the property line and 57 feet from the wetlands. The Board voted 2-1 to grant the variances, Mr. Costello dissenting.

**Follow-up Review of Septic Design for Danielsville LLC Development.** Mr. DeCoulos stated that he had submitted three sets of their design proposal. A discussion of the decision to propose use of a generator ensued. Over long periods of time there is always a risk of groundwater infiltration, so it was decided to move the pump chamber to have a longer distance to groundwater, and use a generator. The generator will be maintained by a Billerica company, Every Monday there will be a half-hour test run, which will be monitored remotely; notifications will be transmitted by phone or computer. Summaries of data will be sent to the BOH.

Inspections and alarms –The cleanouts will be in a shed in the trees in order to be hidden, but the alarms will be at the pump station on a stainless-steel stanchion. There will be a flashing beacon close to the road, in the area of the conservation parking.

The Operation and Maintenance agreement is referred to in the Condo Agreement as being on file with the Board. Mr. DeCoulos agreed that it could be included in Exhibit E. Mr. Marchegiani is concerned that new owners should get copies. Mr. Decoulos said it was specified on page 4 that owners and attorneys should get copies prior to purchase.

Mr. Decoulos stated that in the next few days he would add language to the Condo Association agreement specifying 2-compartment 2000-gallon tanks that will be well oversized for the size of the homes.

Mr. Decoulos stated that he would modify Exhibit E to specify no garbage grinders, which are not allowed in Rowley pursuant to our regulations.

Mr. Manna stated that he now needs to do his final review of the plans. Mr. Costello stated that we now need to do final technical and legal reviews. Mr. Decoulos agreed that he would send us a letter continuing the matter until January 19<sup>th</sup> and that we would hold another meeting before then.

Ms. Behringer moved to close the hearing on the septic plan for Betsy Lane (Danielsville.) Ms. Elwell seconded the motion, which passed unanimously.

**Office Administration:**

**Review of Bills.** The bill for the hazardous wastes collection contained an error and will be resubmitted.

**Minutes from November 30<sup>th</sup>.** One typographical error was noted. Ms. Behringer moved to approve the November 30, 2023 minutes, conditional on correction of the error. Ms. Elwell seconded. The motion was passed with Mr. Costello abstaining.

**Next Meeting** – tentatively set for January 17<sup>th</sup>, 2024.

**Concerns of the Board.** Ms. Holland will be retiring at the end of March.

Ms. Elwell moved to adjourn the meeting of December 19<sup>th</sup>, 2023, at 12:07 pm. Ms. Behringer seconded the motion which passed unanimously.