



# TOWN OF WAREHAM

BOARD OF HEALTH  
MEMORIAL TOWN HALL  
54 MARION ROAD  
WAREHAM, MA 02571

## Board of Health

Thomas L. Gleason, M.D. Member  
Lisa T. Irish, Member  
Robert E. Brady, Assoc. Member  
Frank X. DeFelice

Robert Ethier, Health Agent

## MEETING MINUTES SEPTEMBER 7, 2011

### MEMBERS

Present: Lisa T. Irish, Member  
Thomas L. Gleason, M.D., Member  
Robert E. Brady, Associate Member  
Frank X. DeFelice, Associate Member  
Liaison: Ellen M. Begley

Health Agent: Robert M. Ethier

### PUBLIC HEARINGS

#### **4:00 p.m. Accept and Sign Minutes of Meetings**

The minutes for hearings held on August 17, 2011 were reviewed and approved.

**On a motion by Dr. Thomas Gleason and seconded by Lisa T. Irish the minutes of meeting August 17, 2011 were accepted and signed.**

#### **4:05 p.m. Cape Cod Tobacco, Pharmacy Policies- Discussion**

Mr. Robert Collette, Director of Cape Cod Tobacco Program approached the Board with a proposal to "Pharmacy Ban Projects". Mr. Collette stated it is a contradiction to sell life-threatening tobacco products where life-giving medications are purchased. Mr. Collette is asking the Board to pass a ban in Wareham on the sale of tobacco products in pharmacies. The process to initiate a new "Board of Health Regulation" is to hold a public hearing and have it voted on. After further discussion, the Board agreed to go forward with the proposed ban. A Board discussion will be placed on the September 21, 2011 agenda. A public hearing will be scheduled at a later date and notice will be posted in the Clerks office, on the website and in the local newspaper.

**4:15 p.m. 216 Sandwich Road, Chapter II Violations- Order to Appear**

Mr. John Viverios, Board of Health Code Enforcement Officer, ordered Ms. Anicetra Branion to appear before the Board for violations to the State Sanitary Code "Chapter II" Minimum Standards of Fitness for Human Habitation. Mr. Viverios told the Board the septic is failed and needs to be upgraded immediately. Property owner, Ms. Branion appeared before the board and stated she is having financial difficulty. She did apply for the Town of Wareham Community Septic Management Program; however, there is a criterion, which needs to be met before being accepted for the loan. All taxes owed to the Town of Wareham have to be current and approved engineered plans have to be submitted. Ms. Branion told the Board it would take her at least six to eight weeks to pay the taxes and have the plans engineered. After discussion, the Board voted to give Ms. Branion eight weeks to pay the taxes and have the plans in place for the upgrade for a new system. Until that time, pumping will be required on a regular basis. Mr. Ethier will inspect the property.

**On a motion of Dr. T. Gleason and seconded by Lisa T. Irish, Ms. Branion is given eight weeks to submit plans to the Board of Health office for an upgrade to a new septic system located at 216 Sandwich Road.**

**4:20 p.m. 18 Highland Road, Chapter II Violations- Order to Appear**

Mr. John Viverios, Board of Health Code Enforcement Officer, ordered property manager, Mr. John Keating to appear before the Board for violations to the State Sanitary Code "Chapter II" Minimum Standards of Fitness for Human Habitation. A letter was sent out on June 20, 2011 to correct numerous complaints of rubbish and debris scattered along the property. Compliance has not been met. Mr. Viverios did contact Mr. Keating today as a reminder of today's hearing. Mr. Keating did not appear before the Board. Health Agent, Robert M. Ethier will file a complaint in 4<sup>th</sup> District Court.

**4:25 p.m. 246 Barker Road, G.A.F. Engineering- Variance to State & Local Regulations- Upgrade**

Mr. Kevin Forgue approached the board with the following variances requests:

Local

1. Required: Soil absorption system shall be 150 ft. from a well.  
Provided: The proposed sewage disposal system is 110 feet from the existing well on abutting Lot 1030.

310 CMR 15.221(7)

1. Required: The system components shall be installed no more than 36' below grade.

Provided: The distribution box and leaching chambers are approximately 4.5' below grade.

**On a motion of Dr. Gleason and seconded by Lisa Irish the following variances were granted under condition the property is not located in a "Zone II" area.**

**4:30 p.m. 47 Agawam Lake Shore Dr., G.A.F. Eng.- Variance to Local Regs.-  
Upgrade**

Mr. Kevin Forgue approached the Board with the following variance requests:

Local

1. Not to design for an extra bedroom.  
This is a three-bedroom dwelling and the system is designed for three bedrooms.
2. The soil absorption system shall be 150 feet from a pond or watercourse. The proposed sewage disposal system is 100 feet from Agawam Mill Pond. This is a 50 ft. variance.

State

1. The septic tank requirement setback is ten feet from the foundation. The setback is five feet from the foundation. This is a five foot variance.

**On a motion of Dr. Thomas Gleason and seconded by Lisa T. Irish the variances were granted.**

**4:35 p.m. 16 Little Harbor Road, Geo-Services- Variance to State and Local  
Regulations- Upgrade**

Mr. Christopher J. Knuth requests the following variances;

State

1. A reduction in the vertical offset between the bottom of the SAS and the seasonal maximum groundwater elevation as determined by soil morphology. 4' is required; we are proposing to use the Presby Enviro-**Septic Wastewater**

Treatment System leaching pipes with a 2' off set to the system sand beneath the pipes.

#### Local Upgrade

1. Reduction in setback from the SAS to a Property Line: 10' is required and we are proposing a 6' off set from the system sand surrounding the Presby Enviro-Septic Wastewater Treatment System
2. Reduction in setback from the SAS to foundation wall, 20' is required, 14' is proposed. Slab foundation for a patio, 10' required, 4' proposed  
Reduction in setback from the Septic Tank to: patio and garage slabs, 10' required, 5' proposed.

**On a motion of Dr. Thomas Gleason and seconded by Lisa T. Irish the variances were granted.**

#### **4:40 p.m. Nitrogen Review/Town Counsel**

Mr. Jason R. Talerman, Esq. of Blatman, Bobrowski & Mead, LLC (Wareham Town Counsel) approached the Board to review the proposed Minimizing Nitrogen from Wastewater Regulations and to answer any questions the Board may have regarding legal issues. After a lengthy discussion and after reviewing each section in depth from section 1.0 –11.0, the Board agreed to hold a public hearing on October 5, 2011 @ 7:00 p.m. pending on the availability of the auditorium. Acting Chairman, Lisa Irish asked Atty. Talerman if he would be available to attend the public hearing, Atty. Talerman responded yes, Town Counsel could be available for any public town meeting. The public hearing notice will be published and posted on the town website.

Associate Member, Robert Brady- suggests the Board talk to Community Economic Development Agency regarding more funding. Mr. Brady feels the boards should consider getting together to discuss all considerations to help better the program.

#### HEALTH AGENTS REPORT

Mr. Ethier discussed Hurricane Irene and the development of the Emergency Operations Center. Mr. Ethier sent a letter of commendation to Chief Stanley on his coordination of the center and complimented on the efforts and expertise of all the "First Responder" departments in the Town of Wareham.

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#### **Complaints Investigated**

**Garbage & Nuisance (12)**

**Food Service (4)**

**SITE PLAN REVIEW**


**Charlotte Furnace Solar Energy Project**-The Board has reviewed the plan. The Board has no comment at this time.

**2707 Cranberry Highway**- The board has reviewed the plan. The Board has no comment at this time.

Acting Chairman, Lisa T. Irish adjourned the meeting at 6:17 P.M.

Respectfully submitted: Suzanne Burke, September 13, 2011.

Signed and dated: 10/5/11

  
Lisa T. Irish, Acting Chairman

Thomas L. Gleason, M.D. Member

