

DRAFT MINUTES OF MEETING  
SHARON BOARD OF HEALTH  
June 5th 2013  
Community Center

The meeting of the Sharon Board of Health was called to order at 7:34 PM by Stan Rosen, Chair. In attendance were: Suzi Peck Vice Chair, Jay Schwab, and Chuck Levine.

Also in attendance were Bridget Sweet, Health Administrator, Jim Andrews Health Agent for Engineering, Mark Abernabal (resident), Ray Wattstein attorney representing Mahendra Patel and Marty Patel of South Boston Commercial LLC.

### **Minutes**

The minutes of the May 8<sup>th</sup> Meeting were reviewed, and there were three areas where errors were observed. The attendees were amended to state Steve Nelson and Irv Frankel of Shaw's Plaza; and the verbiage was amended to "made a motion" as opposed to voted in the second sentence of the minutes paragraph.

S. Rosen voted to approve the minutes as amended with Chuck Levine seconding. All voted in favor. (3-0) with Suzi Peck abstaining.

### **Correspondence**

The Neponset River Watershed Association had created a poster asking for the Board of Health's endorsement. These posters were created to combat the community's negative feelings toward the lake. S. Rosen feels that the concept is good. The poster however states that the lake is cleaner than a swimming pool, and B. Sweet is not comfortable with that statement given the stringent testing requirements for pool, as well as the lake. The BOH mandates that the lake be tested 2x a week as opposed to the state minimum of 1x a week.

S. Peck stated that an informational poster regarding how the lake is tested 2x a week, one of the posters states "Thank you for not peeing in the Lake" to be hung in the restrooms. S. Rosen would prefer a poster with multiple elements, stressing key points and that the rest room use could be a single key point.

S. Peck suggested that the Board investigate a new lab analysis that can differentiate between pathogens, whether they are animal in origin or human in origin. Discussion ensued regarding how often the lake is tested, and if the results should be placed on the website. C. Levine would like to see more than a number posted, some more information for the residents to view and understand.

S. Rosen requested that the Health Administrator craft an explanation for residents to view in addition to the posting of the results. At that time the Board will discuss and decide whether the information should be made available online.

### **Animal Complaint**

Mark Abarbanal of 4 Manning Way came before the Board. The agenda stated that the address was 45 Manning Way. The original complaint was received on March 5<sup>th</sup> and stated that the abutting neighbor with animals was dumping animal waste, straw materials and feces over the fence and onto his property. This was forwarded to the animal inspector at this time. April 2<sup>nd</sup> another complaint was received and forwarded to the animal inspector. On April 18<sup>th</sup> another complaint was received and forwarded to the animal inspector. On April 19<sup>th</sup> the Health Administrator went to 4 Manning Way to observe this complaint as a nuisance violation. The Health Administrator witnessed straw and multiple animal feces on the property of 4 Manning Way. The Animal Inspector had followed up with Mr. Katz regarding this issue (abutter and owner of animals). Mr. Katz had told the Animal Inspector that he had conversations with the complainant and that he was going to clean this up once the weather improved. The week of May 8<sup>th</sup> the animal inspector went on the property and a landscaper had been hired to remove all of the feces and straw and clean the area.

Mr. Abarbanal stated that the abutter has had animals at this location for 20 years. They were there when he moved in, he lived with the aroma. He always assumed that they were properly permitted. This past year the dumping began. In January he voiced his opinion to the abutter that the waste has been dumped over his fence. Mr. Katz stated that he was not aware of this occurring but that he would clean it up and ensure that it ceased. The care takers did not stop the dumping over the fence at this time and it continued through the winter. Since the beginning of May this has been cleaned up. Bobcats and a large dump truck were brought in to cart the materials away. 99% of the materials were cleaned up and planted a few bushes. At the present time Mr. Abarbanal is 99% satisfied.

Mr. Abarbanal is at the BOH to ensure that this is not done again, and that his neighbor is in violation of the Animal Regulation. The manure and shelter are within 5 feet from the property line, and that this is in violation. S. Peck questioned if this could be grandfathered in since the regulations were amended in 2009. J. Schwab inquired whether the position of the stables have moved over time. Mr. Abarbanal stated that is a possibility. The housing of the animals are closer to his home than the owners home, and he does not feel that this is fair. He would like to see the regulations are enforced.

S. Rosen inquired if Mr. Abarbanal has had conversation with the animal inspector and if the animal inspector was aware of this nature of the complaint as opposed to the original dumping complaint. Mr. Abarbanal stated that the animal inspector was only aware of the original complaint. S. Rosen feels that this should be sent back to the animal inspector through the process, and would like a report from the animal inspector. Discussion continued as to when this was originally permitted, and S. Rosen would like to have the animal inspector involved in this process.

Mr. Abarbanal stated dissatisfaction in this plan of action, and S. Rosen stated that he would follow up to ensure that this is handled correctly. All lots are one acre in this

development. The amount of the stable to Mr. Katz' house is at least triple the distance from the stable to Mr. Abarbanals home.

S. Rosen inquired as to whether Mr. Abarbanal had any conversation regarding the placement of the shed with Mr. Katz. S. Rosen stated that he would follow up with the Animal Inspector and that this would be revisited at the next Board Meeting.

#### **4 Commercial Street**

Jim Andrews stated that he had met with building, fire, conservation and the interested group South Boston Commercial LLC. He informed the group that this was in a Zone II watershed protection area, and an extremely large building and he wanted to know what the rest of the building was going to be used for. There was going to be a house of worship, and two resident apartments and that 150 people would be accommodated for in 1/3 of the building. J. Andrews stated that he wanted a plan for the remainder of the building.

The plan that was submitted demonstrated class rooms etc; this was received on Monday. This plan is not an acceptable plan to make a decision on. Nothing is labeled etc.

Jim Andrews has a 1998 breakdown of the septic system; he had information that the math does not equal 3600 gallons. Jim Andrews distributed a hand out of his break down, and he has a large question regarding the septic system.

This building was constructed in 1968, and has been used as a warehouse, office space and manufacturing etc. This building is 62,000 square feet. This building is owned by 4 Commercial Street. Ray Wattstein is legal counsel, and Mahendra and Marty Patel are of South Boston LLC, and are members of the Swaminayarian Sect. They are hoping to become the first Hindu Temple in Sharon. Services are held 1x a week on Saturdays and currently they are utilizing the Temple in Fall River. The average attendance is 150 a week. Atty Wattstein stated that design flow needed to be submitted, and he reached out to a civil engineer to assist in this process. What the civil engineer stated is that in his opinion the existing system is probably inadequate. Stated that if the design flow was less than 2,000 gpd then that would probably be adequate.

S. Rosen asked the basis for this generalization by the civil engineer; and this was based on that the capacity was 3600 gpd on a Title 5 that was created by the seller. Jim stated that he no longer has any public records related to this parcel of land.

The owner of the property has to hire an engineer capable of designing a system. At that time this is brought to the BOH for review. This is a backwards approach to what needs to be done, the BOH will not state maximum occupancy.

S. Peck reminded that every use has to be added up via gallons per day. The sanctuary, apartments, class rooms and kitchen will all have to be added up to calculate gallons per day. The onus is on South Boston LLC to decide what they want to do with the space; and at that time create a septic plan.

The closing has already been extended with the final extension being July 15<sup>th</sup>; and the Board is unable to say that his would be approved until the Board has documentation to back up the request.

S. Rosen stated that is not up to the Board of Health to find solutions; simply that a plan needs to come before the Board for approval. The Patel's wanted to come to the meeting tonight to ensure that they were aware of what is expected of them. Discussion ensued to ensure that the system was designed properly, and sized for the proper number of people. A hearing needs to be held due to the change in use of a facility because of the Zone II. 10 days notice must be provided to the abutters via certified mail. The return receipts must be provided at the meeting. This parcel is 8 acres of land. The hearing will be held on June 26<sup>th</sup> at a time to be determined.

S. Peck excused herself from the meeting at 8:34

### **Health Administrator Update**

All pools have been permitted to date, excluding one. That inspection is scheduled next week.

Question regarding mobile food permitting for one day and the cost associated with this. Mobile Food Trucks are very common now; and B. Sweet is concerned regarding issuing one day mobile food permits and having the vendors re-use it. S. Rosen does not want to set a precedence. J. Schwab asked the question of ice cream trucks and how they were permitted. B. Sweet stated that the trucks are all permitted via municipality. Concerns that a one day permit would be reused.

S. Rosen stated that until there has been more time to research this, no one day permits are issued. All in favor to not issue one day mobile permits, (3-0)

Update in food permitting, this process is being streamlined into one application. S. Rosen inquired on the milk/cream and frozen desserts and cost and time frame. B. Sweet informed that the BOH was permitting prepackaged pre-made ice creams as a frozen desert, and these do not need to be permitted. The fees will remain the same, but this way only one mailing will be distributed and one license will be distributed.

Farmers Market has 27 vendors and of them 17 are licensed. Some vendors are exempted due to agricultural guidelines and others are craft vendors. This starts this Saturday.

Christian's Law was reviewed, it was enacted in July and the BOH only learned about this in April. The BOH has distributed the FAQ's regarding this mandate and how it covers bathing beaches. The regulation has not been fully defined at this time, so the Health Department is working on sharing all information as soon as it becomes available. We have encouraged the camps to reach out to their registrants and inform them that they can provide Coast Guard approved life jacket.

S. Rosen inquired about the Recreation Department that no flotation devices are allowed on the waterfront. The Recreation Department is going to prohibit floatation devices, but will allow Coast Guard Approved Devices.

S. Rosen inquired whether there was a policy at the Recreation Department, and Bridget Sweet was not aware at this time.

Motion to adjourn at 8:50 PM

Respectfully Submitted,

Bridget Sweet