

Minutes of the Town of Dover, Board of Health meeting for November 14, 2011

Present: Members - Dr. Joe Musto, Chairman; Dr. Barbara Roth-Schechter; Dr. Harvey George; Agent - Mike Angieri, Septic.

- 1) Meeting Called to Order at 7:00 PM. Dr. Barbara Roth-Schechter introduced Mr. James Stuart and four elementary school students who performed a short skit on E-coli and infection control, which they had prepared for a science competition.
- 2) Open Space Committee. Representatives (Jane Brace and Justine Kent-Uritam) from the Committee requested the Board recommend a member to the Committee to be appointed by the Selectmen. The Board chose Dr. Barbara Roth-Schechter.
- 3) Minutes of the October 24, 2011 meeting were approved.
- 4) Lot 1, Dedham Street. Continuation of Public Hearing. Dave Azanow requested the Board extend the public hearing to its December 12, 2011 meeting so that his engineer can respond to the review comments for the proposed septic system for a new house proposed on this lot. The Board approved the extension.
- 5) 18 Walpole Street. The owners of this property are planning to demolish the existing structure and build a new house which meets Dover and Title V regulations. This is a very large structure and there will be several out-buildings. The deed restriction clarifies that the main house will have 7 bedrooms and specifies use of the out-buildings related to septic issues. The deed restriction was approved.
- 6) 6 Circle Drive. Public Hearing for variance requests from Dover Regulations. Paul Saulnier, of Civilized Solutions, presented the plan and discussed the limiting site issues and variance requests. Certified notices were sent to 6 abutters, all were received, and none were present at the hearing. This is an existing 4 bedroom house, built about 1986, with a failed septic system. The Board approved the variances requested. A deed restriction for no garbage grinder was approved. The Board approved the plan subject to final technical review.
- 7) 45 Pine Street. Public Hearing for variance requests from Dover Regulations. Joe Nihill, of GLM, presented the plan and discussed the limiting site issues and variance requests. Certified notices were sent to 6 abutters, 4 were returned as received, and none were present at the hearing. This is an existing 3 bedroom house, built before 1940, with a failed septic system (cess-pools within 50 feet of the well). The Board approved the variances requested. The Board approved the plan subject to final technical review

- 8) 27 Main Street. Abutters (Mary Crane, Dover Land Conservation Trust (DLCT) member- Sara Molyneaux) requested the Board discuss the previous approval of the new septic system for this site. The Board approved the new septic system for this site on August 8, 2011 with a deed restriction on structure use and number of bedrooms subsequent to the previous July 18, 2011 opening of the public hearing and discussions. The issues discussed November 14, 2011, involved the public hearing process at the July 18 and August 8, 2011 public hearings.

The issues discussed involved the public hearing process, notification of abutters, and appearance of the site. Some of the abutters indicated they had not been notified of the initial public hearing date of July 18, 2011. During a lengthy discussion it became evident that not all abutters had been notified (e.g. DLCT, a direct abutter). The abutters at this meeting contend that the hearing and approval process was not valid, due to lack of proper notification, and the hearing should be reopened so that they could comment on the proposed use of the site and the resulting septic system design. Their primary concerns were the lack of notice and esthetic impact of the mounded septic system on houses along Main Street, a scenic route in Dover. Another resident from #23 Main Street, not an abutter, expressed his support and approval of the project.

According to Title V, abutters must be notified by certified mail, by the applicant (owner of 27 Main), but it does not define an abutter. The Dover Board of Health does not define abutters but has a long standing policy that anyone within 100 feet and across the street be notified. Potentially, this could have included 4 to 5 properties.

Evan Wilmarth, of Dover Survey, who has presented plans for variances from Dover Regulations for over 25 years, stated that he notified the abutters at 25 Main and the DLCT by certified mail. Only one receipt, for 25 Main, was presented at the July 18, 2011 start of the public hearing. Although Evan stated that he did notify the DLCT, he did not have the receipt card. Evan stated that he mailed notices to 2 abutters as they were the only properties that met the general definition of an abutter (property directly touching the subject land) and he did not have to notify anyone across the street. This was not made clear to the Board at the July 18, 2011 at the public hearing, nor was it questioned, as it was assumed he had notified abutters according to the long standing policy and his presentation.

The Board recognizes that going forward it will have to standardize the definition of an abutter and verify the notifications before the public hearing to avoid any potential confusion. The Board concluded that the situation with the 27 Main Street hearing did not impact the approvability of an up-grade to a septic system to meet the maximum feasible compliance required by Title V and termination of the use of a cess-pool, which are all in the interest of public health and safety. The Board determined it will stand with its August 8, 2011 approval of the proposed septic system and not reopen the public hearing.

9) Board of Health Budget for 2012. A draft budget for 2012 as prepared by Diane Fielding, Administrative Assistant, was approved by the Board and signed by Dr. Joseph Musto, Chairman. There were two items with significant change. The garbage disposal collector's budget was increased by \$1,000.00 and the Board approved a yearly subsidy of \$3,000.00 for the SPAN-DS program, in place of the previously sponsored Reach-out program. SPAN-DS provided informational materials and expressed its appreciation of the Board's support.

10) The meeting was adjourned at 9:00 PM.

Mike Angieri