

Town of Dover
Board of Health
Monday, 07/10/2023
6:30 P.M. via Zoom

Meeting Minutes - Zoom Recorded

Present: Chair Kay Petersen, Member Stephen Kruskall, and Member John Quackenbush

Also Present: Board of Health Agent, Jason Belmonte, Wensong Qian, and Clifford Connolly of North East Water

1. Meeting called to order at 6:30 P.M.
2. The next BOH meeting will be August 14, 2023.
3. Taken out of order - 88 Centre Street - Health Agent Belmonte noted that issues were had with the previous well; a new well has been drilled, but does not have sufficient flow. They are requesting combining the use of the existing well and the new well to supply sufficient flow of water to their home. Nothing in Dover regulations explicitly notes that this is prohibited. There have been four to five wells there over the years.

Mr. Connolly noted that the bedrock in the area causes issues for this property and surrounding area. The first well drilled initially collapsed upon itself when the property was initially built in early 2000's. There were some minor issues with the second well, but had sufficient flow until the past few years, where flow has declined. The production rate in the new well has not been what was anticipated. Combining the wells would create enough production rate. Hydrofracking was performed in December. The flow went from two gallons to four gallons per minute after the hydrofracking.

Mr. Qian stated that the home is a four-bedroom, with four people living there since 2010. The wells are 100 ft. apart and are not near any public water supply.

Member Quackenbush questioned the capacity of the wells being enough to service the house adequately. Mr. Connolly stated that the combined flow of the wells would meet Town regulations.

Chair Petersen noted that regulations do not mention the combination of wells and language about flow rates refers to a singular well. She cited from Town Code:

Per §233-3 Definitions...Irrigation Well, "In no circumstances shall there be more than one water line servicing the dwelling."

Chair Petersen noted that she doesn't see where Dover regulations allow this request nor any precedent for it in Dover. She noted her opinion that having two marginal wells in an area where water production might continue to decline does not seem like a good long-term solution.

Mr. Connelly noted that they had limited options on the one acre property for digging another well, either encroaching on the septic or entering an area where they know it is a bad area to drill.

Mr. Qian offered an option where they only use the older well if the second well fails to supply enough water, as a back-up. There is 100 feet between the two wells. Mr. Connelly noted that there is a three-way electrical toggle switch which would restrict using one well at a time.

Chair Petersen asked if Town Counsel should be consulted. Member Quackenbush agreed, noting that he searched to see if there were any Massachusetts State Regulations regarding multiple wells and he had not found any.

Chair Petersen questioned Members about this matter becoming a precedent for properties on which there's inadequate water. Member Kruskall noted that more time should be taken to review if it were to become a precedent. He would like to hear from Counsel. Member Quackenbush agreed, noting that he had concerns that this might not be the best long-term solution for Mr. Qian.

Chair Petersen questioned the precedent for not decommissioning the other, unused well. Mr. Connelly noted that Massachusetts Law required decommissioning procedures if the well is not used for one year. Health Agent Belmonte noted that Dover regulations cite three years.

Member Kruskall noted that this request, if granted, could potentially change the entire playing field for the ability to develop houses in this town. He felt that he was not ready to decide as that would bear a lot of discussion. Member Quackenbush agreed Dover could review other towns' procedures and ensure Dover would not be breaking any State regulations.

Mr. Connolly noted that the new well meets the requirements and that the old well would be for emergency purposes only, so that would not compromise the regulations.

Member Quackenbush made a motion to table the discussion until the BOH can obtain more information and pick up this discussion at the next meeting, seconded by Member Kruskall. The motion passed.

The Chair noted that the approval of the new well does not include BOH approval of the second well.

4. Tobacco Hearing

Member Quackenbush made a motion to open the hearing on the proposed changes in the tobacco regulations. Chair Petersen seconded the motion.

Member Kruskall brought up concerns of not enough public notice on this hearing causing no attendance at the meeting. Health Agent Belmonte noted that the meeting was posted in the Hometown Weekly newspaper, June 29, 2023, but did not make the July 6th edition. However, it met the posting requirement. The Chair noted that the Hearing is within the guidelines of what is required.

It was asked if anyone received emails or letters regarding the matter. Health Agent Belmonte noted that one email was received from a cannabis company asking for the date of the hearing and Steve spoke with a couple of residents, one stating “over regulations are not necessary.”

Member Kruskall noted that he felt that the children in the Dover Schools are well educated on the effects of smoking. Also, when issuing a regulation, it gives it meaning and teeth and could be interpreted as being anti-business. He noted that he felt there should be no cap on tobacco licenses in Dover.

Chair Petersen noted that on the DPH Website in Massachusetts, 88 communities have a cap, 263 don't and those with caps abutting Dover are Natick, Needham, Medfield and Westwood. Towns without a cap that abut Dover are Sherborn, Walpole and Wellesley.

It was noted that vaping and cannabis may be discussed at a later date.

Member Quackenbush moved to close the hearing and discuss the individual changes to the regulations, Member Kruskall requested a change of the motion to close the hearing.

Member Quackenbush made a motion to close the hearing, Member Kruskall seconded and all members agreed by voice vote. The hearing was closed.

Chapter §220-6 Regulations - Sections F, G, and H. The three sections of Chapter 220 were reviewed individually.

Section F:

Health Agent Belmonte outlined that this section was intended to create easier understanding of transfer of permits and streamline the process.

Member Quackenbush made a motion to adopt subsection F as an amendment to the existing Town Code §220-6 which would cap the number of tobacco product sales permits in the Town to two, seconded by Chair Petersen.

The roll call vote shows: Member Quackenbush yes, Chair Petersen yes, Member Kruskall no.

Section G:

Member Quackenbush made a motion to approve amendment G Town Code §220-6 regarding the return of non-renewed tobacco product licenses to BOH, seconded by Chair Petersen.

The roll call vote shows: Member Quackenbush yes, Chair Petersen yes, Member Kruskall no.

Section H:

Member Quackenbush made a motion to approve amendment H Town Code §220-6 regarding the process to which valid tobacco product sales permits could be transferred between businesses at the time of sales, seconded by Chair Petersen.

The exact vote shows: Member Quackenbush yes, Chair Petersen yes, Member Kruskall no.

Member Quackenbush made a motion to amend §220-6 of the Town Code to record the date of today's approved amendments to §220-6 subsections F, G, and H, seconded by Chair Petersen.

Health Agent Belmonte to get amendments finalized and coordinate with necessary parties to get published on the website.

3. (Continued) - 6 Park Avenue - The property belongs to Mark Conrad (who was not in attendance at the meeting). A previous meeting was held with Ron Tibieri, a local engineer, proposing a new septic system. They are going to have a well that is 50 feet from the system. As part of the new system design, they need a deed restriction as it is only going to be a two-bedroom. Title 5 allows a three-bedroom, however, due to spatial constraints, they can only build a two-bedroom. The property currently has a deed restriction from December 2000, requiring them to get their water tested annually and their septic system pumped every other year. Mr. Conrad is requesting that while a new covenant is created, the older one is removed. Health Agent Belmonte retrieved nine previous water reports and only one of the nine had a slightly elevated nitrate count. He noted that he believed Mr. Conrad's intention is to sell the home and wants to eliminate the older covenant to make it as appealing as possible.

Discussion to wait until the August meeting so that Mr. Conrad could attend for informational purposes.

Chair Petersen entertained a motion to roll the previous covenants into current one, requiring continued pumping every other year, water testing annually and the two-bedroom limitation. Discussion regarding still having Mr. Conrad come to the next meeting and the urgency of action to be taken. Member Quackenbush proposed nullifying the previous deed restriction and including the three items on a new deed restriction.

Member Quackenbush made a Motion to nullify the previous deed restriction and provide a new deed restriction that would limit the property to two bedrooms, require annual water testing and require pumping of the septic system every two years. Chair Petersen seconded the motion.

All voted in favor.

65 Main Street - Health Agent Belmonte noted that this project is a complete teardown and rebuild. He went out a few months previously and flow-tested the well. It will be a pump system, with leaching areas, and chambers. It is in a Zone II, meaning it has nitrogen loading limitations. It does meet the loading requirements. They are close to wetlands. but they're

outside of the 100 foot buffer zone. The chamber system will have a pump and there is some issue with an area of high groundwater that could pose a challenge.

Member Quackenbush made a Motion to approve the septic plan for 65 Main Street, Dover dated June 19, 2023, seconded by Chair Petersen.

All voted in favor.

Inspection Updates: Health Agent Belmonte noted that there were four or five summer camps that started up in June and he went out to them, performing inspections. No issues were found. He reviewed signage, up-to-date paperwork, campers' physicals and other housekeeping issues.

He initially inspected the 12 food establishments in Town upon starting his position and will soon be starting his second round.

Member Kruskall asked if Camp Powisset was still under a "boil water order." Health Agent Belmonte confirmed that they were. He will check on their status as he informed them that they could not remain under this status for the entire summer. Discussion of health risks of using bottled water and hand washing stations that were brought in. Concerns with irrigation wells being contaminated and then vegetables consumed and at the farm stand, irrigated with that water.

Health Agent Belmonte noted that they discarded any product that may have potentially been impacted. and they ceased vegetable operation. He thinks they did resume selling the vegetables, but in an unwashed capacity. so nothing that would have been affected by the water there. They are supplied by public water. They are regulated by the DEP and the DAR for the State. Unwashed vegetables are exempt as they are considered "farmer's market." He will touch base with them and get an update.

5. Digitization of Files - Chair Peteren noted that in addition to the online permitting, digitization of files is important for other inspection services. She noted that Health Agent Belmonte had experience with digitized files in previous positions. She invited Member Kruskall to speak his thoughts.. He stated he felt it's an issue that's long past due, the money is available, and Jason has an expertise in this area, knows what he wants, knows what works and thinks the Board should proceed.

Member Quackenbush suggested waiting until a new Town Administrator is on board before moving forward. Health Agent Belmonte noted that the new Town Administrator starts the following Monday and he would start a conversation with him before the next meeting. Chair Petersen asked that this be added to the agenda for the next meeting after Health Agent Belmonte has a chance to speak with the new Town Administrator.

6. Dover Days - Chair Petersen asked if BOH has ever had a table at Dover Days. No one had that information. She suggested that the BOH could provide information about septic systems

and tick-borne illness. Health Agent Belmonte felt a fun component would need to be added to get attention.

Other Matters

Chair Petersen received an email from James Hearsum, Director of Elm Bank at MassHort offering a tour at his facility or he could come to a meeting to let us know what they're doing these days. Discussion that he would need to come to a meeting so as not to commit an Open Meetings violation.

Chair Petersen mentioned that Diana Acosta, Shared Services Coordinator has been promoted to the position of Assistant Director of Shared Services at the DPH, so she will no longer be the coordinator of our shared services group.. A replacement for her work on our Shared Services grant has not yet been hired.

Health Agent Belmonte announced that he, in addition to being a Registered Sanitarian, is now credentialed as a Certified Health Officer.

The meeting was adjourned at 8:35 P.M.

Submitted by,



Priscilla Steenbergen