

Town of Concord  
Board of Health

Minutes of the Meeting  
Monday, March 18, 2019

PRESENT: Raymond Considine, Chairman  
Jill Block  
Mark Haddad  
  
Susan G. Rask, Public Health Director  
Karen M. Byrne, Administrative Assistant

OTHERS: Brian Miller, Assistant Vice Principal Concord Carlisle High School; Tyler Steffy, Concord Middle Schools; Trisha McGean, Public Health Nurse, Towns Concord, Lincoln and Carlisle

1. **Open Meeting**

The Chair opened the meeting at approximately 7:00 p.m.

2. **PUBLIC HEARING – Onsite Sewage Disposal System**

**15 Annursnac Hill Road – Request for Local Variance CBOH 3.00<sup>1</sup>**

Public Health Director Susan Rask presented the request for the onsite sewage disposal designers ABC Cesspool Co., for their client Jeff Eberle, owner to replace the onsite sewage disposal system at his property. The applicants requested that the Board grant the following variance from local Concord Board of Health Regulation Wastewater Management (CBOH 3.00, Section 3.06(A) Table 1):

**Local Board of Health Variance**

- Construct a leaching field 54.5' to a wetland instead of 75' as required by local regulation.

PHD Rask noted that APHD Stan Sosnicki had reviewed the plan for compliance to Title 5 and the variance request; he recommended approval. In his opinion, the proposed design will adequately protect the public health and environment.

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<sup>1</sup> Prior to this discussion, Chairman Ray Considine informed the Board that earlier in the day he had contacted the State Ethics Commission over a potential conflict of interest in this matter because he is a friend and neighbor (2 properties down) from the applicant (Jeff Eberle). The Chair was advised that if his property was within 300 feet of the applicant then it could be perceived as a financial conflict and he would have to recuse himself from the discussion. However, after reviewing the Town's GIS maps, Public Health Director Susan Rask confirmed that Mr. Considine's property was 499 feet away and outside of the parameters for such a conflict.

## Background

The existing onsite sewage disposal system serving this 5-bedroom property has failed. The property is surrounded by wetlands and has no suitable area that complies with the 75' offset required in CBHR 3.00 and high groundwater levels and fast percolation rates were also proving problematic for the system designer to locate a Title 5 compliant system without variances. The system designer proposes to install a Presby-Advanced Enviro-Septic Wastewater Treatment System under DEP Remedial Use Approval.

Due to difficult lot constraints, the system designer has limited options to locate a fully compliant system per CBHR 3.00. However, Ms. Rask explained by utilizing the Innovated Alternative Technology (I/A) the designer could take advantage of certain design criteria otherwise not permitted with a traditional system specifically as it related to the leaching field (Soil Absorption System). Although the leaching field will need to be mounded to achieve a favorable vertical offset to groundwater, the Presby-System will minimize the height of it and subsequently minimize grading with the wetland buffer.

## Staff Recommendation

PHD Rask reiterated APHD Sosnicki's recommendation that the Board approve the variance as submitted based upon the difficult site conditions and limited options on the property.

There was no additional discussion from Board members. Mark Haddad moved that the Board APPROVE the variance request to construct a leaching field 54.5' feet from a wetland instead of 75' as required in CBHR3.00. Jill Block seconded it. All VOTED in favor.

### **3. DISCUSSION – Tobacco Regulations/Vaping (Continued)**

At its last meeting, Board of Health members felt strongly that any proposed changes to existing Tobacco/Nicotine Delivery Products Regulation should go hand and hand with a public health educational component particularly as it related to vaping and e-cigarettes because that was an issue that was exploding into epidemic proportions according to many public health resources (CDC, Department of Public Health). The most recent Concord Youth Risk Behavior Survey (YRBS) claims 24% of High School students had self-reported they had “vaped” within 30 days.

Chairman Considine introduced Brian Miller, Assistant Principal Concord Carlisle High School and Tyler Steffey, Assistant Principal Concord Middle Schools and thanked them for joining the meeting to start a dialogue between the Board and the schools relative to this issue and to inquire if either of them had any particular suggestions or thoughts on the issue of vaping as related to Concord's Youth.

Both concurred that vaping was unfortunately becoming widespread among Concord's youth, particularly in the High School. Assistant Principal Miller stated that even though High School students were in his opinion quite “health conscience” it was particularly difficult to convince students “vaping” was unhealthy or dangerous to their health. Mr. Miller said that kids believe that “smoking cigarettes” is bad for them – but they somehow do not see vaping as a dangerous habit or practice likely because of how it has been marketed.

Middle School Assistant Principal Steffey said this was an increasing phenomenon that teachers, principals and school nurses had also seen (perhaps on a lesser level) in the Middle Schools as well and in his opinion it was particularly important that any public health educational module on the topic include younger students. He stated that educating the middle school students, as well as their parents, whether via health curriculum or outside informational seminars would be beneficial.

The Board inquired what measures were being taken at the High School to deter vaping and asked if there were any repercussion if a student was caught vaping in a restroom for example. Mr. Miller said that the students were suspended if caught vaping and/or with vaping material. He admitted that the suspension held minimal weight – parents were called then they were let back into school usually the next day. He stated that it would be beneficial for a component of the health curriculum to catch up with the issues of the day but unfortunately it was sometimes lagging behind. He added however, one area where there were often consequences with longer lasting ramifications were if a student was involved with a sports team. Mr. Miller stated that the MIIA has much stricter guidelines relative to vaping and other substance abuse issues. A first offense holds a punishment of a loss of play in ¼ of the season's games; 2<sup>nd</sup> offense – 60% of the games; in some cases, a student could agree to 40% loss of games and participation in a diversion program of some sort.

Some Board members conveyed their own concerns as parents of children who have been “guilty” by proximity. For example a student may be in a bathroom going about their business and another gets caught vaping; in those cases, it was their understanding all of the students in the restroom could feasibly be suspended. Members inquired if any type of diversion technique (i.e., vaping detectors – similar to a smoke detector) was being considered for the restrooms. Vape detectors were very expensive and neither principal was aware of wide range use of them as a deterrent; Georgetown and Nashoba Regional High School were two schools that were mentioned. To date there was no anecdotal data to say whether they worked or not.

Due to the catastrophic ramifications of the opioid epidemic and other challenging mental health issues, the Vice Principal did feel that it would benefit all involved if vaping were addressed sooner rather than later because he felt it was now falling into those dangerous areas; specifically, because the students/kids simply did not understand the very real consequences (short and long term) of vaping unknown substances into their lungs. Mr. Miller will consult with Principal Michael Mastrullo and Superintendent Laurie Hunter but felt that a joint educational effort with the Board of Health on this public health situation would likely be well received. Assistant Principal Steffey agreed and said he was really looking forward to working as a community to tackle this issue.

Trish McGean, Public Health Nurse interjected that students are not provided clear cut options on “how to stop” once they start; as with any addiction, she said that it is difficult and there are not many available programs or diversion methods set up to address this to date. Ray Considine asked whether the schools ever considered offering a diversion program to the students who were suspended. To date that has not been explored.

Jill Block recalled a program that was offered annually by the Concord Carlisle Parent Initiative (CPPI) to parents of graduating 5<sup>th</sup> graders, geared towards prevention and postponing the first use. Although CCPI no longer exists, she inquired why such an important/informative program would not have been picked up by the schools and offered as part of the curriculum, as it was presented by panel consisting of the CMS health educator, guidance counselor, the School Resource Officer, a parent of older students and other community experts. Neither Principal was familiar with the program but stated it sounded like something that should be reconsidered to remain fluid to adjust to the issues kids are dealing with currently.

Board members also asked them of any other public health concerns at the schools and Mr. Miller cited student stress levels as the most significant issue the school is facing. Board members thanked Mr. Miller and Steffey for their input and looked forward to working with them and the School Department on this and other public health issues.

#### **Tobacco Retailers – Proposed Letter**

At the Chair Breakfast, Ray Considine approached Select Board Chair Tom McKean to advise him that the Board of Health was considering revising its Nicotine/Delivery Device Regulations to include restrictions on the sale of vaping products and devices and that it may have an effect on some businesses that currently have a Tobacco Sales License from the Health Department; specifically but not limited to considering a requirement to limit the sales of all vaping products/e-cigarettes to Adult Only Retail Establishments (21 MSLA). Mr. McKean suggested reaching out to the establishments to see if they would voluntarily remove the vaping products as a good gesture.

Board members debated the suggestion and considered it an interesting approach but they did not quite understand what the benefit would be for the business to do that without being required. Chairman Considine felt it would be an initial gauge on retail push-back for considering such a measure as well as perhaps the opportunity for the Board to commend a retailer for promoting a public health measure. PHD Rask and Administrative Assistant Byrne submitted a first draft for the Board's review of a letter it might consider. After a lengthy discussion, members suggested a few edits. Karen Byrne will revise the letter and send it to Mark Haddad for review prior to discussion at the next meeting.

#### **4. CHAIR AND BOARD MEMBER REPORTS**

There were no additional reports

#### **5. STAFF REPORT**

PHD Rask provided the Board with a summary outlining her thoughts and suggestions for "Building a Community-Wide Program to Address Vaping" as well as some of the many resources available for the Board to consider or explore while developing a program or changing existing tobacco/nicotine delivery regulations.

#### **6. BOARD CALENDAR AND MINUTES**

The Board discussed and reviewed the minutes from the December 18, 2018 meeting. Mark Haddad moved to approve the minutes as submitted. Jill Block seconded it. All VOTED in favor to approve.

The next Board of Health meeting will be held on Monday, May 6, 2019. The April meeting will be cancelled due to conflicts with Board member schedules.

The meeting adjourned at approximately 9:00 p.m.

Board of Health  
Signature Page  
March 18, 2019

Respectfully submitted by,

Karen M. O’Keefe-Byrne, Administrative Assistant  
Concord Board of Health

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Raymond Considine, Chairman

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Mark Haddad

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Dr. Deborah Greene

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Alma Healey

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Jill Block