

Board of Health Meeting

June 23, 2015

Community Center, Room 23

Meeting Minutes

Present: Chuck Levine, Jay Schwab, Ken Zoller, Luba Raynus, Ed Welch, Beverly Anderson, Jim Andrews

Attending: Ben Pinkowitz; Keevin Geller; Dan Merriken; Shimin Liu; Amy Yunes; Jeff Yunes

The meeting was opened by C. Levine at 7:00 pm. The minutes of the May 27, 2015 meeting were approved with minor changes. Board members voiced concerns regarding delivery of materials prior to the meeting. It was agreed later in the meeting that Board members will receive printed packages of material rather than electronic copies via email. Packages will be left at the Health Department for them to pick up.

The first item on the agenda was a hearing, requested by Merriken Engineering, regarding plans to build condominium units at the former Sharon Box Company on 216 North Main Street, Sharon. The owner Mr. Keevin Geller, gave a brief history of the site, which includes a former industrial building and his own townhouse. He described his intent to add 6 2-bedroom condominium units on the existing building footprint. He noted that he had purchased additional land from the gas company adjacent to his property that would allow for the siting of a septic system to serve the condominium units. He noted that he would need the Board to consider two variances for the system, including: 1) a sewer line to be passed under the existing stream between the building and the proposed soil absorption system (SAS) area, and; 2) a variance with respect to an existing Federal Emergency Management Agency (FEMA) flood plain in which the septic tank(s) would be sited. Dan Merriken noted that FEMA has not determined a flood rating for the flood plain in question, and informed the Board that under current regulations they would need to set the tanks above the flood plain elevation. They proposed putting the tanks underground with watertight cap seals. He indicated the system would meet the 75 foot setback from the nearby road, and the SAS profile would meet regulatory requirements. They also proposed to pump material from the tanks through a force main up to the SAS (leaching field); the latter meets regulatory standards. The land adjacent to the SAS will be conservation land.

The Board asked questions regarding the tanks and about previous flooding of the area. They were informed that in the 1997 100 year storm Canton Street, which is lower than the site, was not flooded. Merriken told the Board that the lake water would need to rise more than 8 feet to flood the building site and tank area. Merriken also informed the Board in answer to Welch's questions about piping that they would be using a flexible HDP pipe that can be worked around corners. Levine questioned how system would work in the event of a power failure and was told the condominium would have a

generator to support the system. Jim Andrews asked about the pumping schedule, which the owner of the property reported would be annual. The Board also asked that water saving measures be included in the buildings. Ben Pinkowitz of Sharon approved the project.

Jim Andrews noted that in addition to the two requested variances, the Board would need to approve the change in use of the property from an industrial site to a residential site. Levine motioned to accept the change in use from industrial to residential, subject to standard terms of operation and pumping, and to accept the proposed variance in the plan related to the setback (Article 7.182A) and the floodplain elevation (Article 7.08). Schwab seconded, all approved.

Levine turned to the next item on the agenda regarding the keeping of chickens and a rooster at 30 Eisenhower Drive, Sharon. Shimin Liu, the owner of the property and animals, spoke about the rooster specifically, and his efforts to limit noise levels from the rooster by applying a "collar" to the animal. He expressed his request to keep the rooster on site as it protects the flock. Ed Little indicated that at his inspection he saw 17 chickens, and the property was not large enough to accommodate more than 1 (one) unit of chickens, i.e., 10 chickens. He also noted roosters were not allowed in Sharon per regulation. At that time he informed Mr. Liu that he would need a variance for the rooster. Liu informed the Board that he had sent notices to the abutters list provided by the Sharon Assessor's Office. He also gave the Board information on the rooster "collar", noted that an MSPCA inspector had seen the device, and provided photos of how it worked. Little countered the statement by saying that the MSPCA office had indicated that the roosters were not allowed in Sharon, and that it was a "town issue". Amy Yunes, the owner of an adjacent property informed the Board that Liu knew roosters were not allowed. She indicated that at some point she would like to sell her house and wanted to know how far the coop needed to be from the property line. Little registered his concerns about the applicant's failure to provide a plot plan of the property for the Board. Jeff Yunes spoke about his opinion on the matter of keeping animals. Zoller noted that the owner should not have chickens on the property until he had a permit. Little indicated he wouldn't offer a permit for more than 10 chickens, and would not provide one for a rooster. He indicated he would need a plot plan, and that the chickens needed to be enclosed within the property. Based on an order to correct Anderson had sent out earlier, the Board members agreed that the rooster needed to be removed by July 4th. Little and Welch also argued that the owner should have notified all the abutters (one was missing) and indicated that all abutters within 240 feet of the property should have been notified based on the animal regulations (Article 13). Liu was advised to remove the rooster.

Levine then asked the Board to turn to a discussion of regulatory issues and delay the discussion on lake water testing. The Board first discussed, briefly, issues related to Article 7, and asked Jim for his comments on the current status of the regulation and also on Article 14. The Board then agreed to address issues related to these articles at the next meeting. Andrews will write up a synopsis of recommended changes to these regulations and an outline of issues for the Board.

The Board then reviewed memoranda from Anderson regarding efforts of a subcommittee comprising Zoller, Schwab and Anderson which reviewed the existing regulations. The most recent memo made

specific recommendations on rescinding specific articles, and proposed future review of others. Zoller made a motion to rescind the articles recommended for such, including Articles 4, 11, 15, 17 and 21.

A discussion was held regarding Article 4: Collection, Transportation, and Disposal of Solid Waste, Including Garbage. Members of the subcommittee noted that this article described a contract with SEAMASS, and noted that the article was transferred from the Selectmen to the Board of Health when the latter was formed in May 1996. Welch asked for more information regarding the tipping fee described in the article, and the Chair asked Anderson to look into the matter further. Anderson indicated she had contacted Eric Hooper of DPW in this regard, and provided the Board with a copy of the letter with his response. The letter indicated that DPW had full responsibility for trash pickup, and that Hooper was unaware of any fund, outside of a revolving fund for recycling, related to the Board of Health. A recommendation to remove the text of the article was also made on p.57 of the codification document. Zoller moved to rescind Article 4 while reserving the number of the Article but not the title; Raynus seconded the motion. Four members of the Board approved while Welch opposed the motion. Anderson mentioned that the committee had recommended that Article 3: Regulations for Dumpsters and For the Removal and Transportation of Garbage, Rubbish, Offal and Other Offensive Substances be reviewed and that Article 4 text also be reviewed for incorporation into Article 3 where warranted.

The Board then turned to consideration of Article 11: Regulations for Pesticide, Chemical and Fertilizer Applicators. Zoller referred to the information distributed to the Board members and noted that as written, the regulation was preempted by State law and regulations from the Department of Agriculture. After discussion, Zoller moved to rescind Article 11, to reserve the article number, and to change the title by modifying the word “Applicator” to “Application”. The Board briefly discussed how this regulation could be revised to address matters within the Board’s sphere of authority. Raynus seconded the motion. Four members of the Board voted in favor; Welch opposed.

The Board reviewed information provided to them on Article 15: Rules and Regulations Regarding Underground Storage of Hazardous Materials and Regulated Substances. The regulation focuses on issues related to underground storage tanks (UST’s). The regulations are preempted by state law which previously place authority for UST’s with the Department of Fire Services, and which now rests with the Department of Environmental Protection. Zoller moved to rescind Article 15; Schwab seconded the motion; the Board voted unanimously to approve the motion.

The Board then considered Article 17: Lock-up Facilities. Anderson provided the Board with information related to State regulations for lock-ups which describe the authority of the Massachusetts Department of Public Health, and local public safety for such facilities. Zoller moved to rescind Article 17 while reserving the Article number, but not the title. Raynus seconded and the Board voted unanimously to approve.

The Board then considered Article 21: Rules and Regulations of Massage or Conduct of an Establishment for the Giving of Vapor, Pool, Shower or Other Baths. Anderson explained that the State has authority with respect to massage therapy and therapists; Boards of Health may make regulations related to

pools, baths, etc. Zoller moved to rescind the article; Schwab seconded; the Board voted unanimously to approve rescinding the article.

The Board agreed to review additional regulatory issues at the next meeting.

Jay Schwab then turned to the subject of fluoride and drinking water, and described new guidance from the CDC which recommends a fluoride level of 0.7 ppm. Sharon water is currently fluoridated to 1.0 ppm. Schwab mentioned the survey provided to the Board for review, and noted that it might be used to survey dental professionals in Sharon. He noted that he and Anderson would be attending a meeting on June 26th related to water fluoridation.

Levine then asked the Board to address the agenda item related to water testing in the lake. A schedule of lake tests was provided and approved, along with new criteria for additional testing of the lake beyond the once weekly sampling voted on at the May Board of Health meeting. The Board asked for more definition of terms such as “rain event” in the document. Anderson was asked to look into the testing done at the landfill, Sucker Brook, etc. Raynus brought up her concerns regarding the recent Board ruling that the beaches may stay open the day on which violating samples are reported, consistent with state regulations. She noted her concerns and those of Sharon residents with whom she had spoken regarding potential exposure of children to high bacterial levels in the Lake. She asked that the recent ruling allowing the beaches to stay open following an exceedance be amended to ensure immediate closure of the beach. Raynus also asked for further discussion on where tests are being carried out on the lake. Levine noted the need to be consistent as to place, depth etc., and Anderson also asked for further discussion on the matter. The Board discussed testing of Memorial Beach at the boat dock area—currently tested at the jetty/fence area. The Boat area is a collection point where material elsewhere in the lake is driven by wind patterns and current in the lake. The state has indicated that the area should not be counted as a swimming area. After some discussion, the Board identified a site at the left hand part of the beach swimming area, at the end of a parking lot, which would serve as a new additional testing point. The Board asked Anderson to contact the Conservation Commission regarding their concerns related to testing of the boating area. The Board members agreed that testing should include: 1) Memorial Beach swimming docks at right side of beach facing Lake; 2) on the left-hand side of the beach as identified; 3) boating area, and; 4) Community Center Beach. Raynus moved to designate new testing area at Memorial Beach; Schwab seconded the motion; the Board voted unanimously to approve.

Anderson also provided the Board with a “policy” found on the Health Department computer that described criteria for closing the swimming areas. The Board requested that she attempt to find the related minutes from 2006 where the policy discussion may have been recorded. Raynus moved to approve lake sampling schedule and criteria for additional testing provided. Zoller seconded; all approved. Raynus then asked the Board to consider immediate closure of beaches when a violating sample was reported; Welch seconded the motion; all approved.

Zoller asked that pool testing issues described in a memorandum from Anderson be discussed at next month's meeting.

Jay Schwab asked that Sheila Miller survey camps for nurses on staff. Anderson noted that identification of necessary medical professionals was required under state regulations. Schwab asked that Sheila send a memo in this regard.

Levine asked for consideration of future meetings. Dates identified included July 15th and September 9th. No August meeting was scheduled.

The Board agreed that packages of meeting materials should be left in the Health Department for pick up, and electronic materials should be discontinued.

The meeting ended at approximately 9:40 pm.