

Sharon Board of Health Meeting

September 9, 2015

7:00 pm

Meeting Room 26, Community Center

Meeting Minutes

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

Also attending: Stan Rosen, Linda Rosen, David Oberlander, Daniel Happnie

The meeting began at 7:00 pm.

The Board reviewed the minutes of the July 15, 2015 meeting. A correction was made to the recorded regulatory changes: #6 on page 2 of the minutes; 7.05D, the change in the percolation rate should read “6.0 minutes”. Zoller motioned to approve the minutes, Schwab seconded, all voted in favor.

Since the scheduled hearing would not occur immediately, Levine asked that the Board discuss the proposed change in fluoride levels in drinking water based on new guidelines from the Department of Health and Human Services, and the Massachusetts Office of Oral Health. The new guidelines suggest a single fluoride level of 0.7 ppm in drinking water, rather than the previous range of 0.7-1.2 ppm. Current levels of fluoride in Sharon public drinking water are maintained at 1.0 ppm. Anderson reviewed the results of a survey of dental professionals on the subject of decreasing fluoride levels in town water. She also conveyed information from the Water Division of the Department of Public Works regarding the difficulty of maintaining a continuous specific level of fluoride in the water supply. Jay Schwab was asked to speak as a dental professional regarding the importance of fluoride in drinking water. Schwab then moved to change the levels of fluoride in Sharon drinking water from the original range of 0.7-1.2 ppm to the 0.7 ppm level recommended by HHS and the Office of Oral Health. Raynus seconded the motion; all members of the Board voted in favor of the motion.

The Board then heard a proposal from David Oberlander from BDO Engineering for a new septic system at 9 Marie Avenue, Sharon. The owners of the property submitted proof of abutter notification at the time of the hearing. A sieve analysis of the soil in the area proposed for the new system was also provided to the Board. The septic system will replace two existing cesspools. Oberlander noted that the firm could not do a perc test due to the lack of room on site to do one safely. He noted that the soil is classified as “Class 2” under DEP regulations, or as “sandy loam”, but is very close to the Class 1 limits. Based on the soil analysis, the proposed system would need twice as much leaching area as a Class 1 soil type. As a result the system designed for 9 Marie Avenue needs a 25% reduction in the leaching field and requires a variance from the Board of Health. He also requested a variance related to the setback from the house foundation, and mentioned the use of an impermeable liner for the system to better isolate the system. Oberlander also noted that the design includes the provision of 305 yards of “Title V sand” that would be placed in the system area to replace fill material unsuitable for the system. The plan submitted shows the

25% reduction in leaching field size. Based on the 3 bedroom home present on the lot, which typically would have a flow of 330 gpd, the plan allowed for 75% of the total space usually required for the soil absorption system or 249 gpd. Oberlander noted that the system includes 6 flow diffusers for the three bedroom home, in contrast to the 3 flow diffusers typically included in designs for such a residence. Levine solicited the opinion of the Board. After some discussion, it was agreed that the decision on the proposed design needed to document the site specific size constraint on a new system due to the topography, findings from the sieve analysis, and the need for a deed restriction on the property. It was noted that the system was necessary to replace the cesspool. Raynus motioned to grant the variances requested by David Oberlander for 9 Marie Avenue based on the site specific constraints, site topography, findings of the sieve analysis, the need to replace the existing cesspool to comply with Title V, and that a deed restriction would be put in place limiting further development of the property to a 3 bedroom home. Schwab seconded the motion; 4 members of the Board approved while Ed Welch opposed the motion.

Daniel Happnie from Sharon spoke briefly regarding his concerns about fluoride in the town drinking water. Levine invited him to speak on issue. After some discussion, Happnie was informed that the Board of Health would review the information he provided and would look over the questions submitted.

The Board then turned to the proposed changes to its regulations. Levine noted that some of the regulations also had a corresponding by-law on which the Board of Health could not vote.

The Board reviewed the following regulations, made revisions and voted as follows:

Article 2: Zoller moved to accept minor revisions to make this and related articles consistent in format. Raynus seconded, all voted in favor.

Article 4: Zoller moved to rescind the article text based on prior Board discussions and to reserve the article number. Raynus seconded, all voted in favor of the change.

Article 5: Raynus moved to reformat the title to be consistent with the format of other articles citing state regulations, and to change section 300-5.1 to read "Regulatory" instead of "Statutory". Zoller seconded, all voted in favor.

Article 6: The Board discussed elimination of the term "cesspool" in the title, and changing the word "statutory" to "regulatory" in 300-6.1. Schwab moved to approve the changes; Raynus seconded, all voted in favor.

Article 7: The Board reviewed proposed changes to the regulations and discussed with Jim Andrews. 300-7.5(F)(1) was discussed. Andrews noted that the correct number for both the regulation and the July 15, 2015 minutes should be "6.0 minutes per inch". Under section 300-7.10 (A) (4), Raynus recommended based on her legal evaluation of the section, that the section "... which cost \$5,000 or more..." should be deleted from the section. Raynus moved to have the revision made to the article; Zoller seconded, all approved. Schwab moved to approve all other changes to Article 7 discussed at the July 15, 2015 meeting and recorded in the meeting minutes approved; Raynus seconded, all voted in favor.

Article 8. The Board discussed changing the word "statutory" in section 300-8.1 to "regulatory" and accepting minor changes to the format of the regulatory citation and text. The Board also discussed accepting the deletion of section 300-8.2 as discussed at the July 15, 2015 meeting. The Board also

discussed similar formatting changes to Articles 9 and 10. Schwab moved to accept the revisions to Articles 8, 9 and 10; Zoller seconded, all voted in favor.

Article 11. Raynus moved to delete the article based on preemption, to reserve the article and title, and to change the last word in the title to “application”. Schwab seconded, all voted in favor.

Article 14. Schwab moved to rescind Article 14, and to reserve the article number. Zoller seconded, all voted in favor.

Article 15. Zoller voted to rescind the entire article and reserve the article number; Schwab seconded, all approved.

Article 16. The Board discussed updating the revision date reference, and eliminating section 300-16.4 as discussed in the July 15, 2015 meeting. The lack of relevance of that section in the regulation was discussed. The rest of the article will remain as written. Zoller moved to delete section 300-16.4; Schwab seconded; all voted in favor.

Article 17. Schwab moved to rescind the article but to maintain the number, based on preemption issues; Welch seconded; all voted in favor.

Article 18: Earth Relocation Regulation. The Board discussed proposed changes to section A, including replacement of the word “storage” with “resources”, and section B with replacement of the word “bylaw” with “article”. Schwab moved to accept the changes; Welch seconded, all approved.

Article 19: Welch moved to accept the revisions to the article to include deletion of the reference to generators; to change the word “statutory” to “regulatory” in section 300-19.1; and to reformat the text below to be consistent with other regulations. Zoller seconded, all voted in favor.

Article 20: Tanning Regulations for Tanning Establishments. Welch moved to rescind the text of the regulation based on newer state regulations on tanning facilities (105 CMR 123.000); and to reserve the number and title. Proposed additions to the regulation may be discussed at meetings in the future. Zoller seconded, all voted in favor.

Article 21: Welch moved to rescind the article based on prior discussion on preemption issues, and to reserve the number; Schwab seconded; all voted in favor.

Article 23: Regulation Regarding Floor Drains. Anderson discussed her review of other municipal regulations similar to Sharon’s. She suggested Board consider revising the regulation as follows: Section 300-23.2, eliminate the phrase “within the Zone II areas of protection around the water resources of the town and all sites” leaving the rest of the sentence intact. She also suggested that under 300-23.5(D) that the phrase, “which may be obtained by calling 617 292 5770” be deleted and the comma following the word “Department” in the same sentence be deleted. Also, section 300-23.6 (A) (1) might be changed by the addition of the phrase “or within 30 days of discovery of a non-compliant floor drain” after the words “120 days of the effective date”. Schwab moved to adopt the changes to the regulation; Welch seconded; all voted in favor.

Regarding Article 25, Anderson informed the Board that State Board of Cosmetology holds authority for nail salons, but public health agencies have recognized the limitations of the current state regulations with

regard to environmental health issues. The Boston Public Health Commission passed regulations in 2015 related to indoor air quality, chemical exposures and other health factors in nail salons. Anderson will be attending a meeting on nail salon health issues later this month. The Board made no changes to this Article based on the ongoing issues related to these establishments.

Article 26. Zoller moved that the name of the Article be changed to “Animal Waste Regulation”. Welch seconded, all voted in favor.

Levine then asked the Board to consider a proposal for changing the age limit for receiving an influenza vaccination from 5 years of age to 2 years old. Schwab moved to lower the age from 5 to 2 years of age; Welch seconded, and all voted in favor of the change.

Schwab voiced his concern about lead paint in daycares, particular home-based daycares. Anderson agreed to update the Board on lead paint issues at the next meeting.

Levine asked the Board to consider dates for the next meeting. The following dates were agreed upon: October 7, November 4, and December 2 of 2015.

Schwab moved to adjourn the meeting; Welch seconded; all approved.

The meeting ended at 9:40 pm.