

SWAMPSCOTT BOARD OF HEALTH  
MINUTES MAY 19, 2016  
PUBLIC HEARING

The Public Hearing regarding open burning and beach fires of Thursday, May 19, 2016 was called to order at 7:00 PM. Attending were Martha Dansdill, Chairwoman, Marianne Hartmann, RN and Alison Oxtan, RN, MSN, Board Members, Jeffrey Vaughan, Director of Public Health and many residents including: Sheryl & Paul Levenson, Harold Dahlman, Emily Pierro, Timothy Cullinane, Crissy & Richie Jache, Mark Wolinski, Stephen Smith, Dr. Larry Block, George Allen, Rich Newburg, Jim Callahan, Chris Bonacorso, Peter Yasi, Chris Gingle, Matt Strauss, Sharon Donovan, Gerry Bradley, Gargi Cooper, Elizabeth Pappalardo, Kristen Marescalchi, Peter Murphy, Amy O'Connor, Scott Coughlin, Brian Herlihy, Joanna O'Neil and Jackie Kinney.

Many residents have voiced their health and safety concerns to the Board of Health regarding these beach fires prompting this public forum. It was the goal of the Swampscott Board of Health to have a concise and balanced discussion.

Twenty-eight (28) residents spoke and three (3) sent e-mails. The majority spoke in favor of keeping the fires as a unique part of community bonding and memory building. At least ten (10) people voiced health, nuisance, and trash concerns. Almost everyone agreed that there needed to be more energy spent on cleanliness, a system (such as permitting) for accountability, and greater strides in patrolling or regulatory efforts.

Individual comments follow:

Sheryl Levenson spoke of living by Phillips Beach and being a member of the Clifton Improvement Association which owns the park at Preston Beach. Ms. Levenson is concerned that Phillips is secluded from the street and that many times there is broken glass and hot embers left behind. It would be difficult for the Swampscott Fire Department to get equipment to the area to extinguish fires, if needed. Sheryl Levenson felt there needed to be more enforcement and regulation in place.

Paul Levenson agreed with his wife and declared, "No, on fire pits. Yes, on enforcement."

Harold Dalhman stated that beach fires would be a very positive thing if they were regulated. He has always adhered to the permit laws, has immense respect for the Firefighters and enjoys making family memories in this way.

Emily Pierro has enjoyed the beach fires since she was a toddler. She states that she tends to go during the week when the atmosphere is subdued and feels the weekends is more family oriented. Ms. Pierro feels that most people are responsible for their fires and bring shovels or tools to contain them. With respect to the smoke disturbing neighbors, she would like to know more about the health aspects as she lives near the beach and states she does not smell the fires from inside her home. Ms. Pierro believes that the debris washes into shore with the tides and is not left behind expect by teens. Alison Oxtan asked how often Ms. Pierro has a fire on the beach and was told "weekly".

Timothy Culliane has not seen much carousing at the beach. He brings his children down and believes that the fires should be regulated.

Crissy and Richie Jache get permits for fires on Fisherman's Beach. The Jaches say that these weekly events are great opportunities to meet friends and neighbors while making wonderful summer memories. They cook, clean-up and always have water to extinguish embers. They believe more regulation would be welcomed.

Mark Wolinski is in favor of cooking fires but does not like the fire rings idea. With all the Master Planning and Open Planning the Town is trying to accomplish, Mr. Wolinski thinks this would be a great family/community event. He states that many off-duty police and fire officers attend these fires so that security is built in. Mark Wolinski says that there are too few outdoor fun events available in Town and that this is a unique tradition. Mr. Wolinski believes that the beaches are left clean.

Stephen Smith participates in the Fisherman's Beach fires. Mr. Smith states that this beach is smaller, more open, and accessible on the main thoroughfare making for easy patrol. Mr. Smith is pro-beach fires.

Dr. Larry Block spoke of the health hazards caused to those who breathe in smoke from wood fires. The World Health Organization (WHO) ranks pollution from open fires as the world's deadliest pollution and estimates there are four million (4,000,000,000) premature deaths annually as a result of exposure to wood smoke. The very young and the very elderly are the most at risk. Dr. Block stated that there is indisputable data linking wood smoke to disease, as well as, fire particle matter.

## Public Hearing re: open burning and beach fires of Thursday, May 19, 2016 continued page 2

Further, Dr. Block feels that there are those who have the choice to build a fire, but the neighbors who have to breathe the ground level smoke do not have the choice. As there are no safe levels of pollutants found in lead, mercury or tobacco, Dr. Block prompted the Board that as they had banned the smoking of tobacco products in public due to the health risks it is also the responsibility of the Board of Health to ban the open burning and beach fires. (See end of minutes for full report [How Wood Smoke Harms Your Health](#))

George Allen lives on Bay View Avenue and is a Scientist for the Environmental Protection Agency (EPA) who sets air pollution regulations. Mr. Allen recalled an evening last July when, arriving home from work, his eyes started burning from the smoke outdoors. When the winds blow from the South and South West the smoke from the beach fires on Fisherman's Beach are blown directly towards his home. Mr. Allen states that the smoke is a nuisance, a danger to the very young and very old and should be stopped as he would like to breathe clean air.

Rich Newburg has been a resident for twenty (20) years and abuts the marsh near Phillips Beach. Mr. Newburg said that he has three (3) issues with the fires being permitted: 1.) He and his wife walk on the beach at sunrise most mornings where there are cans and broken glass on the sand from the night before. 2.) The smell of the fire stench burns in the air for days and when the winds blow from the East, as they tend to do in the months of April, May, June, July and September, the stench blows directly toward the Newburg's home. 3.) Mr. Newburg is most concerned that Palmer Pond is full of Phragmites reeds which are highly flammable. Should stray ambers ignite the Phragmites his home would be in peril. (Mr. Newburg will e-mail a picture of the Phragmites on fire to the Board for the minutes – see below) Mr. Newburg believes that other communities do not allow beach fires because they have had bad experiences with them.



Jim Callahan stated that he agrees with Rich Newburg and would like to add that part of Phillips beach is still privately owned.

Peter Yasi has been a beach goer for fifty-seven (57) years and has enjoyed this as a family activity that he would like to share with his children. Mr. Yasi states that trash on the beach cannot be blamed exclusively on the people building beach fires and should be excluded from the discussion. He went on to say that pollutants are also caused by heating homes and driving cars, but no one would be willing to give up those things. Although the fires are a luxury, they are temporary only running about ten (10) weeks and perhaps the people bothered could close their windows for that time.

Chris Gingle from Longley Avenue noted that during his weekly fires on Phillips Beach he has seen an increase in fires. Mr. Gingle feels that it is mostly the High School or College aged students who hang out there that are lazy and do not do the work to dig a pit, pull a permit, bury the embers, or remove their trash that give the responsible parties a bad reputation. Mr. Gingle thinks that responsible citizens should not be punished and agrees that regulation and patrols should be increased.

### Public Hearing re: open burning and beach fires of Thursday, May 19, 2016 continued page 3

Matt Strauss stated that when he was on the Board of Selectmen he was probably the most vocal opponent of beach fires. The Town of Swampscott spent one hundred fifty thousand dollars (\$150,000.00) to buy the beach and it should be kept up. Mr. Strauss said that whether you were pro or con on the fire issue, one hundred percent (100%) of the people in the room were pro beach and that both sides of the issue should brainstorm ideas of how to keep the beaches clean and beautiful.

Sharon Donovan wholeheartedly agreed with Matt Strauss stating that it is a big issue that can be solved. She can't remember a time when there weren't fires on the beach, but agrees that they should be regulated. Perhaps a solution would be limiting the number of fires allowed or issuing permits.

Gerry Bradley has been a Swampscott resident for twelve (12) years and is in favor of regulation. Mr. Bradley suggested that an area be staked out and a permit given which could be inspected the next day. That way the permit holder could be held directly responsible.

Gargi Cooper is a Girl Scout Leader who, although agreeing with Dr. Block's data, feels the fires are a unique and important community experience.

Elizabeth Pappalardo stated that her husband is a Firefighter in the Town of Nahant and shared their strategy: a permit is issued for twenty-five dollars (\$25.00) and the resident must leave a one hundred dollar (\$100.00) deposit, the number of people allowed on one permit is ten (10). The next day the police inspect the area for cleanliness and, if approved, return the deposit to the permit holder. Ms. Pappalardo thinks that there are other areas in town in which neighbors are making sacrifices for the whole such as: the Machon School proposed project, the Greenwood Avenue proposed project and the Rails to Trails proposed project and the beach neighborhoods should be no different.

Kristen Marescalchi is pro fire. She pulls permits and takes the responsibility seriously. Ms. Marescalchi agrees with more regulatory patrolling. She finds these fires to be very unique to the community and is happy that people are enjoying them. Ms. Marescalchi states that home chimney fires release pollutants into the air during winter and they are not banned.

Martha Dansdill read into the minutes the following e-mails from Kim and Joe Nunnari, Alexander Falk and Amy Friend Roberts:

From Kim & Joe Nunnari:

*Thank you for arranging a public hearing to discuss the permitting of fires on Phillips beach with the town Selectmen. I have serious concerns about open fires on the beach, both as a 20+ year resident of Swampscott as well as someone who has advanced lung disease and is dependent upon supplemental oxygen to be able to walk on the beach.*

*As a person with a chronic lung disease, the issue of air quality is very important to me. There are days in the summer when the air quality is so poor that I'm unable to be outdoors, even while wearing oxygen, because my breathing is affected. Open fires are one of many causes of poor air quality, which doesn't just affect those with lung disease- children and the elderly are also particularly vulnerable. I feel that it is the town's responsibility to eliminate the sources of poor air quality which are under its control- beach fires are one such source.*

*As a resident and taxpayer, I fail to see any benefit in allowing open fires on the beach. Many times I've gone to the beach in the morning, only to encounter a pile of burned logs from the previous night's fire, sometimes still smoldering, with trash/bottles left behind. It is my belief that allowing fires detracts from the natural beauty of our coastline and is a burden, rather than a benefit, to the town.*

*Thank you for your consideration and allowing me to air my thoughts. I'd be happy to discuss them with you in person if that would be helpful.*

*Best wishes,  
Kim and Joe Nunnari  
43 Sargent Rd.*

From Alexander Falk:

*It has come to my attention that there will be a public hearing regarding open burning and beach fires in Swampscott at the Swampscott Public Library on May 19th at 7pm. Unfortunately, I am unable to attend the public hearing in person due to a prior commitment, but I would like to send my comments via email, if that is acceptable.*

*Our view on this matter is as follows:*

**Public Hearing re: open burning and beach fires of Thursday, May 19, 2016 continued page 4**

*We have been very concerned about open burning, beach fires, and fireworks on the beach that we commonly observe from our deck every summer - especially around the public holidays of Memorial Day, Independence Day, and Labor Day. But these fires are not restricted to those days - any weekend in*

*July or August that brings warm weather and a low tide in the evening is prone to cause somebody to start a fire on the beach in Swampscott.*

*Our concern about these cases of open burning, beach fires, and the use of fireworks is that these pose not only a safety risk to people in the direct vicinity on the beach, but with the wind carrying smoke, ashes, and glowing embers towards our property, they pose a safety and fire risk to our family as well as to our property. Seeing floating embers land on our porch roof - as it happens nearly every summer - and seeing fireworks land in our bushes is a very scary experience.*

*It is our understanding that pursuant to MA regulations, open burning is only allowed between Jan 15 and May 1 (see <http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/pubed/fs-topics/fs-topics-a/safety-tips-for-open-burning-season.html>). While it is true that outdoor cooking is allowed year-round, the beach fires that we are observing every summer at Preston Beach are not cooking fires. They are clearly only celebratory in nature and are often started by people who are also consuming large quantities of alcoholic beverages are the either leaving the fire unattended and are leaving their trash behind.*

*I should note that this is uniquely a Swampscott beach problem, as the area of Preston Beach that lies within Marblehead has not seen any fires at all recently, since (a) the Marblehead Fire Chief is not issuing permits for beach fires at all for safety reasons; and (b) the beach in Marblehead is a private beach and none of the property owners along the beach have permitted beach fires on their land for safety reasons.*

*We do, therefore, ask the Swampscott Board of Health and other related agencies in the Town of Swampscott to not issue beach fire permits and to prohibit open burning on the beach, as well as beach fires and any kinds of fireworks and to also enforce these restrictions for the benefit of public safety.*

*Thank you kindly,*

*Alexander Falk  
452 Atlantic Ave  
Marblehead, MA 0194*

*P.S. Even though ours is a Marblehead address, our property sits right on the town border and extends about 7ft into Swampscott, which is why we came before the Swampscott Conservation Commission in 2009 to get a permit for repairing that portion of our seawall that is located in Swampscott. I would, therefore, argue that we have standing in this matter, since we are a direct abutter to the Beach Bluff Park owned by the Clifton Improvement Association and we have to deal with illegal fires and illegal fireworks on the beach every summer.*

*--*

From Amy Friend Roberts:  
April 28, 2016

*To: Swampscott Selectmen*

*Re: Bonfires on town beaches*

*I will be out of the country and, unfortunately, unable to attend the May 19 public hearing. This is very disappointing to me as the bonfire issue has impacted my health, comfort and lifestyle as a resident of Swampscott (a town I have lived in for more than 30 years). In lieu of my presence, I am writing this letter and hope that it will be read privately and/or publicly.*

*Essentially, this is my response to learning that bonfires are still being considered on the beaches of Swampscott. I implore the Selectmen to reconsider this decision. I truly believe that this is a significant matter of public health and educating residents who do not understand the level of toxicity generated from these wood fires. The general public is very aware of "passive smoke risk" campaigns and generally understands the potential carcinogenic risk of being in proximity to smokers. (As a result of such risk, the Swampscott Board of Health recently made the important decision to ban smoking on town beaches.) However, there is now concurrent literature that wood smoke is even more toxic than the passive smoke they are banning. This research is paramount to the bonfire decision and I am placing a link to important information (research) at the end of this letter which outlines such findings. In short,*

*the scientists of this recent Harvard School of Public Health research study end with the following quotes:*

*“We can no longer afford to regard the smell of smoke as something evocative, nostalgic or natural.”*

*“If someone is burning wood, they are shortening the lives of their neighbors.”*

*This is a personal issue for me as well. My husband and I live about three long blocks from Phillips Beach and every weekend we have to keep our windows tightly closed throughout the summer and fall months. I happen to be prone to upper respiratory infections which requires me to protect myself from all smoke. And yet, I am not as fragile as the many living in our town with asthma, chronic respiratory disease and cardiac disease. Additionally, children are at potentially greater risk due to the possible harm to their growing bodies. We are a town of families and this is likely one of the reasons that the Swampscott Board of Health made the courageous decision to take the risk of passive smoke off the town's beaches. If I am not mistaken, we are one of the few towns (if not the only) on the North Shore that has made this important public health decision; (one that many other Massachusetts towns have already embraced). When that ban goes into effect for this summer, I will not be surprised to see families from other towns (interested in the health of their families) flock to our beaches to better protect their children with cleaner air, and against the risks of ingesting cigarette butts and/or stepping on potentially hot ash. How can we now justify making our residents even a mile or two from the beach have to breathe carcinogenic air, particularly every weekend for at least 4-5 months. Every time a resident is required to breathe this toxic air, they put themselves at increased risk for disease. I am sure the Swampscott Board of Health has discussed how the town of Arlington has handled this dilemma with regard to the issue of cooking. I concur with allowing gas or charcoal grills only as a very reasonable alternative and adequate for those choosing to cook on the beach. Is it fair or reasonable to place our environment, our air and the town's respiratory and cardiac health at risk to please the recreational needs of a few? To do this feels less than prudent, in my opinion. It is hard enough for many of us during the winter months when many people have wood fires that permeate and pollute the air from their home fireplaces. However, at least then, windows are all already closed and the impact lessened.*

*Moreover, I see these bonfires are a nuisance, increasing the town's potential liability. They keep me and my family from enjoying our lives in our own home (as we always have to close windows in summer and fall without having air conditioning) and they clearly impact our enjoyment of living here (as I cannot do physical activity when the bonfires are on the beach). We had one warm day this past winter and the smoke from bonfires on the beach was so thick and pervasive, that my husband and I could not go out for a bike ride due to the air quality. This is unfair (and a nuisance) for anyone with respiratory issues and it has been such a "breath of fresh air" to have had the ban on the fires. (Although, as noted above, not everyone has adhered to it.)*

*I have several more points I would like to make below:*

*As the Swampscott Board of Health has now banned all smoking on the beaches, how can the Selectmen now justify allowing even riskier toxic smoke to be created there? This is an additional health argument that I hope the Board of Health will make. Once again, the reason for banning smoke from the beaches is the clear documented risk of passive smoke to children, elderly and those with respiratory issues . . . not to mention the documented impact on anyone who has to breathe it. With the wood smoke now studied as being even more toxic to those at risk, as well as to the rest of the town, it is shocking to me that bonfires are even being considered. Again, I believe our residents must be educated on the misunderstood health risks of wood smoke. We are also all aware that people come from near and far to Swampscott beaches knowing about the lax beach bonfire policy. Without a ban, things remain ambiguous and others in and out of town will continue to come and start unauthorized fires.*

*Additionally, outside of the health issue, bonfires create a huge fire and injury risk, creating more potential liability for the town. It just takes just one child to walk on a burning fire ring or on an ember that has not been fully doused (which apparently has already happened). Again, I think Arlington's solution to the problem is the answer (with grills allowed as the only cooking option). The smoke that comes from gas or charcoal grills is distinguishable from wood fire (as can be seen from the research).*

*Hopefully, the Swampscott Board of Health will show you pictures of the bonfire beach trash left behind and this is another problem and outrageous for those of us who want to enjoy one of the most beautiful assets of our town, the gorgeous and pristine beaches. How do we protect the environment and the safety of others, not to mention the cost spent by the DPW, to clean up after so many others who don't respect the space?*

*Moreover, there is also the additional fire risk to protected land nearby (at Phillips Beach). If you absolutely must do a bonfire trial, do it at Kings Beach, where fire personnel and police can better monitor the situation. As noted, fires become out-of-control, and are at times, not adequately doused. Again, I also believe that if there isn't an all-out ban, people will be starting fires on all beaches beyond those in the three authorized and delineated rings. And, due to the size of Phillips Beach, and its being out of the way, it is a beach so much harder to monitor. Do we want to put protected land at risk? It*

**Public Hearing re: open burning and beach fires of Thursday, May 19, 2016 continued page 6**

*only takes one out of control fire that has not been adequately doused, along with dry conditions and strong wind to create a clear potential risk. At least at Kings Beach, weekend bonfire use can more easily be seen by police. For all of the reasons above, I strongly urge the Selectmen to continue the ban on bonfires.*

*I thank you all for taking the time to hear my message, and as a long time resident, attorney and former RN, I truly hope that I will return from my trip to find that the Selectmen have chosen the right path for Swampscott's health, safety and environmental protection.*

*Sincerely yours,*

*Amy Friend Roberts  
18 Morton Road  
Swampscott, MA 01907*

<http://www.familiesforcleanair.org/health/health4/>

<http://www.familiesforcleanair.org/why-your-neighbors-wood-is-killing-you/>

Peter Murphy is pro beach fires and pro regulations. He believes that it is a great way to relieve stress which is good for public health and states that his group treats Fisherman's Beach as if it were their home leaving it in better condition than they found it.

Amy O'Conner is pro fire and pro regulation. She and her family have fires weekly on Phillips Beach and states it is a great way to meet up with old friends. Ms. O'Conner feels that people have the mentality that it is not my trash, so it is not my issue. She states that permitting would be a good idea except that sometimes people take over other's fires when they leave the beach.

Brian Herlihy is pro fire, anti regulation. He feels there needs to be more communication. Most of the problem is caused by teenage drinkers who will continue to go there and not clean up after themselves. Mr. Herlihy stated that he feels strongly that this privilege should not be taken away from the taxpayers who paid for the beach.

Scott Kaufman is pro beach fires. He has been a Swampscott resident for fifteen (15) years and states it is responsible citizens who are cleaning up while teens are ruining the fun for everyone. From a safety standpoint, Mr. Kaufman noted that thirty-one (31) people died last year from digging holes in the sand and we are not taking pails and buckets away from children.

Jackie Kinney of Fuller Avenue does not get smoke at her house from the fires on Fisherman's beach. She states that there is a healthy contingent of teens and twenty-somethings with family members attending these fires which is a rare commodity she wants to enjoy as long as possible. Ms. Kinney believes that one perk of living in this community is the use of the beaches. She endorses the permit/deposit idea as creative and feels the need to outreach to the residents to keep the beaches clean for everyone's enjoyment.

Joanna O'Neal from For the Love of Swampscott stated that the group was formed to bolster the sense of community, pride and love for the Town of Swampscott. Ms. O'Neal states that through their social media page there have been hundreds of comments posted regarding this issue. The majority of the comments are pro fires on the beaches. For the Love of Swampscott has offered to fund educational materials regarding the proper ways to build and extinguish fires. Promote clean up efforts, and post signs. Work with the Swampscott Fire Department and/or other Town Officials to get the word out.

Martha Dansdill stated that the State of Massachusetts regulation 310 CMR DEP 7.07 allows open burning from January 15<sup>th</sup> through May 1<sup>st</sup> with permit only. Cooking fires are outside of the State Statute.

Fire Chief, Kevin Breen, stated that Regulatory of State Open Burning Laws is getting stricter and headed against any burning whatsoever. Serious equipment damage has resulted from vehicles driving over glass left behind at fire sites.

For more information go to:

<http://www.mass.gov/eea/agencies/massdep/air/quality/open-burning-answers-to-your-burning-questions.html>

The Public Hearing adjourned at 8:22 PM.