

# **MEETING MINUTES BOARD OF HEALTH AUGUST 7, 2013**

## **MEMBERS**

Present: Mr. Frank DeFelice, Chairman  
Mr. Glenn M. Monterio, Member  
Amy Wiegandt, M.D., Member  
Catherine Phinney, R.N., Associate Member  
  
Mr. Robert M. Ethier, Health Agent  
Mr. Richard Johnson, Health Inspector

## **PUBLIC HEARINGS**

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

### **4:00 p.m. - Signing of 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 July 17, 2013.**

### **4:05 p.m. 155 Hathaway Street, G.A. F. Engineering- Variance to Local Regs.**

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

#### **Wareham Board of Health Regulations:**

Required: The soil absorption system shall be designed for an additional bedroom.  
Provided: Three bedroom dwelling and the system is designed for three bedrooms.

#### **Water Quality Regulation**

Required: A nitrogen reducing alternative system is required for soil absorption.

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

Provided: No Nitrogen reducing Alternative System is proposed for the property. The proposed system is approximately 351 feet from the Weweantic River.

The existing sewage disposal system is a six (6) foot deep leaching pit. This pit is partially located below the seasonal, high groundwater table. The new, upgraded system will provide in excess of a five (5) foot separation to the high groundwater elevation. The system is not designed for an additional bedroom to preclude a potential future increase in flows from the dwelling.

**On a motion Mr. Monterio and second by Chairman DeFelice, the variances were granted with the condition the dwelling remains restricted to three bedrooms. Condition must be noted on asbuilt.**

**4:10 p.m.      2783 Cranberry Highway, J.C. Engineering- Variance to Local Regulations**

J.C. Engineering not present. Mr. Brad Bertello notified the office he would reschedule at a later date.

**4:15 p.m.      3166 Cranberry Highway, Chapter II Violation- Order to Appear**

Mr. John Viverios inspected the above mentioned property and found violations to the State Sanitary Code "Chapter II" Minimum Standards of Fitness for Human Habitation . Mr. Calvin and Diane Carnes were notified by certified mail, ordering property owners to meet compliance and a re-inspection was scheduled to be conducted on July 22<sup>nd</sup>. On July 22, 2013, a re-inspection revealed that violations had not been corrected. Mr. Carnes appeared before the Board and agreed additional clean up is necessary to meet compliance. Mr. Carnes stated the tenant on the first floor has moved out and the second floor tenant is being evicted. Health Agent, Mr. Robert Ethier directed to the Board, the amount of time he and Mr. Viverios have spent inspecting this property. The office receives numerous complaints regarding the property and compliance is not being made. Mr. Ethier suggests to the Board a fine of \$100.00 and if compliance is not met by the first of the month, increase the fine.

**On a motion of Dr. Wiegandt and second by Mr. Monterio, motion was made to fine Mr. & Mrs. Calvin Carnes \$100.00.**

**4:20 p.m.      3245 Cranberry Highway, Chapter II Violation- Order to Appear**

On July 29, 2013, notice was sent to property owner, Florence Byron to appear before the Board for not meeting compliance to violations to the State Sanitary Code "Chapter II"

Minimum Standards of Fitness for Human Habitation. Ms. Byron did not appear. The Board agreed to fine Ms. Byron \$100.00.

**On a motion of Dr. Wiegandt and second by Mr. Monterio, motion was made to fine Florence Byron \$100.00.**

#### **4:25 p.m. Nitrogen Regulation- Discussion**

The Board brought back the draft "Nitrogen Regulations" water quality discussion. Along with the Board, present were Rachel Jakuba, Mr. Edward Pacewicz, Mr. Kenneth Ferriera, and Mr. Brian Grady of G.A.F. Engineering. After review and discussion, the Board agreed to except the following:

1. Passage- Add- The passage of this regulation rescinds section 19. Water Quality Protection of the Board of Health's current regulation.
2. Add- Design Flow- The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system must be designed in accordance with Section 14A of the Wareham Title V Board of Health regulations and with 310 CMR 15.203.
3. Existing Homes- change to Existing Systems- On-site subsurface sewage disposal systems, including nonconforming systems.
4. Add- Failed System- An existing system which fails to protect public health and safety or the environment as set forth at 310 CMR 15.303 or 15.304, including nonconforming systems at the time of transfer.
5. New Construction- Add- New construction shall not include replacement or repair of a building in existence as of March 31, 1995 that has been totally or partially destroyed and demolished, provided there is no increase in design flow, no increase in design flow above the existing approved capacity to any system, no increase in the number of dwellings or dwelling units or no increase in the number of bedrooms in any dwelling or dwelling unit.
6. Add- Nonconforming System- Any system which is not in full compliance with the standards and requirements of 310 CMR 15.000 and for which a variance or local upgrade approval has not been obtained. Nonconforming systems include, but are not limited to, cesspools, privies, failed systems, and systems with a design flow above 10,000 gpd.
7. Surface Water- Add- impoundments.
8. Add- Wetlands- Any land area or surface area so defined by the Massachusetts Wetlands Protection Act. M.G.L. c. 131, & 40 and regulations promulgated

pursuant thereto at 310 CMR 10:00 or pursuant to Section 404 of the Federal Water Pollution Control Act, 33, U.S.C. 1341.

9. Change- New Home Construction to Construction of New Buildings.  
Add- New construction of a soil absorption system located between 150 – 500 feet from any surface water shall be required to install a nitrogen reducing alternative system which achieves a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less.
10. Remove- where the applicant demonstrates that strict compliance with this section causes significant economic hardship and the person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under the regulation can be achieved without strict application of the provision of the regulation from which a variance is sought.
11. C. Existing Dwelling- Change to Existing and Expanded Systems. Add- An increase in actual or design flow to an existing system within the water quality protection zone, shall require the installation of a nitrogen reducing alternative system which meets a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less. Add-reducing alternative system which achieves a rolling annual average total nitrogen (TN) effluent limit of 19 milligrams per liter or less. Delete- where the applicant demonstrates that strict compliance with this section causes significant economic hardship and the person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under the regulation can be achieved without strict application of the provision of the regulation from which a variance is sought.
12. Add – H. Severability- The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

The Board requested to have the regulations placed on the next agenda for final review and vote. Copy will be available in Board of Health office for public review.

Dr Wiegandt removed herself from the vote.

**On a motion of Mr. Monterio and seconded by Mr. DeFelice, the Board moved to accept the August 7, 2013 updated changes as stated above, in the Nitrogen Regulations.**

#### **4:30 p.m. Rental Property Regulation- Discussion**

The Board reviewed the Rental Property Regulations. The following changes were made:

1. #5- Posting of Certificate of Registration- previously removed, add back.
2. #6- Keeping of register- add.
3. #7 Provision of names, addressed and telephone numbers of owners or agent- add.
4. Fee of Registration- was #7 now #8, add- there shall be an **annual fee** of \$100.00.

5. Inspections- was #10, now #11- delete- application for.
6. Violations and Penalties- was #12, now #13 (a) delete. Add- Any person who violates any requirements of this chapter shall be subject to a fine of \$100.00.

Corrections to the regulations will be placed on the next agenda for final approval by the Board. Copy will be available in Board of Health office for public review.

**On a motion of Dr. Wiegandt and seconded by Mr. Monterio, the Board voted to the above stated changes to the Rental Property Regulations.**

#### **Old Business-**

Health Agent, Robert Ethier reported to the Board, Mr. Robert Brady has officially resigned in his position as Associate Member with Town Clerk, Mary Ann Silva. Mr. Ethier thanked Mr. Brady for his dedication and services.

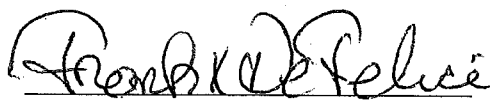
#### **New Business-**

1. Chairman, Frank DeFelice introduced Mr. Kenneth Ferreira and thanked him for his presence and input during the hearing. Mr. DeFelice encouraged Mr. Ferreira to consider filling the Associate Member position. Mr. Ferreira has been a member of the Zoning Board since 1984, is currently operating Kenneth R. Ferreira Engineering, Inc. in New Bedford, and is currently a resident of Wareham.
2. Mr. Ethier will be on vacation August 13<sup>th</sup> –19<sup>th</sup>. Health Inspector, Richard Johnson will be on call during Mr. Ethier's absence.
3. Chairman DeFelice requested a letter from the Board of Selectmen stating the chain of command for requesting information from Town Counsel. Selectman, Alan Slavin was present and stated the Chairman of the Board requests permission from the Selectmen, Health Agent requests from the Town Administrator.
4. Proposed site plan on Farm to Market Road. At this time, the Board has no comment.

**Member, Glenn Monterio moved to close the meeting. Seconded by Dr. Wiegandt. Meeting adjourned at 6:10 p.m.**

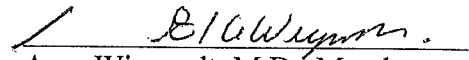
Respectfully submitted: Suzanne Burke, August 27, 2013.

Signed and dated: 8/7/13

  
Frank X. DeFelice, Chairman



Glenn M. Monterio, Member



Amy Wiegandt, M.D., Member