

**MINUTES OF CARVER BOARD OF HEALTH MEETING**  
**held March 15, 2016**

Present were Arthur F. Borden, Chairman, David B. Lawrence and Eric F. Mueller Members, and Robert C. Tinkham, Jr., Health Agent.

Meeting called to order at 6:00 p.m.

**TITLE 5 REGULATIONS**

Motion made by Mr. Lawrence to move the agenda order around so that Attorney Mark Reich from Kopelman & Paige would not have to wait for entire meeting before being heard. Motion seconded by Mr. Mueller. Motion accepted by Mr. Borden. Unanimous vote (3-0)

DISCUSSION. Board and Mr. Reich discussed nitrogen regulations as an amendment to the current Carver Board of Health Title 5 regulations. Board is concerned that future developments or new construction near ponds, rivers, and streams may impact nitrogen levels in our soils. The Board wanted help from Mr. Reich in adopting amendments to our current Title 5 regulations which will help protect our aquifer as well as public health and safety. Mr. Tinkham and Mr. Reich agreed to work on some nitrogen regulations to present to the Board at a later date that reflect The Carver Board of Health's position to protect the health of our town.

**HEALTH AGENT'S REPORT**

\*Mr. Tinkham's written report is hereby attached and to be part of the record. Correspondence read and discussed. Board reviewed Mr. Tinkham's response to the 40B project. Mr. Reich offered to tweak Mr. Tinkham's response to make it better fit the project.

**MINUTES**

Minutes of October 6, 2015 meeting read. Motion made by Mr. Lawrence to accept the minutes of October 6th as presented. Motion seconded by Mr. Mueller. Motion accepted by Chairman Borden. Unanimous vote. (3-0)

**HEALTH AGENT TRANSITION**

Health Agent Robert Tinkham has announced his retirement. He will meet with the Town Administrator in the near future to discuss his final work day. The position is expected to be shifted to part time after his retirement. The Board thanked him for all his years of hard work. The Board will assist him in any way that he needs to make this transition smooth for the Board.

### TOBACCO REGULATIONS

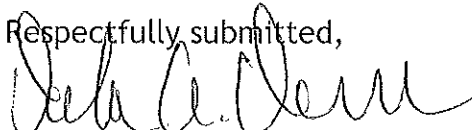
Board discussed holding a hearing to increase the legal sales age to purchase tobacco from 18 to 21 at our next meeting on April 26, 2016. Board really wants to wait for state to make the age of 21 a state wide regulation. However, the board felt that we should hold a hearing to discuss before that may or may not happen.

DISCUSSION. Board agreed to hold a tobacco hearing at our next meeting on April 26, 2016 for the purpose of raising the legal age to purchase tobacco products to 21. Motion by Mr. Lawrence to hold tobacco hearing on April 26, 2016 made by Mr. Lawrence. Seconded by Mr. Mueller. Motion accepted by Mr. Borden. Unanimous vote. (3-0)

No further business.

Motion made by Mr. Lawrence to adjourn. Motion seconded by Mr. Mueller. Motion accepted by Chairman Borden. Unanimous vote. (3-0) Meeting adjourned at 6:30 p.m.

Respectfully submitted,



Debra A. Deneen,  
Administrative Coordinator

March 23, 2016

**HEALTH AGENTS REPORT**  
**3/15/16**

For all septic approvals, Percolation Tests and Title 5 Inspections, See Attached

DISPOSAL WORKS REPAIR PERMITS  
2015

PERMIT #	LOCATION	ENGINEER
15DR50	5 South Meadow Road	Reserve
15DR51	59 South Meadow Road	Nichols
15DR52	26 Ransom Street	N/A
15DR53	20 Gate Street	Crowell
15DR54	14 Craig Street	Reserve
15DR55	Cranberry Village, Pipers Way 3 - 15	Reserve
15DR56	11 Rogers Street	Nichols
15DR57	33 Weston Street	Reserve
15DR58	20 - 24 Presidents Way & 7 - 9 Jefferson	Reserve
15DR59	25 Gate Street	Reserve
15DR60	28 + 30 William Street-PTV	Reserve
15DR61	14 Bradford Blvd.	Reserve
15DR62	81 Purchase Street	Reserve
15DR63	1 - 9 Washington Park CV	Reserve
15DR64	1 Crystal Lake Drive	Flaherty
15DR65	4 Cherryhill Drive	Reserve

DISPOSAL WORKS REPAIR PERMITS  
2016

PERMIT #	LOCATION	ENGINEER
16DR1	11,13.15.17,19 and 21 Washington Park	Reserve Area
16DR2	77 High Street	D-Box Replacement
16DR3	63 Fosdick Road	Nichols
16DR4	29 Shaw Street	Reserve Area
16DR5	#33 - #41 Washington Park	Reserve Area
16DR6	#14 and #16 David Road	Reserve Area
16DR7	#29 + #31 William St.	Reserve Area
16DR8	#8 + #10 Truman Court	Reserve Area
16DR9	23 South Meadow Road	Flaherty
16DR10	SMV Cluster 44, units 7,8 and 9	Reserve Area
16DR11	23 Weston Street	D-Box Replacement
16DR12	14 Pope's Point Road	New Tank

### DISPOSAL WORKS CONSTRUCTION PERMITS 2015

PERMIT #	LOCATION	ENGINEER	DATE APPROVED	PAID
15D11	1-3-5 Commerce Way	Morse	10/21/15	\$ 300.00
15D12	67 Main Street	Webby	12/9/15	\$ 300.00

### DISPOSAL WORKS CONSTRUCTION PERMITS 2016

PERMIT #	LOCATION	ENGINEER	DATE APPROVED	PAID
16D1	3B Braddock Way	Webby	2/12/16	Owe \$200
16D2	3A Braddock Way	Webby	2/12/16	Owe \$200
16D3	30 Fosdick Road	Nelson	2/17/16	\$ 200.00
16D4	309 ? Tremont Street	Morse	3/9/16	\$ 300.00

### PERC/SOIL EVALUATIONS 2015

DATE	LOCATION	ENGINEER	PAID
19-Oct	1-3-5 Commerce Drive	Morse	\$ 200.00
30-Oct	11 Rogers Street	Nichols	\$ 100.00
5-Nov	59 South Meadow Road	Nichols	\$ 100.00
25-Nov	1 Crystal Lake Drive	Flaherty	\$ 100.00
30-Nov	19 Popes Point Road	Borden	\$ 100.00
21-Dec	63 Fosdick Road	Nichols	\$ 100.00
30-Dec	309? Tremont Street	Morse	\$ 200.00

### PERC/SOIL EVALUATIONS 2016

DATE	LOCATION	ENGINEER	PAID
23-Feb	23 South Meadow Road	Flaherty	\$ 100.00
10-Mar	26 Oak Dr.	Webby	\$ 100.00
14-Mar	Off Silva Street	Borden	\$ 200.00
14-Mar	74 Forest Street	Nichols	owe

## Tech Reviews

N/A

## MISC

1. Transistion
2. 40 B Response
3. Staffing
4. Retirement plans



Cranberry Land U.S.A.

# Board of Health

108 Main Street  
Carver, Massachusetts 02330  
Tel: 508-866-3420 • Fax: 508-866-3483

March 15, 2016

Mr. Stephen G. Gray, Esq.  
Chairman, Zoning Board of Appeals  
Town of Carver  
108 Main Street  
Carver, Ma. 02330

*Re: Tall Pines 40B Application; Plymouth St., Carver*

Dear Chairman Gray,

The Board of Health is in receipt of the application package and plan for the above referenced project, filed with the Zoning Board of Appeals as a Comprehensive Permit pursuant to G.L. c. 40B.

The Board of Health has reviewed this submission and has significant concerns regarding the completeness of the application and its failure to address environmental and health requirements. The Board therefore requests that the applicant be requested to address the issues discussed herein and resubmit a properly responsive application.

Title 5 and Local Regulations

The project, as proposed in this application, includes thirty-nine individual septic systems. Therefore, compliance with the provisions of Title 5 of the State Environmental Code, 310 CMR 15.000 et seq. as well as the Town of Carver's supplemental regulations governing septic systems will be necessary for this project. As proposed, these matters are not addressed. For this reason, the application must be supplemented and resubmitted in order to allow the Board of Health to properly evaluate the application.

The provisions of 310 CMR 15.101 thru 15.105 address the criteria for deep observation test holes, groundwater determination, and percolation testing. The Board of Health's supplement to 310 CMR 15.102 requires that, preliminarily, one deep observation hole and one percolation test be performed for every three lots within a development. The application fails to address these requirements. Further, there have been no deep observation holes or percolation testing to determine compliance with the calculation found at 310 CMR 15.242. Without that data, the BOH cannot determine if the "conceptual" systems shown will be adequate.

The provisions of 310 CMR 15.106 through 15.107 address the criteria for positioning leaching areas, including the submission of an actual on the ground topographic survey; demonstration of the lateral distance to surface water and wetland delineations; identification and demonstration of the locations of every water supply, public and private, if within 150 feet of a proposed septic system location, in the case of private water supply wells. These requirements were not addressed in the application. There are several properties abutting the proposed development and the required demonstrations of septic and water supply system locations are either not made on the conceptual plans or are based on record information. The information shown in the conceptual plans is insufficient to indicate compliance with these provisions.

The provisions of 310 CMR 15.211 address minimum setback requirements for all systems and require that soil absorption systems be a minimum of 50 feet from vegetated wetlands.. The lots shown on the submitted plan are "conceptual" and do not include proper metes and bounds. The septic systems shown on the plan are also conceptual, with some systems clearly not in compliance with the wetlands distance requirements. Further, the Town's supplemental regulations specify distances from open and submerged surface drains, catch basins, manholes, leaching basins and drywells. The proposed plans do not include drainage and runoff provisions. Additionally, the provisions of 310 CMR 220 address the design of systems by a registered professional engineer or registered sanitarian. More specificity is required to determine compliance with the requirements of 310 CMR Section 15.211 and the Town's supplemental regulations, and demonstration that the plans and specifications have been prepared in accordance with Title 5.

The Board of Health's supplemental regulations also require that all known sources of pollution, including sewage disposal systems, situated on abutting or nearby lots, within a 200 foot radius of each well must be located and accurately shown on the plan. The submitted plan indicates the minimal 100 foot radius as specified in 310 CMR 15.211 (1). However, no field survey measurements are provided to accurately locate wells on abutting properties. The application relies upon record information but does not satisfy the local regulations.

Of significant additional concern is the issue of nitrogen loading as a result of the installation of the systems serving the proposed development. The applicant has indicated that "nitrogen reducing" systems will be provided; however, the application lacks data necessary to determine the type of system being proposed. The Board of Health is unable to evaluate the proposed systems and determine if they are approved and appropriate for this use. Therefore, additional data and information are required for the Board of Health to properly review the application for compliance.

The provisions of 310 CMR 15.248 include criteria for reserve absorption areas. It should be noted that at least 21 of the proposed lots indicate some form of unconventional reserve area that require additional explanation for review by the Board of Health. If conventional reserve areas cannot be placed on these lots as currently configured, these lots may be rendered unbuildable.

The Board of Health's supplement to 310 CMR 15.251 and 15.253 requires that the minimum leaching area for all trenches, infiltrators etc., be a minimum of 750 s.f. for up to and including a four bedroom home. The systems shown on the proposed plan do not include any engineering data to determine that the actual size of the systems, based on the existing site conditions. This additional data is necessary for Board of Health review of the application.

#### Rules and Regulations Governing Private Wells Located Within the Town of Carver

On October 1, 2004, in accordance with the authority granted by G.L. c. 111, §131, the Board of Health adopted regulations governing private drinking water wells in the Town.

Section V of those regulations, Siting Requirements, requires a setback distance for a private well from a potential contamination source (septic system leaching facility or reserve area) of 150 feet. At least 7 of the proposed lots show absorption systems within the 150 foot protective radius to existing wells on abutting properties. Likewise, the required setback from road run-off drainage easements or other areas susceptible to road drainage leaching is established as a minimum of 50 feet. The proposed drainage area at Open Space Area "A" is within the protected 50 foot setback from existing wells on abutting properties at Lots 21 and 22, Lillian Way.

The well regulations are also intended to regulate activities in the vicinity of private wells. Therefore, no activity may take place or facility be constructed that may be a threat to the public health as defined by these regulations. While there are at least five wells identified on abutting properties, there area at least five other abutting properties having no indication of water supply wells.

#### Rules and Regulations Governing Storm Water and Runoff Management

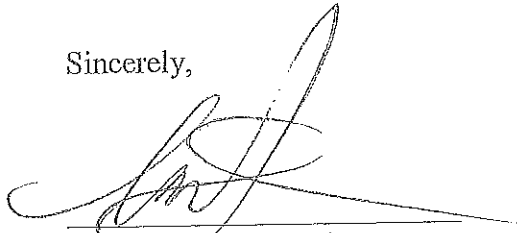
On October 1, 2003, in accordance with the authority granted by G.L. c. 111, §131, the Board of Health adopted regulations governing storm water and runoff management. These regulations are applicable to any subdivision in excess of 10 lots. This is particularly important as this project proposes to infiltrate all of the runoff from the site into four separate drainage areas. One of those areas is within 50 feet of two existing wells on abutting properties on Lillian Way. The application does not include a system of drainage to direct runoff to the proposed drainage areas and does not provide details of the actual drainage areas. The plan, as submitted, lacks information allowing the Board of Health to determine compliance with these regulations.

The Board of Health respectfully requests that the applicant address each of the issues discussed above and provide appropriate plans and data to allow the Board of health to determine compliance with state and local rules and regulations. Absent such plans and data, the Board of Health will have no ability to determine compliance and will not be able to advice on the propriety of this application.



Should there be any further questions or comments please feel free to contact me in our office. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert C. Tinkham Jr.', written over a horizontal line.

Robert C. Tinkham Jr.  
Agent, Carver Board of Health

cc: Ronald E. Clarke, Chair, Board of Selectmen  
Michael R. Milanoski, Town Administrator  
Marlene McCollem, Planning Director