

**BOARD OF HEALTH  
MINUTES OF MEETING  
DECEMBER 5, 2018**

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

**Chairman Dr. Amy Wiegandt called the meeting to order at 4:30 p.m. on the Third Floor, Wareham Town Hall, Rm 27.**

**4:30 p.m. Cumberland Farms, Jennifer Ferland- 1 Depot Street- Order to Appear**

On November 18, 2018 a routine inspection was performed at the Cumberland Farms #2313 located on 1 Depot Street, East Wareham. The Wareham Board of Health found violations to Federal Food Codes 6-501.12- Cleaning Frequency and Restrictions.

Mr. Brian Glenn General Counsel and Mr. Farland District Manager for Cumberland Farms appeared before the Board. After discussion it was agreed to assess a fine of \$150.00 due to violations to the Massachusetts General Laws, Chapter 111, Section 122: Regulations Relative to Nuisances- Examinations: The Board of Health shall examine into all nuisances sources of filthy and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one thousand dollars.

**On a motion of Catherine Phinney and seconded by Glenn Monterio a fine of \$150.00 was issued to Cumberland Farms, 1 Depot Street. All in favor. 3-0-0**

**PUBLIC HEALTH NURSE- Reported by Julie Silva. See attached.**

**4:45 p.m. 194 Glen Charlie Road- McKinnon & Keese Engineering- Variance to State Regulations**

Ms. Sandy Keese of McKinnon & Keese Engineering appeared before the Board on behalf of Ms. Mercedes Brum, applicant of the above referenced property, requesting the following variances to Title 5:

1. Tight Tank to Easterly Property Line: 2': Title V, 10'. Note that these property lines have been delineated by Westgate Land Survey, Kingston, MA. This abutter knows of this repair, as we designed his Title V a few years back.
2. Tight Tank to Walkout Foundation: 4', Title V 20'. Due to the problem of accessibility to this area down this steep slope, we have opted using a Norwesco 2,000 gal plastic tight tank. Historic High Water measured in May 2018 lies well over a foot to the bottom of this tank that shall be weighted by 12" of cover above it.

Given the space constraints on this tiny 3,440 s.f. lot, we are requesting only these 2 variances in order to accommodate a minimum Tight Tank design per Title V. Note also that a 2-bedroom deed restriction & maintenance clause has been applied to the deed of this property by the owner. Even with these variances, we consider this a vast improvement over the existing, failed, cesspool present servicing this home.

Mr. Ethier stated a tight tank is typically used for seasonal use. Dr. Wiegandt commented on the lack of information and would like more understanding/education on the system. Possibly may be a feasible alternative to the tight tank. Dr. Wiegandt requested to postpone the hearing to a future date. Ms. Keese requested a list of the specifics be sent to her before the January meeting. **The hearing was postponed to January 16, 2019.** No further discussion.

**5:00 p.m. 28 Old Glen Charlie Road- J.C. Engineering- Variance to State and Local Regulations**

Mr. John Churchill of J.C. Engineering and Attorney Len Bello appeared, along with the property owner of 28 Old Glen Charlie Road, before the Board with the following variance requests:

**In accordance with 310 CMR 15.401-15.405:**

1. A 10.0' waiver (10.0'-0.0') for the setback from the SAS to the front property line.

2. A 2.8' waiver (20.0'-17.2') for the setback from the SAS to the foundation.
3. A 8.9 waiver (10.0'-1.1') for the setback from the pump chamber to the from the property line.

**Local Variance from Wareham Board of Health Regulations:**

1. A 97.8' variance (150.0'-52.2') for the setback from the leaching facility to the wetland.

After review and discussion, the Board agreed to consult with the Conservation Department and Town Council before making a decision. The variance requests will be placed on a future agenda. Mr. Ethier will contact Attorney Bello with any further questions. No further discussion.

**5:15 p.m.      30 Agawam Drive- Jacobs Driscoll Engineering- Variance to State and Local Regulations**

**The applicant is requesting the following variances from 310 CMR 15, as listed:**

1. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.211 Minimum Setbacks: a reduction in the front property line setback from 10 feet to 0.5 feet for the location of the soil absorption system (SAS).
2. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.211 Minimum Setbacks; a reduction in the side property line setback of lot 16 from 10 feet to 7 feet or the location of the soil absorption system (SAS).
3. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.211 Minimum Setbacks: a reduction in the setback from 10 feet to 4 feet for the location of the soil absorption system (SAS) to the existing water service line. Existing water line to be sleeved.
4. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.211 Minimum Setbacks: a reduction in the side property line setback of lot 16 from 10 feet to 5 feet for the location of the septic tank.
5. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.211 Minimum Setbacks: a reduction in the setback from 10 feet to 6 feet for the location of the septic tank to the existing building foundation.
6. In accordance with 310 CMR 15.401-15.422, the following variance is requested from 310 CMR 15.203 System Sewage Flow Design Criteria: a reduction in the design flow from 330 to 220 gallons per day for a dingle family dwelling. A deed restriction for the reduced flow rare will be recorded at the registry of deeds for the property.

The following variance is a request from the Town of Wareham Health Regs:

7. A variance is requested from the water quality protection regulation for the requirement to install a nitrogen removal system. The subject Soil Absorption System is located approximately 100.4' away from the surface water (Mill Pond).

**On a motion of Catherine Phinney and seconded by Glenn Monterio the above stated variances # 1-6 were granted with the condition a deed restriction is filed with the Plymouth County Registry of Deeds restricting the home to two bedrooms.**

**\*\* Variance request #7 was not granted. A nitrogen removal system will need to be installed and a new plan will be submitted to the Health Department for review.**

**All in favor. 3-0-0-**


**HEALTH AGENTS REPORT:** Reported by Robert M. Ethier. See attached.

**4:45 p.m. Food Code – Changes/Discussion-** To be discussed at a future meeting.


**On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 6:35 p.m. All in favor. 3-0-0-**

Respectfully submitted: Suzanne Burke

Signed and dated: April 17, 2019

  
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Amy Wiegandt, M.D., Chairman

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Glenn Monterio, Member

  
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Catherine Phinney, Member

  
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Thomas L. Gleason, Associate Member