

MEETING MINUTES BOARD OF HEALTH MAY 1, 2013

MEMBERS

Present: Mr. Frank DeFelice, Chairman
Amy Wiegandt, M.D., Member
Mr. Robert E. Brady, Associate Member
Catherine Phinney, R.N., Associate Member

Mr. Robert M. Ethier, Health Agent
Mr. Richard T. Johnson, Health Inspector

Absent: Mr. Glenn Monterio, Member

PUBLIC HEARINGS

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

4:00 p.m. – Signing of previous minutes.

The minutes were approved and accepted for April 17, 2013.

On a motion of Dr. Wiegandt and second by Chairman DeFelice, a motion was made to accept the minutes of the meeting held on April 17, 2013.

4:05 p.m. 19 Meadowlark Drive, S. Keese- Variance to Water Quality

Ms. Sandy Keese, McKinnon & Keese Engineering approached the Board with the following variance requests:

1. S.A.S. Approximate Distance to Wetland BVW Line: 370'+; to I.L.S.F.: 400' +. Wareham 500' distance.

Ms. Keese stated it is an older, existing, two bedroom home and the bottom of the proposed SAS lies over 6' from the water table. The maximum, feasible compliance has been reached without resorting to a denite system. The present homeowners do not anticipate any expansion of their dwelling, and believe the addition of such a system is, not only expensive but also unnecessary. This is not waterfront property. All other criteria meet or exceed Title

V and Wareham design standards. Ms. Keese considers this a large improvement over the existing, marginal system that presently services the home

On a motion of Dr. Wiegandt and seconded by Mr. Monterio, the Board voted to grant the variance.

4:10 p.m. 11 Agawam Drive, Driscoll Engineering- Variance to Water Quality

Mr. Gregory W. Driscoll, Jr. is requesting the following variances from 310 CMR 15.211 Minimum Setback Distances:

1. A 7.2' variance (10.0' – 28') for the setback from the septic tank to the front property line.
2. A 5' variance (10.0' – 5.0') for the setback from the septic tank to the water line.
3. A 10' variance (10.0'-0.0') for the setback from soil absorption system (SAS) to the front property line.
4. A 10' variance (20.0' – 10.0') from the setback from the SAS to the foundation wall.

Requested from 310 CMR 15.203:

1. A 110 gpd (330 gpd – gpd) variance from the minimum allowable flow rate for a single-family dwelling is requested. A deed restriction for the reduction in flow rate, restricting the property to a maximum of 2 bedrooms, will be recorded at the registry of deeds for the property. The existing dwelling on the property is a one-bedroom dwelling.

Requested from the Board of Health Regulations:

1. A variance is requested from the water quality protection regulation from the requirement to install a nitrogen removal system. The subject soil absorption system is located over 100' away from the surface water. The distance from the SAS to the surface water is over 200'.

These variance requests are made per 310 CMR 15.404, Maximum Feasible Compliance Approvals for Upgrades as the proposed design represents the maximum compliance that may be achieved on the subject property.

Mr. Ethier requested in the future, to place the water bodies on the plan to help the Board make final decisions.

On a motion by Dr. Wiegandt, and seconded by Chairman DeFelice, the variances were granted with conditions a deed restriction is filed with the Plymouth County Registry of Deeds limiting the dwelling to one bedroom. The water line is sleeved, membrane installed in place and all referenced on as built plan.

4:15 p.m. 91 Agawam Lake Shore Drive, G.A.F. Eng. – Variance to Water Quality

Mr. Brian Grady of G.A.F. Engineering, Inc. approached the Board requesting the following variances:

Wareham Board of Health Regulations:

Required: The soil absorption system shall be 150 feet from a watercourse.

Provided: The proposed sewage disposal system is approximately 92 from Agawam Mill Pond.

Water Quality Protection Regulation:

Required: A Nitrogen reducing Alternative System is required for soil absorption systems within 500 feet of surface water.

Provided: No Nitrogen reducing Alternative System is proposed for the property.

Local Upgrade Approvals:

Required: The septic tank shall be 10 feet from a cellar wall.

Provided: The proposed septic tank is 3 feet from the cellar wall.

Required: The soil absorption shall be 20 feet from a cellar wall.

Provided: The proposed soil absorption system is 9 feet from the cellar wall.

Mr. Grady states these variances are necessary due to the small lot size and the proximity of Agawam Mill Pond. No other alternatives for locating the system are available. The lot is small, only 6,548 +/- square feet. The existing dwelling on the property will be razed and a new dwelling constructed. The new dwelling will be located further away from the pond. A new Title 5 sewage disposal system will be constructed providing a minimum 5-foot separation to the water table. Details on the construction of the existing system are not known. Given the proximity of the existing dwelling to the pond it may be within or very close to the water table.

No nitrogen reducing component has been included as part of this sewage disposal system upgrade. The applicant will be the sole occupant of the home. Given the fact that this is a single occupant home, and will not be receiving any sewage flows for a good portion of the year, Mr. Grady believes that a nitrogen reducing system would not work efficiently nor would it meet the target thresholds within the Water Quality Regulation. Mr. Grady suggests that a deed restriction be placed on the property requiring that a nitrogen-reducing component be required to be installed at the time of transfer of the property. Mr. Grady will place a deed restriction on the property stating that the dwelling shall have no more than 2 bedrooms.

After lengthy discussion and consideration, the Board voted to grant all variances requested with the exception of the request to the Water Quality Protection Regulation to waive the

installation of a Nitrogen Reducing Alternative System. A Nitrogen Reducing Alternative system must be installed.

On a motion of Dr. Wiegandt and seconded by Chairman, DeFelice, the Board voted to grant the variances to Wareham Board of Health Regulations: Section 19, and 310 CMR 15.211:(1). The Board voted not to grant variance request to the Water Quality Protection Regulation. Nitrogen reducing alternative system must be installed. The Board will waive any BOH penalty fees in connection with monitoring.

4:20 p.m. Garden Homes, J. Hallahan- Proposed Housing Inspection Program

Mr. J. Hallahan approached the Board with inquiries on how the new proposed housing inspection regulations will affect the Manufactured Housing Community Laws. Mr. Hallahan stated these new regulations will contradict the Attorney General's Guide to Manufactured Housing and suggests the Board look into the regulatory agencies before acting. After discussion regarding lease agreements, rules and regulations of Garden Homes Estates, and the Board of Health regulations, the Board agreed to do more study and assured Mr. Hallahan no regulations have been set in place. The Board will continue to research and Mr. Hallahan is invited to speak out at the public hearing on "Rental Properties" June 19, 2013.

4:25 p.m. 2 Cardinal Avenue, CGE Engineering- Variance to Water Quality

Mr. Ronald F. Bukoski, Project Engineer of CGE Engineering, Inc. approached with Board with following requests:

1. Based on Maximum Feasible Compliance, a variance to allow the soil absorption system to be located at actual setback distances. A 40-mil HDPE liner will be installed between the sidewall of the SAS and house foundation as shown on the design site plan view.
2. A variance from an existing residence from the Water Quality Regulation for a nitrogen reducing alternative septic system, This request is supported by the following conditions:
 - a. No increase in design flow is proposed for the upgraded septic system designed to replace the existing failed cesspool.
 - b. The site is located approximately 255 feet from Glen Charlie Pond.
 - c. The proposed soil absorption system bottom is estimated to be 22 feet above the groundwater elevation at the site.
 - d. The estimated direction of groundwater flow at the site is parallel with the shoreline of Glen Charlie Pond based on proximal surface water elevations.
 - e. Title 5, 15.211: Minimum Setback Distance requirement for a septic system from a wetland resource is 50 feet.

On a motion by Dr. Wiegandt and seconded by Chairman DeFelice, the variances were granted.

4:30 p.m. County Road Recycling, Victor Brier- Order to Appear

Mr. Brier's attorney requested the hearing be continued to May 1, 2013. Mr. Brier is out of town.

On a motion of Dr. Wiegandt and seconded by Chairman DeFelice, Mr. Victor Brier/ 260 County Road, Order to Appear will be moved to May 1, 2013.

4:35 p.m. Extra Bedroom Design- Discussion

On a motion of Dr. Wiegandt and seconded by Chairman DeFelice, discussion has been tabled due to time constraints.

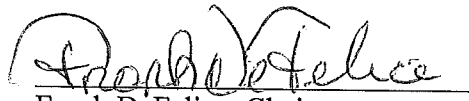
4:40 p.m. Distance to Wetland- Discussion

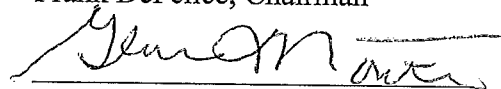
On a motion of Dr. Wiegandt and seconded by Chairman DeFelice, discussion has been tabled due to time constraints.

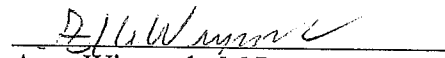
Dr. Amy Wiegandt, moved to close the meeting. Seconded by Chairman, DeFelice. Meeting adjourned at 6:40 p.m.

Respectfully submitted: Suzanne Burke, June 4, 2013.

Signed and dated: 6/5/13


Frank DeFelice, Chairman


Glenn Monterio, Member


Amy Wiegandt, M.D., Member