Sharon Board of Health
Sharon Community Center
September 17, 2014

Chuck Levine, Chair; Jay Schwab, Vice Chair; Ken Zoller; Stan Rosen and Luba Raynus were the members present. Jim Andrews, Health Agent for Engineering was also present.

7:00pm Members of the board introduced themselves.

7:05pm 315 Mountain Street, Variance Request, Chuck Fazio
The applicant gave a brief history: There was an old garage which was razed. He is putting in a new garage with a partial second story. He would like to put in a recording studio with a bathroom. The main house is approximately 65 feet from the proposed garage. Joe Kent, the building inspector, has approved the building permit. Construction has not yet been completed. Bathroom would include toilet and sink only. This would tie into the existing septic system. Alan Waterson, the homeowner's contractor, explained that he recently installed a 2,000 gallon septic tank. He installed 7 flow diffusers with a leaching area of 900 square feet. According to Andrews, the system can accommodate the bathroom in the garage.

Rosen requested that a deed restriction be put in noting that the area can never be used for bedroom space and that the deed restriction would need to be filed with the Registry of Deeds.

Motion: To allow accessory use of an existing septic system to be used as a recording studio. If the property is transferred, there shall be a deed restriction in place noting that no bedrooms shall be located in the garage, only in the main home. The Board will need to see a building and floor plan, and if acceptable, this motion will carry forward.
Rosen seconded the motion Andrews made on behalf of the chair, Levine. 5-0-0.

Approval of meeting minutes dated August 20, 2014
Rosen noted that perhaps Schwab was opining when he made statement regarding age and residency with respect to prior health administrator search.
There should be an "e" on the end of rationale.

Cumberland Farms – It should say that restrooms will be available to the public.

Rosen noted that perhaps Andrews was opining when he said he would like to stay local. (he would like for the candidate to be local).

Fix the spelling of "Schwab" at the bottom of the first page.

Eliminate what Schwab would like to narrow down…. Eliminate this line

Motion: vote to approve meeting minutes as amended.
Rosen, Schwab 4-0-1.

COMMUNICATIONS

1) Members should have received the flu clinic schedule.
2) Miller has signed Board members up for the MAHB conference. All members will be going except for Schwab.
3) There will be a Seminar on October 29 on severe hoarding for those members who are interested in attending. Contact Miller if interested.

7:35pm 236 Edgehill Road – Request for upgrade approval and Article 7 Variance
Greg Bunavicz of Borderland Engineering, representative of applicant. Applicant is before the Board. They would like to upgrade their current septic system to meet the standards of Title V and Article 7. They are asking for a variance of the tank size; local upgrade of Title V and BOH Variance, Article 7.

To comply with code, the existing home will have a 1,500 gallon tank. There is a one (1) bedroom cottage located down the hill. In order to comply with the regulations, the homeowners are proposing to add another 1,500 gallon tank (Combo - tank and pump chamber) at the cottage. The first compartment of the tank will act as a 1,000 gallon septic tank. The second compartment would serve as a 500 gallon pump chamber. The cottage is considered a one bedroom home and is currently rented. The main house has three (3) bedrooms. Andrews does not believe there are occupancy permits for either structure as they are quite old.

Andrews was asked his opinion on the rationale for the smaller tank; was there not enough room for a larger tank or is the smaller tank because the cottage has only one bedroom? Andrews answered that the system could have been designed for a 2,000 gallon tank, but he believed that was not necessary. This case is unprecedented (combo tank) and has not been done in Sharon, however, this type of system has been used elsewhere. As is often the case, money was an issue and Andrews tries to work with applicants. The system is an approved Title V system and is in compliance. There was concern from board members that this variance request will set a precedent. According to Andrews, when you look at the plan and the location of the current cesspool and the stream (which runs year round) the approval of this variance request should not be precedent setting.

It should be noted that the main house was never a four (4) bedroom home.

Motion: Approve plan as submitted on September 17, 2014 and drawn by Borderland Engineering for the property located at 236 Edgehill Road, with a Deed restriction that the main house not exceed 3 bedrooms and that the cottage will not exceed 1 bedroom. Prior to the above motion being seconded a discussion ensued about the number of bedrooms allowed in the main house and on the property.

Discussion: Applicants had questions regarding the deed restriction and how the restriction would affect their property and its future value. Schwab informed the

applicants that perhaps they should think about this before the board takes a vote. He explained that the board will not vote on the variance without a deed restriction. If the applicants do not want to be locked in, perhaps they should give some thought to it first. The deed restriction imposed by the board is a common deed restriction.

Vote: The board voted so that if the applicant chooses to move forward, they will be able to do so.

Rosen made the Motion to approve the variance request based on the August 22, 2014 letter received from Borderland Engineering and the drawing dated September 27, 2013 with a deed restriction, which states existing three (3)bedroom dwelling shall not exceed three (3) bedroom dwelling and one (1) bedroom cottage shall not exceed 1 bedroom, and specifically, those bedroom amounts are unique to each building and can't be added to each other. Rosen, Schwab 5-0-0.

7:55pm Old Post Road 40B Proposal, Variance Request
Eric Dias, PE representing Sharon Residences LLC, the applicant.

There is an existing comprehensive permit allowing for construction of 66 garden style units. Property has been sold and the new developer has proposed a revision to the project which consists of 36 detached single family homes. The prior proposed development was age restricted, this one is not.

Dias explained to the board the project will handle the same capacity flow as the previous proposed project and a Presby Enviro-Septic Wastewater Treatment System will be used. The Presby system will be located under the roadway all contained within the right-of-way. (this type of system allows for a reduction in the field required).

The applicant is asking for two variances – the local variance from Title V which requires the setback to subsurface drain (a 10 foot requirement) and for which the applicant is just shy of meeting the requirements, and the water service line.

Rosen asked the applicant with respect to 7.02E specifically, what exactly they were asking for, was it the setback from property lines as our rules say no treatment shall be constructed within 100 feet of a property boundary or 100 feet of from any structure. Rosen inquired as to what the actual distance would be?

The applicant explained to the board that there would be zero distance. They are individual lots with systems underneath the roadway and they will go right up to the right-of-way line.

According to Andrews, this is a tight site and this plan is the best they could possibly due. However, in Andrews opinion, this a 40B project and we are stuck with that. Andrews further stated that technically the applicant needs to meet Title V and our regulations. There big issue with everyone concerned is incorporating the drainage within the same space as septic system and storm water infiltration.

The board is looking at plans dated September 11, 2014.

Rosen is not exactly clear as to what is being eliminated. The requirement under Article 7 states system should be 25 feet away from street or sidewalk. According to the plan, that would be zero. All work will be taking place on a proposed private street and applicant would also be looking for setback variances from street lines and water main lines.

Rosen asked about applicant's appearance before the ZBA. Dias explained that at that time they introduced the project. They have also been before the Conservation Commission under the States Wetland Protection Bylaw and the Planning board as a courtesy. They will be meeting again with the ZBA the end of October.

In Rosen's perspective, this is a complex plan which requests lots of variances. The board may consider hiring an expert (at applicants expense) to review the project and provide guidance to the board.

Dias explained they were before the Conservation Commission and that he believed it was their intention to make a recommendation to the ZBA for a peer review. Dias is in favor and would ask that the peer review comes from one review source and works together with all boards and committees involved.

Schwartz asked questions about the previous project as compared to this one. The previous proposed project was age restricted, and geared towards the elderly. This current proposed project may lend itself to a number of children coming in to town.

According to Dias, he would disagree. They believe this project would be more for empty nesters. They are not proposing a playground and there is no yard space. Although there most likely will be children in the development, he does not believe that each home will have families with children.

The Developer would like to proceed with the project. They will be appearing before the ZBA on October 22nd. If board chose to make a recommendation that gives them plenty of time to do so.

Under a 40B, 25 percent of the units are required to be affordable. There will be 9 units which will be affordable.

There will be a Homeowners Association for upkeep and maintenance which will include roadway, lawn and septic. There should probably be a fund in place. Would recommend to the ZBA and encourage them to seek a peer review on the project which would be able to take into account all town boards concerns with the project.

Rosen: motion:

Abutters: John Lee, 509 Old Post Road. Mr. Lee explained that this is a five acre parcel and the developer is proposing 36 units on five acres. The land is undeveloped. The Developer has chosen to build a high density project and is asking for relief, but is not explaining why. In Mr. Lee's opinion, the relief is because the proposed project is overbuilt. He has no problem with development if the septic fell within the requirements and bylaws of the town.

Lee further explained that the age restriction still goes with the other property and it has not been lifted. The new developer is proposing for the age restriction to be lifted. Of further concern is the siting of the septic – under the roadway. He believes putting the septic system under a roadway is not ideal and believes that they tend not to work well. Lee also expressed concern regarding the number of children this development will bring in and is concerned about safety, especially since there will be no recreational areas.

There was a brief discussion on capacity and maximum capacity of the septic system and regulations governing a 40B project vs a traditional project. For 40B's the project must comply with the States Title V regulations, not the Town's Article 7. The variances being requested are from Title V.

With respect to the age restriction, if the current developer where to build the original 66 units, then the project would be age restricted. If the ZBA approves, or there is State approval, then the age limit can be lifted. The developer is prepared to move forward with 66 units, however they believe that there project is more in line for Sharon. The distance between the buildings will be ten feet, which complies with State Law.

Another abutter spoke. Although he currently lives in Walpole near the proposed project, he grew up in Sharon. He requested that the board grant no waivers. He is concerned with the design of the basements of the home (height is at 8feet) and that additional bedrooms could be added at a later date. He also asked what the developer was going to do for the schools.

Developer is requesting 36 units. If a homeowner wished to finish a basement after purchase, then it would be subjected to the building inspector and regulations, as well as the homeowners association. Additionally, it is not believed that this board or any other is empowered to make a decision based on "what ifs".

The price of the homes is projected to be in the $400,000 range. Profit margin of 20%, though traditionally 12 to 15%.

Will need to wait until full board of ZBA meets to request a peer review.

Andrews had no comments although he is concerned about the density of the project. Will need to wait and see what comes out of the peer review.

Board would like more input before they vote.

Levine requested drawings which show the scale of the project in relation to the abutting properties. Rosen would recommend that abutters be notified and reached out to for input on the project.

This hearing will be continued after developer meets with the ZBA on October 22, 2014. The BOH will send a letter to the ZBA requesting a peer review.

8:15pm Staff hours/scheduling

Levine wished to discuss plan through transition. Callan will remain at 20 hours through transition. Her responsibilities will include running the flu clinics, Region 4a, administration support for Sheila and file and data cleanup through the end of the year. Rosen was not comfortable with locking into this plan without input from new health administrator. He does not think should the board should be defining the job until a new health administrator is hired.

Schwab, mentioned that a new person most likely will not be hired before November 1st. Also, when that person is hired they will need guidance and direction. This may not take 8 weeks however. Rosen is confused why the board would be doing this. Callan is a 20 hour per week employee in the role of administrative assistance with an existing job description. He does not believe that this is the correct time to discuss as they are about to hire an administrator. Believe that the board should work with the new administrator to develop the job description.

Raynus mentioned that if the concern is to have the position until the end of the year, that this cannot be addressed until a new person is in place. Matter was tabled.

8:35 pm Health Administrator Update

Levine discussed the process up to this point. Out of 125 candidates, 10 were selected for to be interviewed. Rosen and Levine will handle the initial interviews and pass their recommendations onto the full board. Candidates will be notified of their selection before the end of the weekend.

Meeting adjourned at