

**Scituate Board of Health Meeting
Monday, April 30, 2018
Selectman Hearing Room
6:00 P.M.**

MEMBERS PRESENT: Mr. Doug Whyte, Chairman
Mr. Russell Clark, BOH Member
Mr. Steve Pansey, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Joan Schmid, Administrative Assistant

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

Mr. Whyte called the meeting to order at 6:05 p.m.

Acceptance of the Agenda - A motion was made and seconded with all in favor of accepting the agenda and opening the meeting.

SCHEDULED ITEMS

Discuss/Vote: Septic System Design Hearing – 62 Glades Road - Westgate Surveying & Engineering representing homeowner request for installation of a septic system requiring local upgrades/variances

Mr. Frank Westgate from Westgate Surveying & Engineering attended the meeting on behalf of the homeowners of 62 Glades Road. The plan required an upgrade with very limited space on the property and the homeowner was requesting multiple variances. Mr. Westgate presented the plan to the Board. He said that Ms. Keefe did a thorough review of the plan and he had some omissions and mistakes that have been corrected. Mr. Westgate said an alternative to the plan provided was to raise the home and put the system under it, however; the cost would be too much for his clients. The Board asked for the location and Ms. Keefe noted it was the home between the public parking space and the boat ramp on ocean side of the road near the condo complex. Mr. Westgate said it is an old dwelling from the 1800s and the Town owns the property that abuts the home. He said that he tried to put the system in the front; however, it would be hard to get the equipment into the site. Ms. Keefe noted for the record the required abutter notifications were previously received. Mr. Westgate said it was a difficult design; but they were requesting a 25 % reduction in square footage size and just made it. It is a four bedroom and need 440 sq. ft. per bedroom with a 25 % reduction to the required 330. Ms. Keefe confirmed it is a four bedroom. It will need a 1,500 gallon tank with 110 gallons per day per bedroom x 200 %.

Ms. Keefe indicated the floor plan was not provided and she needs to see the floor plan to confirm the number of bedrooms and design flow. Mr. Westgate said he submitted the floor plan, however, Ms. Keefe noted that it does not have the bedrooms on the plan. Mr. Westgate noted that the assessors have it listed as a four bedroom and Ms. Keefe said she still needed to see the entire floor plan. Mr. Westgate replied he would submit the floor plan. The Board noted there are a lot of variances requested. Ms. Keefe provided the Board with two options, since she received the revised plan on April 25th and had not yet reviewed it and there were sixteen comments on the original design as Mr. Westgate noted. She said the Board can either continue to a future meeting, or approve it pending both Conservation Commission approval and Ms. Keefe's administrative review with all her comments satisfactory answered. The Board asked about comment #14 regarding the water line. Ms. Keefe said that the original design had the waterline going through the leaching field. Ms. Keefe received a comment from the water department and although they realize the property is tight, they prefer that the water line be around the

leaching area, even if it is only a foot away, with it sleeved appropriately regardless of the final configuration. Mr. Westgate said the water department conferred with the highway department and they don't want to break up the road so Mr. Westgate will move the shut off valve as far away and out into the sidewalk and will have the sidewalk repaired. Mr. Westgate said he has addressed it in his revised plan and comment response. Mr. Westgate gave Ms. Keefe a copy of the response. The Board asked what prompted the plan submitted. Ms. Keefe said that the property was being sold and a Title 5 was not done. Ms. Keefe notified the real estate agent who notified the buyer and the seller who contracted a Title 5 inspector per Ms. Keefe's order and confirmed the failed system. The new owner was sent a letter from Ms. Keefe giving them one year to upgrade the system. The Board asked if Ms. Keefe is comfortable with them approving it or if she would be more comfortable continuing. Ms. Keefe said she will be comfortable with the Board's conditional approval, since there are a lot of variances. Mr. Westgate said he has been before the Conservation Commission and they continued and postponed until the Board of Health approves the plan. The Board agreed to let Ms. Keefe work with Mr. Westgate and Ms. Keefe will provide Conservation Commission with a status for their review.

There was a motion made and seconded with all in favor to approve the septic repair plan pending approval by the Conservation Commission and satisfactorily addressing Board of Health administrative comments with Mr. Westgate working with Board of Health agent, Ms. Keefe, with the local upgrades requested that include: 1) Reduction in setback between the SAS and the following: a. Foundation from required 20 feet to 0.5 feet, b. coastal cank from required 50 feet to 42 feet, c. Water line from required 10 feet to 0 feet 2) Reduction in setback between the septic tank and the following: a. Foundation from required 10 feet to 1.5 feet, b. Water line from required 10 feet to 0 feet 3) A 25% reduction in the size of the SAS from the required size associated with 440 gpd to 330 gpd; and with the following variances requested: 1) Reduction in the required setback between the SAS and property line from 10 feet to 0.5 feet, 2) Reduction in the required setback between the septic tank and property line from 10 feet to 0.5 feet, 3) Reduction in the required spacing between trenches from the required 12 feet to 2 feet.

Discuss/Vote: Septic System Design Hearing – 4 Postscript Lane, Cavanaro Consulting representing homeowner request for installation of a septic system requiring local upgrades/variances

Mr. John Cavanaro from Cavanaro Consulting attended the meeting with the owners of 4 Postscript Lane, Michele and Rob Scolnick. Mr. Cavanaro gave Ms. Keefe the abutter green cards for the record. Mr. Clark disclosed he had done business in the past with the owners and the owners indicated they had no issue with Mr. Clark.

Mr. Cavanaro said that the property is an existing two bedroom dwelling that has been a seasonal home of the owners, who are lifelong fourth generation occupants in this neighborhood. The owners want to make it their permanent residence. Mr. Cavanaro said they have been before the Zoning Board and Conservation Commission and both were supportive of the project but reluctant to close until the Board of Health approves the septic system plan.

Mr. Cavanaro presented the septic system design to the Board. It currently consists of a cesspool that discharges directly from the house to be replaced with a convention system that is a gravity flow system, with a tank, a distribution box and infiltrator chambers. Mr. Cavanaro said they are able to make it as conforming as possible, except they are tight to the property lines with restrictions to buffer zones and are trying to keep out of areas that are servicing driveways and parking areas. Mr. Cavanaro is asking for a setback reduction from the requested 10 feet to 5 feet to the property line and 10 feet to 9 feet between the field and foundation. There is no full basement and the owners are making it flood compliant by putting it up on piers. The Board asked if they

received water during the last storms and the owners did have water. Mr. Cavanaro said it needs a deed restriction. Ms. Keefe provided the Board with the four comments she gave to Brendan Sullivan, the engineer working on the project. Her first comment was regarding the scale and has been corrected; the second comment was a two bedroom deed restriction is needed before the certificate of compliance can be issued and Ms. Keefe will work with the owners on that paperwork; comment three was abutters card were needed, which were received at tonight's meeting; and comment four was that the property line survey needed to be provided with the surveyor's stamp. Ms. Keefe said that all comments have been addressed. The Conservation Commission meeting is scheduled for next Monday. Ms. Keefe will let the Conservation Commission know comments were addressed.

A motion was made and seconded with all in favor to approve the septic repair plan pending approval by the Conservation Commission with the local upgrades requested that include: 1) Reduction in setback between the SAS and the slab from required 10 feet to 9 feet, 2) Reduction in setback between the septic tank and the slab from required 10 feet to 9 feet; and with the following variances requested: 1) Reduction in the required setback between the SAS and property line from 10 feet to 5 feet and 2) Reduction in the required setback between the septic tank and property line from 10 feet to 5 feet.

Discuss/Vote: Non-compliance of Failed Septic System; 41 Utility Road; McDonough

Mr. McDonough informed Ms. Keefe that he could not attend the meeting for personal reasons. Ms. Keefe said Mr. McDonough inquired to what would potentially be discussed and Ms. Keefe informed Mr. McDonough that she presumes the Board would be reviewing the status of the ordered they issued 60 days ago at a previous meeting for percolation tests and septic plans to be submitted by April 27th. Mr. McDonough informed Ms. Keefe he had not completed the Boards actions for personal reasons. Ms. Keefe informed Mr. McDonough the Board needs the actions completed for the Board to allow them to participate in the betterment loan program, since that is how the Board determines the funding. Ms. Keefe said that to date the Board's required actions have not been completed. The Board noted that nothing has been done to date. Ms. Keefe provided the Board with a case summary, which started in April 7, 2014 and it has continued through April 30, 2018, with this being the eighth time the McDonoughs had been scheduled to appear before the Board since October 2017. The Board asked if any permitting requests had come into the office and Ms. Keefe said there has been nothing to date. Ms. Keefe said Mr. McDonough indicated that due to the cost they have not done anything. Ms. Keefe indicated she explained to Mr. McDonough that the Board cannot allow have them to participate in the betterment loan program until the Board gets the percolation, engineered septic system design and installation with cost estimates. Ms. Keefe also said that she gave Mr. McDonough the contact numbers of engineers, which is also located on the website, so he can ask them if they will defer payment until the betterment program is in place and be willing to work in the betterment program.

Ms. Keefe gave the Board her personal recommendation requiring them to complete the orders with another deadline of May 30th to allow her to review the septic plan in advance, so that when funding is available on or after July 1st, they are ready to participate. Mr. Whyte also suggested the McDonoughs be at the next meeting on May 14th to provide an update and review the requirements. The Board noted they are being generous by giving the McDonoughs another thirty days, since they were considering scheduling condemnation hearing at the last meeting. Ms. Keefe noted also at the time they did not know how the Town would vote on the betterment program for funding. Mr. Clark stated that whether or not the Town funded the betterment program, the Board asked for percolation tests and septic plans and nothing has been done. Ms. Keefe said the McDonoughs have not contacted her in the past sixty days to ask what the process would be for the betterment

program. Mr. Clark felt the Board should move forward with the condemnation but will go with Ms. Keefe's recommendation. Mr. Whyte stated he thinks that the McDonoughs should attend the next meeting. Mr. Clark agreed, since there have been no shows by the McDonoughs. Ms. Keefe said the McDonoughs are now on an even tighter schedule and only have 30 days to find contractors willing to work with the betterment program, conduct a percolation test, and work with a design engineer, many of whom are already very busy. Mr. Clark said he is tired of the McDonoughs not doing anything and it has gone on too many years but he will go with Ms. Keefe's recommendation.

A motion was made and seconded with all in favor to require the owners of 41 Utility Road to conduct percolation tests and submit a proposed septic system design plan to the Board of Health and three quotes for all costs for review by May 30, 2018. The owners are also required to attend the May 14, 2018 Board of Health meeting to give an update. If this timeline is not met, this matter will be discussed at the Board of Health meeting scheduled for June 11, 2018 and the Board of Health may initiate enforcement actions at that time.

NEW BUSINESS

Director's Report

Ms. Keefe informed the Board there were twenty eight food inspections conducted between March 27th and April 4th. Critical violations observed include leaking hand sink, walk in freezer not at proper temperature, dirty prep sink, food not held at proper temperatures, glass and dishwasher not sanitized, and food not dated. All re-inspections were conducted but she does not yet have the reports.

Ms. Keefe is finalizing the farmer's market specific application, which will streamline the process based on what the vendors are selling. This application will need to be completed for the summer and the winter farmers market.

The office is prepping for pools, beaches and camps to open. The pool application packages have been sent. There was one partial pool application received today. The camp packages are being sent soon out and the State revised their regulations in March. Thus, the forms have been updated and Ms. Keefe will give guidance to the camps as they move through the permitting process.

There is one new housing case and one less nuisance case with possible two new cases.

There are five environmental releases being followed with one permanently closure report submitted.

The office is working on post storm damage septic assessments and repairs. There are three outstanding operation and maintenance septic repairs, and one outstanding operation and maintenance contract. There were two new septic design plans received on April 25th or later, and one revised plan received. There are fourteen known failures and six of them have no occupancy orders. Several as-builts plans have been received for certificates of compliance.

OLD BUSINESS

None

OTHER BUSINESS

Administrative Invoice Approvals

The Board reviewed and signed the administrative invoices for approval.

ADJOURNMENT

A motion was made and seconded with all in favor at 6:45pm.

LIST OF DOCUMENTS PRESENTED

Title 5 Report from Gregory Morse for 62 Glades Road

October 19, 2017 letter from Jennifer Keefe to Mr. Donald Heap, 62 Glades Road.

Proposed Septic System Design for 4 Postscript Lane

Title 5 Report from Eric Mueller for 41 Utility Road

April 7, 2014 letter from Jennifer Sullivan, Director of Public Health, to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

June 21, 2016 letter from Jennifer Keefe to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

August 22, 2016 letter from Jennifer Keefe to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

August 21, 2017 letter from Jennifer Keefe to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

October 17, 2017 hand served letter from Jennifer Keefe to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

February 27, 2018 letter from Jennifer Keefe to Mr. Thomas and Ms. Susan McDonough, 41 Utility Road

41 Utility Road case summary