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Board of Health

Town of Dover, MA

Special Public hearing Meeting Minutes

Proposed changes to Board of Health Regulations Chapter 217-3

Meeting held at the Town Hall, Great Hall Room.

Present: Members - Dr. Barbara Roth-Schechter, Chairperson; Members: Dr. Harvey George and Dr. Joe Musto. Agent - Mike Angieri, Septic Systems. Agent George Giunta, Wells. Attorney Rebekha Lacey.

The public meeting was called to order at 7:10 PM.

Dr. Roth-Schechter read an introduction which gave an overview of the proposed regulation changes. The Board last adopted changes to its regulations on July 13, 1995 and April 20, 2004.

The proposed changes are offered to bring the regulations in line with the 2006 version of Title V and facilitate up-grades to septic systems for existing houses.

In broad terms, the major points of proposed regulations will:

1) Eliminate variances from Dover regulations for existing homes by using Title V setback requirements.

2) Allow proposed developments to use Title V setback except for the setback to wetlands.

3) Allow soils evaluations year round.

4) Keep the requirements of a minimum of 3 feet to ground water and maximum of 25 MPI percolation rate for new construction as failure criteria for the lot except that the use of a computer model to predict sewage break-out can be used for site specific studies to so a lot will not have a sewage break-out and can be built on.

5) A section was added to describe Title V system inspection criteria for Dover. The section described many details to be covered, the most important being cess-pools are an automatic failure.

The Board opened the hearing up to public comments. Eight people attended the hearing and offered comments.

1) Justine Kent-Uritam questioned why the Board just did not follow Title V directly as the costs of up-graded system is very expensive and additional regulations were not needed. She also recommended that the Board's policy on variance requests presently being used in Dover should be added to the regulation.

2) Stephanie and David Billings of 65 Centre Street questioned the reason for cess-polls being considered an automatic fail at the time of Title V inspection as opposed to just following Title V and having an inspection to see which system may have failed. They felt it was a burden on home owners, costs money that may not be needed to be spent; the Board had no specific proof that cess-pools were creating problems and other town boards should be consulted when issues relating to property values were proposed.

3) Other attendees: Ayme Van Riet; Ruthe Spalding; Jean McDonnell offered similar concerns to that expressed in item 2.

4) Mr. Billings and Jean McDonnell expressed lack of publication and access to the proposed changes.

5) Phil Luttazi expressed that the Board should just follow Title V.

The Board explained that the town has always attempted to protect the groundwater, its sole source of drinking water, from pollution, by having regulations stricter than Title V. This began in 1995 with the presently restrictive regulations concerning setback, soils evaluation time periods, and the limits for depth to groundwater and percolation testing for new construction. The Board was being proactive to protect the environment of the town. The Board noted that almost 75% of all cesspools are failures due to groundwater or technical issues and the remaining ones are in sandy soils an offer little treatment to sewage before it enters the groundwater, thus the automatic failure criteria with a complete Title V inspection.

Following Title V for setback and dimensional requirements will save existing home owners time and money and eliminate almost all the variance requests which are requested under the current regulations.

For new construction on undeveloped lots, computer modeling can be used to determine site suitability for a septic system without have to go through a variance process to offer additional proof that the site is buildable.

The Board had the notice of the hearing published twice as required in a local paper and posted with the Town Clerk. It was posted on the website and copies were available at the Board of Health Office. A red line comparison of the changes was not made available due to the extent of the changes.

The Board determined that it would:

1) Consider adding a section on Board of Health variance procedure to the regulations.

2) Make a red-line comparison copy available.

3) Reconsider the proposed regulation that all cess-pools are automatic failures (without a Title V inspection) in light of providing long term protection to Dover's sole source aquifer.

4) Continue the hearing to its next regular meeting July 15, 2013 at which time it will hear further comments on the proposed regulations and vote on its acceptance.

Mike Angieri