

## **Sharon Board of Health Meeting Minutes**

**August 24, 2016**

**Community Center Conference Room**

**7:00 pm**

*Present:* Jay Schwab, Chair; Ken Zoller, Vice-Chair; Ed Welch; Chuck Levine; Beverly Anderson, Jim Andrews. *Absent:* Luba Raynus

*Guests:* George Collins, Collins Engineering Group, Inc.; Patrick Carrara, PMP Associates.

The meeting began at 7:00 pm. The Board members reviewed draft minutes of the July 20, 2016 Board of Health meeting and approved the contents, with an addition of the word “unapproved” in the third paragraph, 4<sup>th</sup> sentence, after the word “new”. Levine moved to approve the minutes, Zoller seconded, all approved.

The Board proceeded to hear arguments for variances on a septic system design for a home at 20 Condor Road, Sharon. Collins Engineering Group indicated that the wetland on the property was only 450 Square feet, and technically “non-protectable”. The state definition for a wetland according to Collins is >10,000 square feet, while that under town regulations is 2,000 square feet. The specific variances requested included a local upgrade approval request, specifically, a variance in accordance with DEP Policy #BRP/DWM/PeP-P00-1, allowing a percolation rate to be established via grain size distribution analysis. Also requested were variances from the Board of Health regulation, Article 7, including: 1) A variance from the regulations requiring a minimum 5’ separation between high ground water elevation and the bottom of the leaching facility in a Water Resource Protection District, such that the required distance could be changed from 5’ to 4’; and, 2) A variance from regulations which require a minimum 125’ setback between a wetland and a septic system, such that a reduction to 18’ could be allowed. The applicant emphasized that the wetland is isolated and not protected under the Massachusetts Wetland protection Act or the Town of Sharon Wetland regulations. The Board considered the request for the three variances and the height of the system (mound height). Levine motioned to approve the variances; Zoller seconded; all voted in favor.

The Board then considered plans and variances requested for 38 Eagle Drive, Sharon. The variances requested included: 1) , a variance in accordance with DEP Policy #BRP/DWM/PeP-P00-1, allowing a percolation rate to be established via grain size distribution analysis; 2) a variance from the Board of Health regulations, Article 7, requiring a minimum separation between the high ground water elevation and the bottom of the leaching facility in a Water Protection District, with a variance allowing a reduction from the 5’ separation to 4’; and, 3) a variance from the required minimum setback of 125’ from a wetland to a soil absorption system (SAS) to 65”. The Board considered the arguments for the system. Levine motioned to approve all variances requested; Zoller seconded; all voted in favor.

The Board turned to variances requested for a septic system at 1180 General Edwards Highway, on Route 1 in Sharon. The applicant argued for installation of concrete diffusers in the system to withstand the impact of truck traffic at the site. He noted that man-made detention ponds in the rear of the property were there to gather surface water. Andrews expressed concerns that the business at the property might change in future years, and the needs of the wastewater system might need to be reconsidered. The variances requested for the site were: 1) a variance in accordance with DEP Policy #BRP/DWM/PeP-P00-1, allowing a percolation rate to be established via grain size distribution analysis; 2) a variance requiring a setback from a property line to a soil absorption system from 25' to 10'; and, 3) a variance from regulations requiring a minimum 5' separation between the high ground water elevation and the bottom of a leaching facility in a Water Protection District to 4'. Levine motioned to approve the variances requested; Zoller seconded; all voted in favor of the variances.

PMP Associates proceeded to request variances from Board of Health regulations, Article 7, for 2395 Bay Road, such that the minimum distance between the septic tank and the wetland could be reduced from 75 to 45 feet; that the distance between the soil absorption system to an on-site well could be reduced from 125 ft. to 102 ft.; that the distance between the soil absorption system to a waterbody could be reduced from 125 t. to 100 ft.; that the distance between a soil absorption system and a wetland could be reduced from 125 ft. to 41 ft. The applicant also asked that the distance between the sewer and a wetland be reduced from 75 ft. to 42 ft. Further, the applicant asked that Title 5 local upgrades be allowed variances to include the reduction of a 50 ft. setback from the soil absorption system to a BVW to 41 ft., and a single deep observation hole for repair of the existing failed septic system be allowed. The applicant noted in his letter to the Board that the Health Agent had allowed the single hole at the time of the site evaluation. The variances were requested due to site constraints associated with local wetlands and water bodies. Levine moved to approve the plan for the septic system at a home at 2395 Bay Road; Zoller seconded the motion and all approved.

A hearing was held regarding conditions at a building at 62 South Main Street, Sharon. Anderson reported that an inspection had been carried out at an apartment in the building on June 30, 2016, which revealed serious violations of 105 CMR 410.000. In addition, she and Jim Andrews had responded to a complaint regarding the septic system for the property, and found effluent on the public parking lot. Orders to correct were sent to the owner, Joshua Golden, who runs a medical clinic at the same building. An OTC was sent cited 310 CMR 15, Title V, and a second OTC sent related to 105 CMR 410.000, the housing code. The owner of the property had been notified of the hearing, and Anderson had attempted to investigate the home to confirm whether corrections to the apartment/building had been made, but was unable to contact the owner and the tenant. Andrews reported that a Title V inspection had been carried out on the septic system, confirming system failure. The Board asked Anderson to send a registered letter asking the owner for information as what company was pumping the septic system; to request access to the home to assess correction of the violations cited; and to request a planned schedule for complete replacement of the septic system. She was asked to cite

Article 11 regarding fines for both the septic system and the housing violations, and the possibility of court action if the owner failed to respond to the request for action.

The Board reviewed a proposed sign regarding animals on public beaches. After some discussion, the Board asked that the sign say: "No Animals Allowed on Beach at Any Time". The Board also asked that the phrase "Memorial Beach path may be used October 15<sup>th</sup>-April

th" should be included in smaller type below. The phrase regarding service animals should be removed from the sign.

Jay Schwab discussed current leash laws for dogs. The local bylaw specified that either a leash or voice or sign control may be used to control a dog. Anderson was asked to inquire of the Animal Control Office and the Animal Inspector whether the law could be changed to allow only leash control. Anderson noted that a public health argument might need to be made, based on statistics for bites, disease transmission, accidents, etc. The Board also asked that a web review be carried out on the subject.

The Board turned to appointment of a new Chairman, Ken Zoller. Zoller will serve through the November meeting.

Levine asked the Board to appoint him as a representative of the Board to the Masterplan Steering Committee. Schwab motioned to appoint Levine to the committee; Zoller seconded, all voted in favor.

Schwab moved to adjourn the meeting; Levine seconded; all voted in favor. The meeting ended at 9:20 pm.