

## BOARD OF HEALTH

### Minutes of Meeting of January 9, 2003

Mr. Leupold, Dr. Kern, Mrs. Stakutis and Michele Korman were present and the Fairbank Senior Center at 7:40 p.m. and the meeting commenced at 8:00 p.m.

1. MINUTES OF MEETING OF December 12, 2002 were held for approval by Mr. McNamara.
2. CORRESPONDENCE was reviewed and included the following:
  - a. Town of Sudbury Request for Proposals: Outpatient Mental Health Services
  - b. BOH Financial Report- July 1, 2001- June 30, 2002
  - c. BOH Annual Town Report- FY 2002
  - d. DEP- Decision to grant permit extension- 470 Boston Post Rd.
  - e. DEP- Sudbury Pines Extended Care Facility
  - f. Engineering Memo- Sand Hill Sanitary Landfill
  - g. Board of Appeals Memo- list of members
  - h. DPH Memo- indoor air quality conference dates
  - i. Health Director e-mail- black widow spider
  - j. Fairbank Senior Center Community Work Program- 1/03- 12/03
  - k. Raytheon monthly operating report- November 2002
  - l. DPH letter- clinical services for tuberculosis and sexually transmitted diseases
  - m. Woodward & Curran letter- 322 Concord Road
  - n. Board of Appeals- public hearing notice-January 21, 2003
  - o. DPH Memo- Municipal Sharps Collection Program
  - p. DPH- NEWS In School Health Newsletter- Fall 2002
  - q. DPH Memo- Reportable Disease Surveillance and Confidentiality
  - r. Romney-Healy Transition Committee Letter-protecting public health
  - s. Verizon Wireless Memo- Sudbury Landfill
  - t. Conservation Committee- public hearing notice-January 6, 2003
  - u. Board of Appeals Memo- public hearing notice- January 7, 2003
  - v. State Laboratory Institute Newsletter- December 2002
  - w. NALBH Newsletter- November 2002
  - x. The Beacon Newsletter- January 2003
  - y. BOH minutes of meeting- December 12, 2002

**8:00 p.m.-** Tom DiPersio from Thomas Land Surveyors and Engineers representing K & R Realty Trust who own a 27-acre lot that is being subdivided to build two houses. He requested the Board of Health consider a pump variance to avoid disturbance with 100' of bordering wetlands. Two separate septic tanks and leaching field are being proposed for this

construction. The Chairperson moved to accept the proposal for a pump variance. This proposal was approved.

**8:15 p.m.** - Scott Hayes, Foresite Engineering presented the Board with a new design plan for Lot 31 that included a retaining wall modified from 6 ft. down to 3 ft. Mr. Hayes also talked about the 100-year flood elevation of the pond and that Lot 31 was above the 500 year flood standard that meets FEMA requirements.

Donna Ellis- 15 Flintlock Lane- raised concerns about the stream bed running through the system.

Charles Cooper- Morse Road- discussed the fact that he was not comfortable with the surface run-off draining towards the pond. He also submitted for the Board's review a 1977 soil survey report that details impervious vs. pervious soil. Mr. Cooper voiced his opinion concerning the reserve area and whether or not that constituted naturally occurring soil. Mr. Cooper also raised the question of why it is not reasonable for the Board to present reasonable proof of hardship when granting a variance. He was also concerned with the issue of not applying Title V criteria before granting a variance.

Dr. Kern- stated that the Board was not debating a Title V variance process, He made it known that the proposal already met Title V requirements.

Andrew Smith- 25 Flintlock Lane- brought to the table the point that in Title V it is required that a slope be built opposed to a retaining wall where applicable.

Attorney Jean Davidson- representing Andrew Smith pointed out that Sudbury regulations are more restrictive than Title V, therefore a slope should be the requirement instead of the retaining wall. Her point was that a slope would be less intrusive to neighbors.

George White- 18 Flintlock Lane- wanted to know if the Board was considering hardship in their decision to granting the variance for the retaining wall.

Dr. Kern- response was that the Board was not debating a Title V variance. He pointed out that the original proposal as well as the proposal before the Board now, were both acceptable under Title V requirements and that the only reason they were debating the issue at all was that it gives the Board the opportunity to review proposals and offer and encourage the most preferable alternative.

Andrew Smith- wanted to know when would a variance not be approved.

Dr. Kern- only under very specific Board of Health regulations, i.e. massage.

Sarah Bish-223 Morse Road- was very concerned that the area being proposed for building was once declared a wetland. She is very concerned that the area is being used for building.

Michelle Stakutis- Chairperson- the Board of Health only discusses the sub-surface disposal of water, does not look at the issue of wetlands, these issues are the issues of other boards.

Scott Goddard- proposal has already gone before the Conservation Committee, 1977 soil report is not pertinent to the plan; conservation has already approved the location of wetland.

Dr. Kern made the motion to accept the 3-ft. exposed retaining wall. Motion was approved.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Michele Korman