

**BOARD OF HEALTH
MINUTES OF MEETING
AUGUST 7, 2019**

PRESENT: Amy Wiegandt, M.D., Chairman
Glenn M. Monterio, Member
Catherine Phinney, Member
Thomas L. Gleason, M.D., Associate Member
Lawrence Perry, Associate Member
Robert M. Ethier, Director
Suzanne Burke, Recording Secretary

EXCUSED: Patrick MacDonald, Inspector

**4:30 p.m. 13 Farmers Lane, Brian Grady, G.A.F. Engineering- Variance to
Local & State Regulations**

On behalf of applicant, Harold Gerard, Jr., Brian Grady of G.A.F. Engineering appeared before the Board with the following variance requests to 310 CMR 15.405, Local Upgrade Approvals.

310 CMR 15.211: Distances:

Required: The septic tank shall be 10 feet from a cellar wall.
Provided: The septic tank is 5 feet from the cellar wall (bulkhead).

Required: Soil absorption system shall be 20 feet from an in- ground pool.
Provided: Soil absorption system is 16 feet from an in- ground pool.

310 CMR 15.212: (1)(b) Depth to groundwater:

Required: The minimum vertical separation distance between the bottom of the stone underlying the soil absorption system above the high groundwater elevation shall be five (5) feet in soils with a percolation rate of 2 minutes or less per inch.

Provided: The bottom of the soil absorption system is four (4) feet above the high groundwater elevation.

The above requested variances will permit the upgrade of a failed sewage disposal system. If the system were designed to meet the 5-foot separation to maximum water

table a pump chamber and mounded sewage disposal system would be required. A minimum separation of 4 feet has been provided to the seasonal high water table. There are no private wells within the area, dwellings are served by municipal water. There are no mapped wetlands within 500 feet of the proposed system as indicated by MASSGIS mapping.

Discussion of the number of actual bedrooms and the number of bedrooms the Assessors Office lists is not mentioned. The homeowner stated it is now a six-bedroom home, after purchasing they made living space areas into extra bedrooms. Associate Member Larry Perry pointed out that the variance may not be granted if in fact it is a six-bedroom home. The Board tabled the decision while Mr. Brady checked with the Assessor's Office.

Mr. Brady returned with a "Assessors Field Card" showing a four bedroom, colonial, 2 ½ baths. Mr. Brady volunteered to visit the premises and assess the actual count before the variances are approved or not approved. The Board agreed once Mr. Grady does a walk thru to witness the bedrooms, the plan may be approved in-house by Mr. Ethier. Mr. Grady will submit revised plans according to the number of bedrooms for Mr. Ethier to review.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the Board agreed Mr. Brian Grady of G.A.F. Engineering will witness the number of bedrooms via "a walk thru" in the home located @ 13 Farmers Lane. According to Mr. Grady's determination on the actual number of bedrooms, Mr. Grady will design a new plan showing a four-bedroom home or a six-bedroom home and will submit the revised plan to the office. Director Robert Ethier will make the decision if the plan is complete/accurate and decided whether to grant or not grant the variances. All in favor. 3-0-0

4:35 p.m. Dr. Steven Jones- Discussion on Comprehensive Health Assessment/Natural Gas

Mr. Steven Jones appeared before the Board to discuss the health impact and risks of natural gas stoves in residential homes and the risk associated between adverse health consequences and indoor nitrogen dioxide exposure. Mr. Jones stressed the negative impact on small children and the elderly and offered his research & evidence and what he feels needs to be done. Mr. Jones spoke of unrepaired gas leaks in the Town of Wareham and distributed a list of towns and cities whose Boards of Health have written letters to Governor Baker about health risks of "natural gas". Mr. Jones closed his presentation with a request that the Board review his proposed goal and consider joining other health boards in writing a letter to Governor Baker urging statewide independent health impact assessments prior to the authorization of any natural gas infrastructure project in the Commonwealth. The Board thanked Mr. Jones and agreed to review his informational packet. (See attached.)

4:45 p.m. New England Smoke Shop, Amine Nassif- Discussion

Attorney Brian Corey Jr., of 1041 Main Road, Westport, MA 02790 appeared before the Board with Amine Nassif, owner of New England Smoke Shop. In behalf of Mr. Nassif, Attorney Corey, Jr. is arguing the right to sell tobacco and convenience store products in the establishment known as New England Smoke Shop, located at 3088 Cranberry Highway, East Wareham, MA.

Mr. Nassif was approached by Cape Cod Tobacco Director, Mr. Robert Collette and was informed he was not allowed to sell certain products in his tobacco shop. Mr. Collette stated "also while inspecting the establishment, a young man who was not of legal sales age walked into the New England Smoke Shop with his father". No minors are allowed in a tobacco store. Mr. Collette stated the definition of a retail Tobacco Store: **"An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Wareham Board of Health."**

Attorney Corey, Jr. stated "Mr. Nassif has a permit to sell Retail Food Service items from the Board of Health thru the previous owner." Mr. Collette explained he is not allowed to sell cat litter and many other items that are for sale in the tobacco store. The items in the establishment are convenience store items.

After lengthy discussion, the Board agreed New England Smoke Shop will have to follow the rules and regulations like every other smoke shop in town. Attorney Corey, Jr. said if the Board does not agree to let the establishment continue the food service sales, his client will pursue the decision further.

The Board agreed if Mr. Nassif does not want to follow the regulations then Attorney Corey and Mr. Amine Nassif should formally submit their rebuttal. The Board tabled the hearing until further notice. Mr. Ethier will inform Town Counsel. The Board agreed they need to review the regulation language with Mr. Collette and D.J. Wilson, Tobacco Control Director, Massachusetts Municipal Association. Mr. Collette suggested setting a cap on the number of "smoke- adult only establishments". Mr. Collette and Mr. Wilson will check their schedules and try to meet with the Board again on September 18, 2019.

5:00 p.m. Signing of Minutes- July 17, 2019.

The minutes of July 17, 2019 were reviewed and approved.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the minutes of July 17, 2019 were accepted. All in favor. 3-0-0-

HEALTH AGENTS REPORT- Director Robert M. Ethier reported. See attached.

OLD BUSINESS-

1. Regulations

NEW BUSINESS-

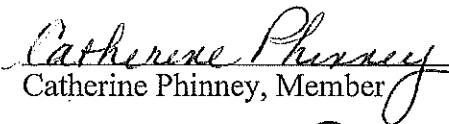
1. Patrick will update the hurricane shelter information.

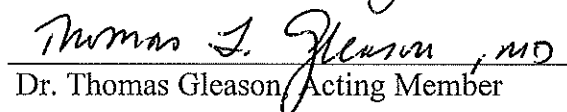
On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 6:31 p.m. All in favor. 3-0-0

Respectfully submitted: Suzanne Burke

Signed and dated: September 18, 2019

Amy Wiegandt, M.D., Chair


Catherine Phinney, Member


Dr. Thomas Gleason, Acting Member