

Scituate Board of Health Meeting
June 20, 2016
Scituate Town Hall – Selectman’s Hearing Room
6:00pm

MEMBERS PRESENT: Mr. Steven Pansey, Chairman
Mr. Russell Clark, BOH Member
Mr. Douglas Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Susan Tice, Health Department

Mr. Pansey opened the meeting at 6:00 PM

Acceptance of the Agenda

Scheduled Items:

Discuss/Vote: Septic System Failure/State Sanitary Code Violations, 87 Glades Road
Greg Morse representing homeowners, Ms. Doris Crary and Mr. Dennis Badore

Ms. Keefe opened the meeting by explaining that she received a complaint in April that a septic system was discharging to the ground surface on Glades Road. She investigated the properties in that area and found a system in failure behind the dwelling containing four rental units at 87 Glades Road. Ms. Keefe subsequently notified the homeowners by certified mail indicating that the system was in failure, with effluent discharging to the ground surface that she observed when visiting the property. The letter also stated that a septic system in failure is a violation of Title 5 and the State Sanitary Code chapter II, which is also known as the housing code. Ms. Keefe further indicated that each occupant was served with a copy by a constable, since she was unaware of names of occupants at that time.

Ms. Keefe stated that the owner provided a response on May 17, 2016 to confirm the receipt of her letter to and explain that they had the septic pumped by All Town on May 11, 2016 at 87 Glades Road to alleviate any immediate threat to public health. The letter stated that the owners had a plumber check the units for leaking pipes and faucets, which could have caused water to run continuously to the system and cause the failure.

One of the homeowners came to the Health Department and expressed that she did not agree that her system was in failure. Subsequently, the BOH received a letter from their attorney stating that they did not believe the system was in failure and requested this hearing in front of the Board of Health.

In the meantime, Ms. Keefe said she forwarded an email dated June 2, 2016 to the Board members from Greg Morse, who had been hired by the owners to initiate engineering work relative to this hearing.

Greg Morse stated that he was hired in early June to inspect the septic system at 87 Glades Road. He said he acquired the water records for the past two years and they looked fairly consistent. He explained that the property owner was concerned that one of the tenants in the building was deliberately leaving water running to cause the septic system failure. Mr. Morse said the system was comprised of a tank and leaching pit. He said he did not witness breakout at the time of inspection. He told the Board members that the owner would like the opportunity to have the tenant removed before starting the engineering process.

Mr. Pansey said the eviction process could take a long time and since the system was in failure, he felt it needed to be addressed soon. Ms. Crary said she thought the tenant would be evicted by July. Mr. Clark asked Mr. Morse about his observation of the water contributing to the failure. Mr. Morse said he could see the water running the first time he visited but not since. He stated he had subsequently returned to the property a couple of times since the first visit.

Ms. Crary reiterated to the Board members that she felt if they could remove the tenant, that the problem would resolve itself. Mr. Pansey said that the Board of Health has documented complaints regarding this septic system dating back to 1997. He stated that there is a twenty year history of septic problems at this address. Mr. Pansey said although he understands the owner's situation, the BOH needs to comply with Title 5. Ms. Keefe agreed and explained to the homeowner that the time frame for the installation of a new system would coincide with the tenant moving out since the owners believed the tenant would vacate in July. Ms. Keefe indicated that this was not a punishment and that systems fail even when they are maintained properly.

Ms. Keefe gave a recommended timeline for the septic system replacement at 87 Glades Road. She said the letter dated May 5, 2016 indicated that the owner must submit a plan from an Engineer or registered sanitarian in 30 days. Mr. Morse said he could complete a percolation test and submit a plan within the 30 day timeframe. Ms. Keefe said the BOH has 45 days to review the plan and it should be reasonable to install the septic system within 45 days after the plan was approved. The system should be completed in 120 days from today's date which would be October 20, 2016. Ms. Keefe explained to the owners that this schedule would give all of the required parties the time they need to complete the project. She reminded the owners that the BOH would expect you to pump the system in the meantime to prevent breakout.

Motion to repair or replace the septic system that is in failure on 87 Glades Road according to the schedule of 120 days until completion that has been agreed upon at this meeting on June 20, 2016

All in favor, unanimous

Administrative Invoice Approvals

New Business:

Ms. Keefe updated the Board members on the beaches and explained that they are open and the department started sampling on Tuesday, June 27, 2016. The department is using the professional services of G and L Labs which is the State contracted lab for sample analysis. They will also be collecting the samples each Tuesday. Ms. Keefe said the Farmer's Market will open Wednesday and all of the participants will be permitted once they are inspected. Ms. Keefe said the department is working on permitting potential camps in Scituate. Lastly, the department is receiving temporary food permit applications for Heritage Days.

Meeting Adjourned

List of Documents:

Meeting Agenda

Email from Greg Morse

Accessor Card 87 Glades Road

Ms. Keefe's letter to owners 87 Glades Road dated 5/5/16

Confirmation from Constable, delivery of Ms. Keefe's letter dated 5/5/16 to tenants of 67 Glades Road

Owner's response to Ms. Keefe's letter 5/17/16

Owner's letter to Board of Health 4/5/5

Letter regarding overflowing septic at 87 Glades to from Ms. Sullivan dated 4/1/14

Ms. Sullivan's (previous Health Director) letter to owners regarding failing septic dated 3/31/5

Inspection letter from Ms. Sullivan 4/12/2001

Letter regarding overflowing septic at 87 Glades from Ms. Sullivan 7/2/97