



**CITY OF GLOUCESTER
Board of Health
Minutes of the Meeting
September 4, 2026, 5:30 p.m.
Harbormaster Conference Room &
Hybrid Meeting Via Zoom**

Board members present: Chairperson: Joseph Rosa; Vice-Chairperson: Dr. Eric Kaplan; and Jesse Dole. Absent: Erin George and Thomas Markert.

Also present: Health Director: Dominique Hurley; Assistant Health Director: Gabrielle White; Sanitarian: Cody Smith; Public Health Excellence Program Manager: Danielle Larabee; Senior Health Inspector: Brie Turko; Director of the North Shore Tobacco Control: Joyce Redford; Regional Prevention Director: Chelsea Goldstein-Walsh; and Advisor to the Septic Review Subcommittee: Dave Sargent.

The meeting started at 5:30 p.m.

Public Oral Communication

There was no "Public Oral Communication".

Approval of Minutes

MOTION by Dr. Kaplan to approve the Gloucester Board of Health minutes for the meeting of August 6, 2026, as written. **Seconded** by Mr. Dole. **Carried 3-0.**

2 Wallace Ct - Septic Relief Request - Designer: Dan Johnson-Domestic Septic Design

- Gloucester Onsite Wastewater Regulations Variance Request: reduction from the proposed leaching area to a public water supply from 400 feet to 368 feet, Table
 - i. Request reduction from the proposed septic tank with pump vault to a public water supply from 400 feet to 309 feet, Table 1.
 - ii. Request reduction from the proposed leaching area to a wetland bordering a public water supply from 400 feet to 168 feet, Table 1.
 - iii. Request reduction from the proposed septic tank with pump vault to a public water supply from 400 feet to 79 feet, Table 1.
- Local Upgrade Approval Relief Request
 - i. Request reduction for the offset from the septic tank with pump vault to the property line from 10 feet to 3 feet, 310 CMR 15.211 and 15.405 (1) (a).
 - ii. Request reduction for the offset from the septic tank with pump vault to the house foundation from 10 feet to 8 feet, 310 CMR 15.211 and 15.405(1) (b).

Mr. Smith stated that 4 variances are before the Board for 2 Wallace Court. He gave a brief overview of the variance and relief requests.

Dan Johnson, designer of Domestic Septic Design, appeared before the Board. He briefed the Board members on the property and the variance and relief requests.

Mr. Sargent stated that the proposed system is much better than the existing system and will be regularly monitored. He stated that he doesn't see any environmentally sensitive areas right next to the property that would be impacted, so doing something with denitrification really doesn't make sense.

Mr. Smith stated that they went the extra step of making sure there was an RLS who surveyed the property to make sure that the property lines were correct. He stated that his recommendation is to grant the requests.

Chairperson Rosa asked if anyone in the audience would like to speak for or against the request for relief or the variances. There was no one.

MOTION by Mr. Dole that the Board of Health approve the requests for relief and the variances requested as outlined on the agenda for 2 Wallace Court. **Seconded** by Dr. Kaplan. **Carried 3-0.**

34 Marble Rd. - Plan Extension-Requesting an Additional One-Year Extension Beyond the 2025 Extension Granted for the Plan Approved in 2015-

Mr. Smith stated that the plan that was approved in 2015 was for two lots, 34 Marble Road and then across the street at 29 Marble Road. He stated that one property was a three-bedroom house and the other property was a 1-bedroom house. He stated that the Health Department issued a plan extension last year that gave the applicant an additional year, so they have until November 1st, 2026, to build a system. He stated that the plan approval does say at the bottom that no plan extension will be given beyond the November 1st, 2026, deadline. He stated that the request for a plan extension came in uniquely before the new regulations went into effect, and the new regulations state that applicants are only allowed one plan extension. He stated that the construction of this system exceeds \$200,000, so the owner is looking at potentially trying to connect to the sewer line as a possible alternative.

Barney Lichtenstein, owner of 34 Marble Road, appeared before the Board. He stated that there were a lot of circumstances that were unusual with this situation. He stated that for years Max Schenk repeatedly told him that he did not have to do anything to renew this system. He gave an overview of the delays he has encountered. He stated that because of the high cost of the system, he would like to connect to city sewer if possible. He stated that his designer, Dan Ottenheimer, did not let him know anything about the plans that were registered with the Health Department until this past April.

Ms. Hurley noted that the City isn't responsible if his designer failed to make the owner aware of the plans that were registered. She confirmed that Max Schenk was right about renewal at the time, as the old regulations allowed it, while the new ones do not. She stated that the Health Department wrote a letter last year that said no more extensions without a full plan, and that is what is before the Board right now.

Mr. Sargent stated that because ledge is undulating in the area that may be costly and prohibitive for a sewer line going through that area.

Chairperson Rosa asked if anyone in the audience would like to speak for or against the request for an extension. There was no one.

MOTION by Mr. Dole that the Board of Health grant the request for a six-month extension for 34 Marble Road with absolutely no further extensions beyond that. **Seconded** by Dr. Kaplan. **Carried 3-0.**

3 Toronto Ave. - Water Supply Certificate-

Mr. Smith gave a brief overview of the water supply certificate. He stated that they had a well drilled in 2018, when they were under construction for their new home. He stated that they are attempting to get a water well certificate now because they need it as part of the sale of their property, and they have met all of the current regulation requirements except for the water analysis. He stated that the water well analysis for sodium was 57 milligrams per liter, and the State and the Health Department's regulation only allows for 20 milligrams per liter. He stated that the other contaminant that was high for this well was radon.

Chairperson Rosa stated that the sodium exceedance is not much of a concern since their local water is nearly 57 milligrams per liter, but the radon has no federal or state limits, and radon can cause various cancers and neurological problems. Because of Gloucester's geology, the potential for radon contamination exists for any water sourced from wells throughout Cape Ann. He stated that the public should be aware that tests are available and there exist established methods for remediation.

Chairperson Rosa asked if anyone in the audience would like to speak for or against the water certificate. There was no one.

MOTION by Mr. Rosa that the Board of Health accept the water certificate for 3 Toronto Avenue with the proviso that the certificate mentions that the well has been tested and had elevated levels of radon and sodium. **Seconded** by Dr. Kaplan. **Carried 3-0.**

Nicotine and Tobacco Violations Briefing-

Ms. Turko stated that on August 19, 2026, the North Shore/Cape Ann Tobacco Policy Program conducted tobacco compliance checks at 29 permitted tobacco establishments in Gloucester,

with participation from two underage youth. She stated that the compliance checks identified 9 violations at 8 establishments. She stated that 2 were sales to a minor violations and 7 were flavored tobacco violations. She stated that on July 29, 2026, the North Shore/Cape Ann Tobacco Policy Program and Ms. Hurley conducted an inspection of Sunny Variety. She stated that the inspection identified three violations. She stated that the violations were for tobacco products observed on the counter, flavored tobacco products or flavor enhancers observed and available for sale, and the Board of Health and Department of Revenue permits were not observed posted as required.

Ms. Hurley stated that following the issuance of the tobacco violation letters sent to the establishments on August 21, 2026, the Health Department was made aware of errors in some of the order letters. She stated the Health Department is currently rewriting and reissuing corrected violation orders, as appropriate. She stated that the number of appeals currently requested may decrease once the corrected orders are issued and reviewed by the affected establishments. She stated that the Health Department requested additional information from some establishments regarding the specific grounds for their appeals. The appeals are currently scheduled to be heard at the October 1, 2026 Board of Health meeting.

Ms. Hurley suggested that the Board consider updating its local regulations to more explicitly require that retailers comply with federal, state, and local law. She suggested that they amend the regulation to require that the retailer demonstrate attention to federal law as part of their application process, and they could accomplish this by having the retailer submit inventory reports with documentation and attestation showing how they are compliant with federal, state, and local law, with that inventory list. The board discussed amending the regulation to explicitly condition it upon compliance with state, local, and federal law.

Ms. Redford gave an overview of the flavored tobacco ban. She stated that the FDA recently announced plans to notify 300,000 retailers that they cannot sell products without a Marketing Granted Order (MGO), which proves the FDA authorized the product for sale in the U.S.

Nicotine and Tobacco Violation Appeal: Boulevard Variety-

Joseph Youssef, owner of Boulevard Variety, at 33 Western Avenue, appeared before the Board. He stated that he became the owner of the establishment on January 21, 2026, and asked the Board to consider his status as a new owner. He requested that the Board take mercy and consideration of the violation, as this is his first violation as the new owner. He stated that he has implemented measures to prevent future violations, including the use of a scanner to verify identification for customers purchasing cigarettes and tobacco products. He reported that he and his employees have actively confiscated more than 40 suspected fake IDs and provided them to the Gloucester Police Department. He requested that the Board accept his appeal and consider the video documentation that he provided. He expressed his commitment to the Gloucester community and his desire to operate his business in compliance with the regulations.

Ms. Turko stated that she was unaware that he was a new owner, so it actually came up as a second violation because there was a previous compliance issue within the last 36 months for Boulevard Variety.

Ms. Redford stated that she and Ms. Hurley visited the store on July 29th, 2026, and found ZYN Chill, a flavored product, on their shelf. She stated that they asked them to remove the product, and when they returned on August 19th, 2026, a minor was able to buy the same product that they were asked to remove.

Chairperson Rosa stated that he would like to organize mandatory training sessions for retailers, similar to what Peabody has done successfully with 40+ retailers across multiple sessions.

MOTION by Mr. Rosa that the Board of Health impose a first nicotine and tobacco violation fine for Boulevard Variety. **Seconded** by Dr. Kaplan. **Carried 3-0.**

Rental Education Project-

Ms. Hurley stated that the Rental Education Project builds on the goals established through the Rental Registration Program and supports the Department's FY2027 objective to expand landlord services and launch tenant rights and obligations education to improve housing compliance and encourage safe living conditions. She stated that these efforts provide an opportunity to strengthen their approach to rental housing by pairing regulatory requirements with education, communication, and practical resources.

Ms. Turko stated that they have been developing a rental education project to create a more strategic approach rather than just simply create materials and distribute information. She stated that the campaign is designed to support meaningful behavior change among both landlords and tenants. She stated that it begins by identifying current behaviors and defining the desired behaviors needed to promote safe, healthy, and well-maintained housing. She stated that these desired behaviors inform specific objectives, strategies, and tactics, creating a framework for ensuring that their education and outreach efforts are purposeful, consistent, and aligned with public health goals. She stated that at this stage, the Health Department is focusing on two priority tactics: the Tenant Resource Kit and the Housing Newsletter. She stated that the Tenant Resource Kit will provide tenants with accessible information about their rights, responsibilities, complaint resolution, communication, and available resources and the Housing Newsletter will provide ongoing education and reinforcement for landlords and tenants, with practical information about housing requirements, shared responsibilities, common issues, solutions, and available resources. She shared a flowchart that demonstrates the strategic connection between current behaviors, desired behavior changes, objectives, strategies, and tactics. She stated that as the project moves into implementation, they will establish measurable indicators to assess reach, engagement, knowledge, and behavior change, as well as longer-term indicators of improved housing compliance and safer living conditions. She stated that they also discussed conducting landlord and tenant focus groups to gather direct feedback from the

people. She stated that they are also going to establish symmetrical indicators to evaluate whether their efforts are reaching landlords and tenants.

Chairperson Rosa asked about the participation of the rental registry. *Ms. Turko* responded that they have a little over 400 people who are currently not renewed, so they will be sending out noncompliance letters to get them renewed. She stated that renewals are going to be happening in January, so they need everyone renewed for 2026 by November.

Ms. Hurley commended *Ms. Turko* on her work on the Rental Education Project.

Health Director's Recap

Presented by Dominique Hurley

Ms. Hurley briefed the Board on the kratom ban the Governor just announced. She stated that kratom is now classified as a Schedule 1 drug. She stated that they just sent out cease and desist letters to retailers regarding kratom products, following DPH guidelines and legal review. She stated that those products have to get off the shelf and the State has given them a path to complete that.

Ms. Hurley stated that the Eastern Waste Transfer Station subcommittee will meet on September 9th. She stated that she will give an update at the October Board meeting,

Ms. Hurley stated that at the last Board meeting they discussed updating the Nicotine and Tobacco Regulations. She stated that the Health Department has drafted an update and is waiting for the Legal Department to review it. She stated that they should have a draft ready at the October Board meeting.

Ms. Hurley proposed moving board meetings from the first Thursday to the second Thursday of each month to allow more time for preparing volumetrics reports. The Board agreed to hold Board of Health meetings on the second Thursday of the month starting in November.

Public Health Excellence (PHE) Grant -

Ms. Larabee gave Board members a brief overview of the projects that she is managing with Gloucester and Manchester under the Public Health Excellence Grant. She stated that one project is file digitization, with the hope to eventually have a public portal where people can go in and pull their septic records, hazardous waste records, well records, and then in the future, potentially more. She stated that another project is the septic compliance software on which Mr. Williamson and Mr. Smith have been working really hard. She stated that this allows all of the pumpers and haulers to submit their O&M reports and pump reports in the field. She stated that the third project involves Berger Food Safety Consulting, which started two weeks ago to help with the summer surge of food inspections, with weekly reports being provided and Ms. Vorias handling reinspections. She reviewed a strategic assessment project led by Aldrich Tobin Partners focusing on health and human services needs in both Manchester and Gloucester, with data collection underway and recommendations expected in early fall.

Ms. Larabee presented the Public Health Advisory Board's prioritized list of health initiatives, with housing inspections, nuisance and air pollution, and food with cold storage facilities identified as high-priority areas requiring RACI (Responsible, Accountable, Consulted, Informed) assignments. She stated that she will send the list of priorities to the Board members for them to review.

Prevention Team Reporting -

Ms. Goldstein-Walsh stated that she is excited to have a full team back on staff. She stated that they have been really busy with the start of the school year, doing a lot of capacity building. She stated that they are doing outreach to strengthen and sustain their relationships with the Gloucester Public Schools, as well as recruit for new Gloucester Youth Leadership Council members at both the middle and high school level. She highlighted some of the events that they attended in August, such as Countdown to Kindergarten, Kops n Kids Youth Anglers, and the GYLC Open House at Cape Ann Lanes. She stated that they will be tabling at the Meet the Teacher nights at the middle and high school later this month.

Ms. Goldstein-Walsh stated that she met with the superintendent today to reconnect with her and just really listen to what her priorities are, and to confirm that the Health Department is available to support the schools.

Communicable Disease Reporting

Ms. Hurley reported that there were 7 cases of West Nile virus reported in Essex. She stated that from their wastewater data, they can see that COVID cases are starting to increase.

The Board discussed ongoing funding challenges with finalizing a contract for wastewater data services with Biobot.

Regulatory Reporting

Sanitarian -

Mr. Smith stated that Carmody has been fully launched as of August 1, the official implementation date. He stated that they are currently in the hypercare phase, which includes working with IT to complete the backup tool and developing the process to automatically pull volumetric data from the system.

Concerns of the Board

Next Regular Monthly Meeting Board of Health- The next regular Board of Health meeting is scheduled for Thursday, October 8, 2026 at 5:30 pm.

MOTION by Dr. Kaplan to adjourn.
Seconded by Mr. Dole. **CARRIED.**
MEETING ADJOURNED – 8:30 p.m.

Respectfully submitted,

Bobbi Orlando

Accepted by:

Joe Rosa, Chairperson

Documents Referenced:
September 3, 2026 Board of Health Agenda
BOH Minutes of August 6, 2026
HD August Monthly Report