**Scituate Board of Health Meeting**

**December 22, 2014**

**Scituate Town Hall – Selectman’s Hearing Room**

**MEMBERS PRESENT**: Mr. Russell Clark, Chairman

Mr. Michael Vazza, BOH Member

**OTHERS PRESENT**: Ms. Jennifer Keefe, Director, Public Health

Ms. Susan Tice, Health Department

**7:00 PM**  Open Meeting – Mr. Russell Clark opened the meeting at 7:00 PM

5 Williamsburg Lane- Title 5 Septic hearing regarding variance request-Mr. Gregory Morse representing homeowner

**5 Williamsburg Lane:**

Mr. Brodsky, attorney, introduces himself as an attorney living in Scituate with an office in Hingham, MA and states he is representing the land owners. He explains that Mr. Greg Morse will be leading the presentation. Mr. Morse introduces himself and the owners of 5 Williamsburg as Ken and Elaine (Bongarzone) and explains they are seeking a variance on Title 5 for 5 Williamsburg Lane. Mr. Morse explained that there is some history on this property. Originally he was hired by the Bongarzones’ in 2012 to permit a single family house lot. Preliminarily when they did the research on this land using the GIS (Geographic Information System), they realized the majority of site was considered wetlands; therefore, they hired a wetlands scientist, Brad Holmes to visit the site to access wetlands. He flagged the back corner of Country Way only as wetlands. They found the rest of the lot was upland area and not all wetlands as the Town and State thought originally. Therefore, they looked at the Town 100 foot buffers and did favorable PERC tests and soil tests. The design for the septic system was approved by the former health agent. They also filed with conservation commission to do the work 100 feet from the buffer zone. They filed with the Conservation Commission for a storm water permit. The Conservation Commission held a meeting where abutters were notified and the work was approved with an Order of Conditions and they are still valid today.

After that approval, Morse Engineering was hired on a separate property south of Williamsburg Lane by Doug Sheerin who was developing a 3 single family home project at 305 Country Way. At that time, they did a filing an ANRAD (Abbreviated Notice of Resource Area of Delineation), to review wetlands at the project, which was appealed by an abutter to the Mass DEP. They asked Bruce Bout, a hydro geologist from the DEP and walked the property with Laura Harbottle, the planning department, Pat Gallivan, the conservation department and Frank Snow, chairman of Conservation Commission. It was determined that the wetland ended at the rear of 305 Country Way and 5 Williamsburg Lane. The land was incorrectly flagged previously and there were not wetlands or even a stream but noted a tributary. A tributary has no setback requirements according to the Wetlands Protection Regulations. Once Mr. Morse realized it was a tributary and realized it did not comply with 310 CMR 15.211, Zone A, he asked that the BOH void the previous septic system permit approval. Mr. Clark confirmed that the approval was 2 years ago. The septic that was originally approved would be withdrawn for a new septic system approval and this is the reason to revisit this issue tonight. Once 305 Country Way was approved, they knew they needed to go through this same process for 5 Williamsburg Lane. According to the local approving authority, the septic tank and leaching field needed to be 200 feet from the tributary and that is why they are requesting this variance. Mr. Morse stated that the BOH has authority to approve variance because it is a tributary. 310 CMR 15, Title 5 outlines this procedure in 310 CMR 15.411. A variance request was submitted in writing along with the application. Morse Engineering notified abutters on Dec ember 12 in order to give them the proper 10 day notice. Mr. Morse reinforced that the variance approval as well as denial must be in writing and posted at Town Hall and that the BOH must act on the variance in 45 days. Mr. Vazza asked if the start date started tonight and Mr. Morse said the starting date was from the date of application on December 5. Mr. Morse stated Section 15:410 as the reason the variance is being submitted and that he would meet the burden of proof. Mr. Morse stated that it would be manifestly unjust to comply with the 200 foot setback. There was a transfer of property within the family in 1970 and at that time the owners granted the Town of Scituate an easement for $1.00 for a drainage easement and this caused the tributary on their property. In 1987, the town adopted a Water Protection District. Therefore, Morse Engineering did substantial perc and soil tests and are proposing an alternative septic system in lieu of a traditional septic system. The MicroFast system is allowed for general use according to the Mass DEP and can be used for new construction. Morse Engineering attached testing standards and the MicroFast system takes the water standard to a much higher standard. An acceptable standard is 10 parts per million of nitrogen and this system would result in less than 10 parts per million of nitrogen. This system provides enhanced protection. In Addition to the septic system permit because of the Water Resource District no disturb buffer zone, they will be filing with Zoning Board.

Mr. Brodsky reinforced that the homeowners granted the Town an easement for $1.00, which caused the tributary. The tributary drains to 305 Country Way to the reservoir. Before the water leaves the lot, it meets the drinking water standards. They are proposing the alternative system to ensure the water standards. Mr. Vazza said it looked like an impressive system. Mr. Morse will be adding the changes recommended by Dan the engineer at Town Hall which will include a 3 bedroom design plan. The system will be 100 feet away from the tributary in accordance to section 5 in the water regulations. Mr. Brodsky stated they are adding flexibility within this regulation. Mr. Vazza confirms that the leeching field is 110 feet away and Mr. Clark asked how far it was to the reserve area. Mr. Morse referred to the map and measured 108 feet and Mr. Clark went to the map to confirm.

Mr. Clark asked if there were any abutters in the room that would like to ask questions or make comments. Mr. Ken Scott from 323 Country Way introduced himself and said he lived across from Williamsburg Lane. He explains he is not against developing the land and just had a few questions. Mr. Scott asked who made determination that is was indeed a tributary. Mr. Morse replied the MassDEP and Conservation Commission. Mr. Scott asked if Mr. Sheerin’s process had anything to do with 5 Williamsburg Lane. Mr. Morse replied no. Mr. Scott asked where the leaching field would be and Mr. Morse directed him to the map and Mr. Scott replied that it was fine. He asked if there would be a change on how the water drained from the property and Mr. Morse explained it would be the same as it is now and they actually are providing separate storm water drainage for the home by installing dry wells on the roof and rain guards on the house. They calculated the existing runoff and compared it with the proposed runoff and it will not be changed. Mr. Clark confirms that the existing easement took place in 1970. Mr. Scott and Mr. Vazza asked who approved the storm water plan. Mr. Morse replied the storm water was approved by Conservation Commission. No further questions.

Mr. Clark stated that he wants to read more about it on his own time.

Jenn Keefe stated the water superintendent needs to review. Mr. Vazza states he is comfortable with system proposed but agrees other boards need to review.

Mr. Clark suggests a continuance giving the water department time to review. The next BOH meeting is set for January 12, 2015 at 7pm.

Mr. Morse stated the zoning board meeting is typically the 3rd week of month, which will work under the current time constraints for the BOH decision.

Mr. Brodsky provided a copy of a zoning map from 1987. Mr. Clark confirmed that it was two years since they requested to develop the property. Mr. Brodsky confirmed and said it’s been in family over 60 years.

Jenn Keefe and Mr. Morse will discuss requested changes to the plan prior to the next meeting.

Mr. Clark says thank you to Mr. Morse for a great presentation.

**NO NEW BUSINESS**

**MEETING AJOURNED:**

Accepted 7:34