

WAREHAM BOARD OF HEALTH

MEETING MINUTES

NOVEMBER 7, 2012

MEMBERS

Present: Frank X. DeFelice, Chairman
Glenn M. Monteiro, Member
Amy Gleason Wiegandt, M.D., Member
Robert E. Brady, Associate Member
Catherine Phinney, R.N., Associate Member
Robert M. Ethier, Health Agent
Ellen M. Begley, R.N., Liaison

PUBLIC HEARINGS

Chairman, Frank DeFelice opened the meeting at 4:00 p.m.

4:00 - Signing of Minutes- October 17, 2012

The minutes of October 17, 2012 were reviewed and approved. Mr. Monterio made a motion to accept. Chairman, Frank DeFelice seconded the motion. **Minutes approved.**

4:05 – Water Quality Protection/Proposed Regulations- Public Hearing

Health Agent, Robert Ethier welcomed the public and stated the Board of Health has drafted a proposed regulation and has advertised the hearing in the local newspaper. This open public hearing is taking place to review the proposed regulations on Water Quality Protection. The Board is here to take in all considerations regarding this regulation and is willing to hear additions and/ or subtractions. The Board is willing to make a decision based on the testimonies heard here tonight. Copies are available for all to review. Mr. Ethier read the following proposal into the minutes as follows:

Water Quality Protection (Proposed)

A. New Construction- Pursuant to Chapter 111, Section 31 M.G.L., the Wareham Board of Health voted at its regular meeting held on () to

establish for new home construction the setback requirement of 500 feet for all soil absorption systems (S.A.S.) from a water course, wetland (as defined by the wetland protection act 310 CMR 10.00), pond, stream, river and all water wells. If the 500 ft. setback limit is not met, a denitrification system shall be required with a discharge permit limit of 19 mg. per liter. Groundwater flow direction shall be indicated on all submitted plans.

B. Existing Dwelling- A waiver may be granted by the Wareham Board of Health upon receipt of an application for waiver by the property owner and/ or his agent. In the event of a failed system, a waiver may be granted upon receipt of an application.

Chairman, Frank DeFelice read into the minutes, a submittal from the Buzzards Bay Coalition suggesting adding the following:

C. "Any person or entity that owns, operates, inspects or monitors an alternative onsite septic system in Wareham, shall cause the results of all monitoring and inspections to be submitted to the Board of Health, or a contractor designated by the Board of Health, in a format designated by the Health Agent. All reports regarding maintenance, monitoring or inspection of soft alternative septic systems, shall be submitted within 30 days of the time when the maintenance, inspection or monitoring was initiated. An annual reporting fee of \$50.00 shall be required from each system operator. The fee shall be paid to the Board of Health which will be used to defray the cost of oversight, inspection monitoring and enforcement."

Mr. Edward Pacewicz, Chairman of the Clean Water Committee approached the Board offering suggestions and recommendations. He stated the draft has a 500 ft. setback, but no minimum. "The way it is written, anyone could install a nitrogen reducing system 10 ft. away from a pond." Board replied no. Mr. Brady stated it must be more than 500 ft. Mr. Pacewicz stated "the confusion is, if someone is within the 500 ft. he has to put in a nitrogen reducing septic system." Mr. Pacewicz would like the wording changed to make the language clearer. He stated "150 ft. does not allow any soil absorptions at all and the state does not allow you to get within 50 ft. of any system." Mr. Pacewicz is suggesting 12 parts per million where the Board suggests 19 parts per million. Mr. Pacewicz would also like the word "watercourse" be removed and use Title 5 languages. He would like the Board of Health regulations in line with the Conservation Committee regulations.

Mr. Zach Pilotte of Sandpiper Terrace, Mechanical Engineer at NDP Quality Engineering, approached the Board with concerns regarding the 500 ft. setback. Mr. Pilotte stated "There are substantial areas that do not fall within that 500 ft. setback. I know of, no science behind the 500 ft. setback and would like to know how it was brought to the table. I am also inquiring on the availability of buildable lots in the area. I would propose to grandfather existing dwellings to be able to maintain the current Title 5 requirements as they are at the time the system was built, as not to add an extreme burden in costs to the homeowner, as well as decreasing property values. The contract is set up to maintain the system twice a year with a cost to the homeowner. Someone is less likely to purchase the property when they come in with an existing monthly cost to maintain the system. I would like to have the Title 5 replaced with the current Massachusetts Title 5 regulations, to the regulation that the system was originally installed to. If the language read, you are grandfathered in, if you have an existing system that was installed, and all regulations at the time of installation, the homeowner should be able to repair that system to that original standard and that shouldn't be a consideration, it should be your grandfather clause. This additional cost should not be put on the homeowners." Mr. Pilotte urged the Board to review further study before making a decision and is willing to help furnish additional information and submit his input towards the draft regulation. Mr. Pilotte gave the Board his business card and will submit further information to the Board before the next meeting.

Mr. Brian Grady of G.A.F. Engineering commented he has no objection of the Board writing a nitrogen regulation. However, since he is working with a local engineering company, he is here to make sure it is a regulation he can work with. He feels the 500 ft. set back gives a linear advantage to having the septic system setback. His concern is how the trespassing issue will be addressed. How will he get onto the neighbor's property to accurately determine his setbacks? With the 500 ft., he can see a lot of conflicts occurring. He has had issues in the past working with neighbors and is trying to avoid conflict in getting the accuracy of the wetlands. Mr. Grady asked the Board "What level will the Board need to go to, to confirm the validity and the accuracy of the wetlands? Are they going to rely on engineered stamped plans which will show a wetland, water body, or a water course, or is the Board going to require an additional boundary confirmed with the Conservation Department requiring a public hearing? What accuracy of information is going to be accepted?" Functionality is Mr. Grady's main concern.

Chairman, Frank DeFelice thanked the audience and stated the Board appreciates the input; however, the Board has a lot to digest. Member, Dr.

Wiegandt agreed and stated the Board still needs to educate themselves and need to work on the language and should conduct further study. Associate Member, Robert Brady stated, the Board needs more discussion. Associate Member, Cathy Phinney agreed and stated, the Board is here for the public. Health Agent, Robert Ethier stated, maybe, the Board would be better to go to the Zone II regulations, one bedroom per ten thousand square ft. everywhere. That way, you have a de-nitrification system installed everywhere. In a Zone II, you protect the water everywhere. It would be an alternative to the 500 ft.

After extensive review and discussion between the Board and the public attendees, the Board agreed to further study. A workshop for the members will be scheduled for December 5, 2012.

Dr. Wiegandt made a motion to close the public hearing. Chairman, DeFelice seconded the motion. Public hearing on Water Quality Protection closed.

Old Business

Housing and tobacco regulations have been moved to the beginning of the New Year. Dates will be posted.

New Business-

Mr. Monterio asked Mr. Ethier if he is happy with Liaison, Ellen Begley and the Board of Health members and staff. Mr. Ethier replied yes.

Mr. Glenn Monterio moved to the close the meeting. Seconded by Chairman, DeFelice. Meeting adjourned at 5:50 p.m.

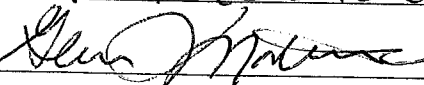
Respectfully submitted: Suzanne Burke, December 4, 2012

Signed and dated: 12/5/12

Frank DeFelice, Chairman



Glenn Monterio, Member



Dr. Amy Wiegandt, Member

