

MINUTES OF THE MEETING OF THE BOARD OF HEALTH

Date of meeting: 8/18/2021

Transcribed by Kayla Bettencourt

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

MEMBERS PRESENT: Amy Wiegandt, M.D., Chairman
Catherine Phinney, R.N., Member
Kathleen Waldron, Associate Member
Lawrence Perry, Associate Member

Also present: Patrick MacDonald, Director
Kayla Bettencourt, Department Assistant
Will Connely, Zenith Construction Engineers
Brian Wallace, JC Engineering
Brian Grady, GAF Engineering
David Girolamo
Danielle Tester, Cumberland Farms

Absent

3. ANNOUNCEMENTS

Dr. Wiegandt announced that Mr. Perry was voted in as a member by the Board of Selectman. She also mentioned that the Board of Health will potentially be seeking another Associate Member.

Mr. MacDonald announced that Little Harbor beach is still closed and will continue to be closed along with three other semipublic beaches. The Geomine average is too high and in order to re-open, the water samples need to have lower counts.

Dr. Wiegandt asked if there is anything to do to make it better.

Mr. MacDonald replied no, the heavy rain makes it worse.

Mr. Perry stated that properties on the pond should upgrade their septic system.

4. Variances

31 Cleveland Ave – JC Engineering- Brian Wallace

Mr. Wallace proposed three different variance approvals for new system. A 4.3ft waiver from the leaching to the prop line, a 6.7ft waiver to crawl space, and a 9ft waiver from the pump chamber to the seasonal high ground. He included that it is a Micro fast system and the design includes the use of a secondary treatment unit.

Mr. MacDonald stated that this is standard for a smaller lot.

Mr. Perry asked if it is for remedial use. And stated that in the profile it mentions provisional use.

Mr. Wallace stated that it was a typo on the plan.

Mr. Perry suggested picking it up another foot and making the wall higher.

Mr. Wallace stated that he didn't want the wall to exceed 4 feet and that the project was approved by conservation.

Mr. Perry stated that it would only be 56ft away from marsh.

Ms. Phinney asked if it is a corner lot.

Mr. Wallace replied that it is an unconstructed way.

Dr. Wiegandt asked if they would have to raise the system and put a wall around it by making it 4ft instead of 2ft.

Mr. Perry replied that an engineer has to design the wall but Title V requires that it is structurally sound.

Mr. Wallace stated that it would increase the cost for the system and it would take up more space.

Ms. Phinney stated that the proposed system is definitely better than what is there already.

Mr. MacDonald stated that it is pretty close to ground water as is.

Ms. Waldron stated that it looked like it was allowable.

Mr. MacDonald stated that it would be a vast improvement from the cesspool.

Mr. Perry suggested a 3ft wall for a little more protection and asked if there was any wiggle room.

Mr. Wallace replied that he could look into raising it. Considering it being in the flood zone and making sure conservation approves.

Dr. Wiegandt stated that she suspected that they would be ok with it if it will make the water quality better.

Mr. Perry stated that his recommendation would be to raise the wall 6 inches to a foot.

Mr. Wallace stated that he would look into seeing how much it can be increased.

Motion: Motion made by Mr. Perry to allow requested variance, with revision to raise the system 6-12 inches with rubber boots at inlets and outlets, seconded by Ms. Phinney.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

Revised motion: Motion made by Mr. Perry to allow the previous motion, with the revision of the new plan not having to be presented to the board. It will only have to be presented to the new Health Agent, seconded by Ms. Phinney.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

226 Charge Pond Road- Zenith Consulting Engineers- Will Connely

Mr. Connely proposed to repair a 12,000sf lot with private well for an existing 3br dwelling with a 1500-gallon septic tank. He stated that this variance request consisted of 3 approvals with an increase in cover from 3ft to 6ft., a reduction of test from 2-1 holes, and a reduction between well and leaching from 100ft to 85ft. They tried to push system over as far as they could. Receiving better treatment with the presbee bed which helps air flow.

Ms. Phinney asked about the abutter well.

Mr. Connely stated that it would be 100ft from neighboring wells.

Ms. Waldron asked for the confirmation of the soil conditions for the hole reduction.

Mr. Perry stated that the plan showed 90ft and the request was for 85ft, and that the local policy requires a registered land surveyor stamp.

Mr. Connely stated that they would put the stamp on the as built.

Motion: Motion made by Mr. Perry to allow requested variance, with a surveyor stamp, notes verifying the outflow meets single outlet, and confirmation of the soils deed reference, seconded by Ms. Phinney.

Roll Call Vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

10 Boynton Ave.- GAF Engineering- Brian Grady

Mr. Grady stated that this was a pretty tight situation. The proposal was for an upgrade to existing 2br. The lot size is 5000sf. And they would be replacing a cesspool. Due to lot size and constraints there are a number of variances. The soil absorption from property line was a 5ft proposal, cellar wall would be 11 ½ feet with a barrier, relocation of the water service but still 5ft away, same as leaching field, 5ft as opposed to 10ft to water service and providing a barrier, water table from 5 to 4ft, alternative system, and system components max 60 inches below finish grade that has to do with the sloping of the sight.

Mr. MacDonald inquired about the southern property's existing system.

Mr. Grady replied that it does provide min separation.

Mr. MacDonald asked if Mr. Grady had cards for neighbors?

Mr. Grady replies that he had a white card but the green card was never returned.

Mr. MacDonald stated that there is not much room on lot.

Mr. Perry stated that the plan was pretty thorough and asked how far the abutter is from the blower.

Mr. Grady replied that they have fast system with their own blower.

Motion: Motion made by Mr. Perry to allow requested variance, with an additional test hole and 2-bedroom deed restriction, seconded by Ms. Phinney.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

3 Tuckwood Place- David Girolamo

Mr. MacDonald stated that the request was to reduce testing for a fast system. He asked if it was a Seasonal property and if the system is new?

Mr. Girolamo stated that it is brand new system and that the requirement is asking to test it too much since the house isn't used often.

Dr. Wiegandt asked if it is occupied a month a year?

Mr. Girolamo stated that the time occupied would probably add up to about a month all year and that the system is always on, running constantly. He also stated that when Sue was the Health Department secretary, she suggested he come before board.

Dr. Wiegandt stated that at least 2 tests that have been ok and that the property is rarely occupied, so the system might not function properly.

Mr. MacDonald asked Mr. Girolamo what time of the year it is where the property is mostly occupied.

Mr. Girolamo replied mostly summer but house is open year round.

Mr. MacDonald stated that it doesn't make sense to reduce to 1 test and that leaving it at twice a year would make sense.

Mr. Girolamo stated that he doesn't have an engineer to come do the test.

Mr. Perry replied that wastewater operator is the one who oversees the system and there should have been a deed restriction.

Mr. Girolamo stated that it is an elaborate system and all the tests are over kill.

Dr. Wiegandt suggested that Mr. Girolamo look at original paperwork to see who can come in for testing.

Mr. MacDonald stated that he could recommend someone to test it and that 2 times minimum testing a year is right where it is supposed to be.

Mr. Girolamo agreed and stated that he wants to be in compliance.

5. Tobacco Violation Hearing- Danielle Tester- Cumberland Farms Store Manager

Mr. MacDonald stated that a few weeks ago Robert Collette did a compliance check with an underage sting at Cumberland Farms and the underage person was able to buy tobacco. They made the sale despite the buyer not producing an ID.

Ms. Tester stated that the employee automatically terminated, and that they also perform an internal sting and they are doing training monthly.

Mr. MacDonald stated that he spoke with Mr. Collette and per the state, for the first violation, it is \$1000 fine.

Motion: Motion made by Ms. Phinney to support the \$1000 fine due to the violation, seconded by Mr. Perry.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

6. HEALTH AGENT'S REPORT

Patrick MacDonald read the Agent's report into the record, a copy of which is attached.

7. COVID 19 UPDATE

Mr. MacDonald stated that the state is starting contact tracing again and that the Board of Health nurse will be following up with them. He also stated that Lindsey's restaurant is out of staff at the moment, but the majority of staff are going to get vaccinated.

Dr. Wiegandt stated that everyone should vaccinate and that 50 percent in Wareham are vaccinated.

8. Applicant for board member- Jean Connaughton

Dr. Wiegandt asked Ms. Connaughton why she was interested in becoming a member.

Jean responded that it is different than other boards she has been on.

Dr. Wiegandt stated that she is looking for someone to be the 5th associate and asked what Ms. Connaughton's background was?

Ms. Connaughton replied that she ran an apprenticeship training program for contractors and she certainly knows construction. She stated that tonight's meeting was a learning experience.

Dr. Wiegandt invited Ms. Connaughton to join meeting next month again.

9. APPROVAL OF MINUTES

Minutes from August 18, 2021

Motion: Motion made by Ms. Phinney to approve minutes, seconded by Mr. Perry.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

10. Motion: Motion made by Mr. Perry adjourn., seconded by Ms. Phinney.

Roll call vote: Dr. Wiegandt- yes, Ms. Phinney- yes, Mr. Perry- yes

Meeting adjourned at 6:30pm

Attest Catherine Phinney Date 11/3/2021

Clerk, Board of Health