

## **Sharon Board of Health Meeting**

**July 15, 2015**

**Community Center, Sharon**

**Room 26**

**7:00 pm**

The Board meeting started at 7:00 pm.

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

*Attending:* Allen Hui, 27 Horizons Road, Sharon; Alice Hui, 27 Horizons Road, Sharon; Kristine Meaney, Site Design Professionals; Tong Xu, 1 Atlas Road, Sharon.

The minutes from the June 2015 meeting were reviewed. Raynus moved to accept the minutes; Zoller seconded; all approved.

The first agenda item, a hearing regarding 46 South Main Street and a proposed variance for a septic system plan, was heard. Kristine Meaney explained the design of the proposed system, which involved a variance related to an increase in design flow and setback requirements. After discussing the proposed plan, Jim Andrews suggested that an alternative system, such as the FAST system, might be considered. He indicated that such a system would be feasible with a three foot depth to groundwater, and would allow a reduction in the total leaching field area. Such a change would allow the owners to eliminate a proposed retaining wall shown in the original design. The applicant agreed to submit a revised plan. Zoller moved to have the hearing continued; Raynus seconded, all approved.

A second hearing regarding a septic tank at 1 Atlas Road in Sharon was held. Mr. Tong Xu, owner of 1 Atlas Road, gave arguments against an Article 7 requirement that septic tanks older than 25 years be either inspected for tank integrity or be replaced. A Title V inspection carried out at the property recently gave a conditional pass to the system, with the 1,000 gal tank noted in violation of Article 7. Mr. Xu provided articles that he believed challenged the issue related to Article 7, i.e., that a tank more than 25 years old would have compromised integrity. After some discussion, Andrews and Zoller noted that the only way to certify the tank at 1 Atlas Road would be to have it inspected. Xu indicated he would be interested in working with the Board to reassess Article 7, and Levine invited him to participate in a review of the Article in the future. The hearing request for a variance from Article 7 was not accepted.

Levine asked for a discussion of proposed changes to Article 7 related to septic systems, which Jim Andrews and Ken Zoller proposed. After discussion, the Board voted on different elements of the article as follows:

- 1) P. 7 (a) voted to strike the note related to a 1:50 scale as shown. Zoller motioned, Raynus seconded, all voted in favor.
- 2) P.7 – 7.04(1)(l) regarding the inclusion of Form 11. Andrews asked that the Board strike the current text replacing it the following: “DEP Form 11: Site Suitability should be completed for each plan. Section “M” on the next page (8) should also be struck and replaced with the phrase “DEP Form 11 must be completed and submitted. Levine motioned; Schwab seconded; all approved.
- 3) P. 7 – 7.04(1)(a)-Andrews asked that the Board approve a change from “3 copies” to “6 copies”. Zoller motioned; Raynus seconded; 4 approved, Welch did not vote.
- 4) P. 8 – 7.04(3)-Add the phrase “ ...Board, *before a certificate of compliance is issued*”. Zoller motioned, Raynus seconded, all voted in favor.
- 5) P.8-7.05 (3), add sentence to end: “Use of a swale to prevent water from entering abutting property is suggested”. Zoller motioned, Raynus seconded, all voted in favor.
- 6) P.9 – 7.05(d)-Change percolation rate to “...greater than ~~6.00~~ minutes”.
- 7) P.10 – 7.10 (1)-Change last line to “...within 30 days of the date of the emergency repair”. Zoller motioned to change the requirement for repair from 90 days to 30 days. Raynus seconded, all approved.
- 8) P.10-7.10 (3) Change to “...within 30 days of the issuance...” etc.
- 9) P.7.10 (4)-Luba Raynus will review with respect to MGL c.30B. Town Counsel will also need to review after Raynus reviews.
- 10) P.11 – 7.11(1) -- Board did not make a decision on recommended changes.
- 11) P. 11 – 7.13 (1) (b) – Change sentence to say “...at a minimum frequency of one per every lot.” Zoller motioned to approve; Raynus seconded; the Board voted unanimously to approve.
- 12) P.13 – 7.15 (4) and (5) – this section needs to be reviewed further.
- 13) P.14 – Section 7.17, introduction, (1) and (2): strike the word “cesspool” in text 4 places. Zoller motioned; Raynus seconded, all approved.
- 14) P.14-7.17 (3) –Eliminate first sentence up to the word “and”. Write in next sentence to say “The owner, occupant, or agent of premises shall submit a copy of the pumper’s signed receipt to the Board of Health as compliance.” Zoller motioned; Raynus seconded; all approved.
- 15) P.14 – 7.17 (4) strike entire section. Zoller motioned, Raynus seconded, all approved of striking section.
- 16) P.15 – 7.18(2), (a) –Strike word “Soil” from the heading on the second column heading. Zoller motioned; all approved.
- 17) P. 15–7.19 – Strike entire section including elements on p. 15, 16, and 17 to but not including subsection (2) Sharon Systems Installer License. Note: Section 2 should be renumbered as Section 1 has been eliminated. Zoller motioned to strike the section as noted; Welch seconded; Board voted unanimously to approve.
- 18) P.17 – 7.21, revise text as follows: “No garbage grinder shall...installed in a new or existing building.” Strike words “...unless the system has been designed for its installation”. Zoller motioned to approve the change; Schwab seconded, all approved.

The Board noted that Article 7.10 (4) should be checked and revisions proposed as necessary, and that Article 7.11 on p. 11 should also be reviewed to further define "addition".

Levine turned to the next agenda item regarding beach testing areas. Anderson noted that there has been confusion as to which specific sites on the beach should be tested. She noted that she learned during the previous week that testing has not actually been done in or near the "boat docks" or "jetty" areas, but actually within the swimming limits of Memorial Beach. She noted that the testing site was however at the end of the beach, and not in a major swimming area. She asked that given the recent vote of the Board to have testing done at the end of the parking lot, that the site be maintained as the consistent testing site along with the swimming docks area. Raynus moved to drop the 3<sup>rd</sup> "boat dock area"/"jetty/test; Welch seconded, all approved.

Anderson then asked the Board to consider rescinding any prior Board decision that may have been voted upon in the past related to weekly swimming pool testing. Anderson provided the Board members with information related to the tests done on the pools, and the systems and requirements for pools to maintain water safety. She noted that the tests done this season showed all pools that have carried out testing to have tested at <1 colony forming unit (cfu) consistently. She indicated that the requirement could be put in place again by staff or by the Board should a pool not meet regulatory requirements, or if an infectious disease outbreak were linked to the pool. Raynus moved to eliminate the requirement for pools; Zoller seconded, all approved.

Jay Schwab briefly described a proposed survey of local dental professionals related to the proposed decrease in fluoride levels in local drinking water. Schwab noted that the survey results would likely be available by the September 9<sup>th</sup> meeting.

Anderson then spoke to the Board on progress the subcommittee had made related to the Board's regulations. She noted that at the last meeting the Board had voted to rescind several regulations which were preempted by state law. She went on to say that the articles that she, Zoller and Schwab had discussed might be revised, or rescinded, but for reasons other than preemption. She gave the Board members a copy of DEP guidance related to local regulations on air pollution, which described measures the Board may have to take to ensure public notification and review prior to passing a given regulation. While the specific steps in the document given might not be necessary depending on the specific regulation involved, the general process would be similar. Unlike the regulations rescinded at the last meeting, which were rescinded based on state authority for them, revisions to existing regulations or new articles would require public notification, a hearing, and filing with the appropriate state agency. For that reason, it was suggested that the Board review the subcommittee's suggested changes to the articles, and vote formally at the next Board meeting, after proposed changes could be published and public notification completed. Zoller suggested that the changes involving only minor modifications to wording that would not change the intent of regulation be voted upon, while more complex changes would be held for consideration. Should the vote be questioned, the Board could easily publish the proposed changes and vote in September given the simplicity of the changes. The following articles

involving minor text revisions were discussed and will be voted on at the next meeting: Articles 2, 5, 6, 9, 10 and 19.

Anderson went on to discuss some articles that might involve new text, revisions or repeal, and so need Board review and public notification. The articles included the following:

- 1) Article 4 had been rescinded at the last Board meeting, and the Board agreed to consider replacing the article with a local nuisance regulation. Anderson provided proposed text based on other similar regulations for consideration and revision. Raynus asked to see other similar local regulations, which Anderson agreed to provide. The Board will consider new text at the September meeting.
- 2) Article 14, which describes regulations related to the provision of plot plans was discussed.
- 3) Anderson indicated that the subcommittee recommended rescinding Article 20: Tanning Facilities, as it pre-dates 105 CMR 123.000: Tanning Facilities, a Department of Public Health regulation that designates local Boards of Health as the enforcement authority. She also noted that the subcommittee had discussed retention of the title and article number, inclusion of a reference to the state regulation, and the addition of age limits for use of a tanning facility. Levine had also suggested that the text include language for individual tanning units available to the general public, to ensure regulation of individual units that may be at gyms or other venues, rather than at specific tanning “facilities” as defined. Anderson indicated that other text related to communications/messages, recordkeeping, facility usage, etc. might be considered as well. She told the Board that the proposed text would be written up for the next meeting.

Welch motioned to adjourn the meeting; Raynus seconded, all approved.