

**BOARD OF HEALTH  
MINUTES OF MEETING  
SEPTEMBER 21, 2016**

**PRESENT:** Amy Wiegandt, M.D., Chairman  
Glenn M. Monteiro, Member  
Thomas L. Gleason, M.D., Associate Member

Robert M. Ethier, Health Agent  
Patrick MacDonald, Health Inspector

**EXCUSED:** Catherine Phinney, Member

Chairman Wiegandt called the meeting to order at 4:00 p.m. on the Third Floor, Wareham Town Hall, Rm. 27.

**4:00 p.m. Signing of Minutes of Meeting- 08-17-16**

**On a motion of Dr. Thomas Gleason and seconded by Mrs. Phinney the minutes were not approved and signed. Dr. Gleason was not present at the August 17<sup>th</sup> meeting. Minutes will be placed on the next agenda.**

**4:05 p.m.- Howland Disposal Service- Order to Appear**

Howland Disposal is not present. The Board moves to Old Business and will then retract if/when a representative appears.

**Old Business-**

1. 260 County Road to be removed from Old Business.
2. Motel Regulations- Starlight Motel owner Mr. Chris Geeslin will be meeting with Mr. Ethier and Selectman Patrick Tropeano on Monday. Mr. Ethier will contact Jaqui Hicky from the Wareham Housing Authority to attend and speak about the housing shortage. Dr. Wiegandt mentioned there is a collaboration (CPA funding) for new housing in the area. Stone Village is waiting for a decision from the Boston Board of Inspectors if a sprinkler system is mandated for one floor. Mr. Ethier mentioned the state has ceased from placing children & families in hotels. Mr. Ethier reported the area behind Walmart has been cleaned of garbage/debris, paid for by the land trust.

3. Water Quality/Septic Regulations- ongoing. Board will revisit the regulations. Mr. Ethier will invite Corine Petersen to the next meeting to discuss the Water Quality Regulations on Onset Island.
4. Clothing Bins- ongoing.

**4:05 p.m. Howland Disposal Service- Order to Appear**

The Board of Health was contacted by Covanta Company of Semass, L.P. stating recent inspections of waste loads delivered by Howland Disposal Service revealed materials restricted from disposal at transfer stations and disposal facilities. Massachusetts solid waste regulations (310 CMR 19.017) ban the disposal, or transfer for disposal, of certain recyclable and hazardous materials. Mr. Eben Howland was ordered to appear before the Board to discuss this violation. Mr. Howland reported a self-contained container was picked up at Kindred Health Care and dropped off at the Semass location. Howland Disposal did contact Kindred and educated the company of items allowed to be disposed in the container. Dr. Wiegandt and Board reviewed the summary of Waste Ban Regulations. Dr. Gleason questioned if a fine is associated with the situation. Mr. Ethier stated there is a fine for not complying with the regulations for haulers however, Semass did not fine The Town of Wareham. Dr. Wiegandt made a motion: continue to educate the Kindred Health Care Facility and then if the future, a second offense occurs, the Board will then issue a fine. Dr. Wiegandt pointed out many residents are not aware that "even glass is not allowed" to be disposed of in the trash. Patrick MacDonald will post the Waste Ban Regulations on Facebook to help educate the public.

**On a motion of Dr. Wiegandt and seconded by Mr. Monterio, the Kindred Health Care Facility will be contacted and educated on the Waste Ban Regulations. No fees or fines imposed.**

**4:10 p.m. Five Star Gateway Gas, Raza Ali- Discussion on Tobacco Fine**

Mr. Raza Ali, owner of Five Star Gateway Gas requested to appear before the Board to appeal the \$300.00 tobacco fine imposed on July 20, 2016 and request to have the 3<sup>rd</sup> violation removed from his file. On July 5, 2016 Cape Cod Tobacco Control reported the establishment was in violation. The Board of Health received notice regarding violations of the MGL Chapter 270, Section 6, constituting a violation regarding Regulated Cigar Sales. Mr. Raza was ordered to appear before the Board on July 20<sup>th</sup> in which case three or more violations within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit was suspended for thirty (30) consecutive business days. This is Five Star's third violation in 2016.

**Mr. Raza Ali did not appear. No discussion with the Board. The imposed \$300.00 fine for violation remains and is recorded as the third violation in the three years.**

**4:15 p.m. 19 Ames Island Road, G.A.F. Engineering- Variance to Local Regs.**

On behalf of applicant Ernie Debonise, Mr. Brian Grady of G.A.F. Engineering is requesting the following variances pursuant to 310 CMR 15.405, Local Upgrade Approvals.

310 CMR 15.211 Distances:

Required: Soil absorption system shall be 10 feet from a slab foundation.

Provided: Soil absorption system is 5 feet from a slab foundation

The applicant is proposing to upgrade a failed, non-conforming sewage disposal system. The new system is located as far away as the existing bordering vegetated wetland well as is feasible.

**On a motion of Dr. Thomas Gleason, and seconded by Mr. Glen Monterio, the variances were granted.**

**4:20 p.m. 2 Quail Lane, Collins Engineering- Variance to Local Regulations**

On behalf of Spenser Nevens (applicant), Mr. George Collins of Collins Civil Engineering Group, Inc. requests the following local upgrade approvals pursuant to Massachusetts General Law 310 CMR 15 and variance pursuant to the Wareham Board of Health Regulations.

1. Variance from the Wareham Board of Health Regulations which require systems to be designed with a nitrogen removal system when the system is within 150' of a wetland. A variance allowing the use of a passive non nitrogen removal system is requested, with a leaching field 54' from a wetland resource.

Local Upgrade Approval Request:

1. Local Upgrade Approval from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum 4' vertical separation between the high ground water elevation and the bottom of the soil absorption system with a percolation rate greater than 2 minutes per inch. A local upgrade approval allowing a reduction from 4' to 3' is requested.
2. Local Upgrade Approval from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum 10' setback from a property line to a SAS. A

local upgrade approval allowing a reduction from 10' to 3' is requested (private way only).

3. Local Upgrade Approval from section 310 CMR 15.211 of the State Sanitary Code which requires a minimum 10' setback from a property line to a pump chamber. A local upgrade approval allowing a reduction from 10' to 7' is requested (private way only).
4. Variance from section 310 CMR 15.227 of the State Sanitary Code which requires a minimum 12" vertical separation between the high ground water elevation and the lowest tank invert. A variance allowing a reduction from 12" to 8" is requested.

Mr. Collins approached the Board in hope to waive the requirement of installing a denitrification system. Mr. Collins feels the system is an undue burden on his client. After lengthy discussion with the Board Members, Health Agent, Homeowners, Family and Neighbors, the Board voted against the request. There is not a hardship involved. This is not a permanent home and will only be occupied as a summer home. The regulation was developed to help protect the bay.

**Dr. Thomas Gleason made a motion NOT to grant the request to waive the requirement to install a denitrification system. Request denied by a 2-1 vote. Request not granted.**

**Public Health Nurse- Connie Dolan, R.N. Informational Report (attached).**

**HEALTH AGENTS REPORT- See attached.**

**New Business- Discussion- Opening beaches to dogs during off season months of October 1<sup>st</sup> – May 1<sup>st</sup>. Public beaches should have plastic bags, trash cans. Dr. Wiegandt suggests trash haulers pick up trash for advertisement. Mr. Ethier will discuss with Selectmen and Town Administrator.**

**Old Business-**

**Any Other Business Not Anticipated 48 hrs. Before hearing-**

**Dr. Thomas Gleason made a motion to close the meeting at 6:04 p.m. 2<sup>nd</sup> by Mr. Monterio. All in favor.**

Respectfully submitted: Suzanne Burke, October 26, 2016


Signed and dated: \_\_\_\_\_



Amy Wiegandt, M.D, Chairman

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Glenn M. Monterio, Member

  
Thomas Gleason, M.D., Member