

MEETING MINUTES BOARD OF HEALTH JUNE 5, 2013

MEMBERS

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

Mr. Robert M. Ethier, Health Agent

PUBLIC HEARINGS

Dr. Wiegandt opened the meeting at 4:00 p.m. Chairman, Frank DeFelice notified the Board he was running late due to traffic on the bridge.

4:00 p.m. Signing of the minutes.

The minutes were approved and accepted.

On a motion of Dr. Wiegandt and second by Chairman DeFelice, a motion was made to accept the minutes of the meeting held on May 15, 2013.

4:05 p.m. 3 Whippoorwill Way, CGE Engineering, Variance to Water Quality, State and Local Regulations- Upgrade

Mr. Ronald Bukoski, Project Engineer is seeking approval for a setback variance from the state to allow the Soil Absorption System to be located at the actual setback distance from the property line along the street side of the SAS and the actual setback distance from the existing water supply line, provided the pressurized water supply line is sleeved within 10 feet of the septic tank. Mr. Bukoski is also requesting a variance from the Water Quality Protection Regulation; this request is supported by the following conditions:

1. No increase in design flow is proposed for the upgraded septic system designed to replace the existing failed system.
2. The proposed SAS is located greater than 100 feet from wetland resource areas located to the north and south.

3. The proposed soil absorption system bottom has been designed to be 5.0 feet above soil mottling, the anticipated high groundwater elevation at the site in compliance with Title 5.
4. The estimated direction of groundwater flow at the site is to the south, toward the Agawam River and buffering vegetative wetlands, and away from the northeast wetland resource area.
5. The organic mat associated with the buffering vegetative wetlands located to the south of the site, will assist in shielding direct groundwater communication with surface water and naturally will assist in denitrification.
6. Contributing surface water in the vicinity of the site originates from up gradient cranberry bogs and the Wareham Waste Water Treatment Plant.
7. Under Title 5, 15.211: Minimum Setback Distance requirement for a septic system from a wetland resource area is 50 feet and Town of Wareham Water Quality Protection Regulation is 100 feet for an existing dwelling. As proposed, the upgraded septic system will meet these setback distances.

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

4:20 p.m. 260 County Road, Mr. Victor Brier- Order to Appear

The Board of Health has been receiving numerous complaints about odors migrating from the site located at 260 County Road. Neither Mr. Brier nor his attorney appeared before the board.

On a motion by Dr. Wiegandt, and seconded by Chairman DeFelice the Board voted to fine Mr. Brier \$500.00 to be paid within five days receipt of notice.

4:30 p.m. 19 Wren Terrace, Engineering Works – Variance to Water Quality

Mr. Peter McEntee approached the Board with request for a waiver to the water quality/nitrogen reduction regulation. The subject property is a bank owned property set back approximately 450 feet from the coastal resource areas associated with the Agawam River. It is the opinion of Mr. McEntee that to install an innovative technology requiring an O & M contract and performance standards would make the property cost prohibitive to prospective home buyers. There are no additional variances to Title 5 being requested and setback to the wetlands is very close to the required setback of 500 feet.

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

4:40 p.m. 220 Barker Road, J.C. Engineering- Variance to State and Local Regulations- Upgrade

Mr. John Churchill of J.C. Engineering approached the Board with the following local upgrade approvals from 310 CMR 15.211 and 15.221(7):

1. A 9.0' variance (10.0'-1.0') for the setback from the leaching facility to the front property line (lot 1008A – 218 Barker Road).
2. An 8.3' variance (10.0' – 1.7' for the setback from the leaching facility to the side property line of (lot 1007 – 216 Barker Road).
3. A 1.67' variance (4.67'-3.0') for the depth of cover over the leaching facility.

Mr. Churchill is also requesting the following variance from Local Board of Health:

1. A variance from designing for an additional bedroom.

Notice was sent to 216 Barker Road, receipt of green card was collected.

On a motion of Dr. Wiegandt and seconded by Mr. Monterio the variances were granted.

4:45 p.m. 2818 Cranberry Highway, J.C. Engineering- Variance to Water Quality

Mr. John Churchill is requesting the following variance from the Local Board of Health Regulations:

1. A variance from having to provide a nitrogen reducing alternative system, which meets a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less pursuant to the Town of Wareham Water Quality Protection Regulations.

The proposed leaching facility is located approximately 425 feet from a wetland. Also based upon groundwater flow direction, the proposed leaching facility is not located directly up gradient of the wetland. The proposed location of the leaching facility provides a setback greater than 500 feet from the nearest directly down –gradient wetland.

On a motion by Dr. Wiegandt and seconded by Mr. Monterio, the variance was granted.

Old Business- Water Quality Protection

The Board discussed the possibility of changing the setback distances on all soil absorption systems that are required to have a nitrogen reducing alternative system to meet a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less. The Board discussed and agreed on changing failed systems to meet 0 – 150' and new systems 150 – 500' and reducing the testing to once a year. Mr. Edward Pacewicz from the Clean

Water Committee and Rachel Jakuba, Science Director of Buzzards Bay Coalition were in attendance. Mr. Pacewicz will compose clarifications and meet with Health Agent, Robert Ethier then meet again with the Board for review.

New Business- The Buzzards Bay Guardian Award is holding their 25th Annual Meeting at the Beachmoore at Massachusetts Maritime Academy on Thursday, June 27th. The meeting will include a discussion of the coalitions accomplishments in 2012, election of board members, and presentation of the 2013 Buzzards Bay Guardian awards. The Buzzards Bay Guardian Award is being presented to the Board of Health for demonstrating outstanding service in the clean-up, restoration and protection of the bay. Rachel Jakuba, Director of the Buzzards Bay Coalition is requesting the Board of Health be present to accept this award.

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

Respectfully submitted: Suzanne Burke, July 10, 2013.

Signed and dated: 7/17/13

Frank DeFelice
Frank DeFelice, Chairman

Glenn Monterio
Glenn Monterio, Member

Amy Wiegandt
Amy Wiegandt, M.D., Member

