

**Scituate Board of Health Meeting  
Monday, August 13, 2018  
Selectman Hearing Room  
6:00 P.M.**

**MEMBERS PRESENT:** Mr. Doug Whyte, Chairman  
Wendy Oleksiak, 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 6:01 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 – 761 Country Way– Morse Engineering Company, Inc. representing homeowner request for installation of a septic system requiring local upgrades/variances.*

Mr. Gregory Morse, from Morse Engineering, attended the meeting representing the homeowner of 761 Country Way. Mr. Morse presented the Board with septic system upgrade; which is a mix use property with an office/retail and two one bedroom apartments on second floor in North Scituate. The Board continued the request for local upgrades and variance. Mr. Morse said Ms. Keefe, the health agent, had an additional variance request for the Board of Health and he presented the new highlighted revised plan. The additional variance has to do with the calculation of septic flow. Mr. Morse said that Title5 lists the flow for 110 gallons per day for a bedroom and 75 gallons per day for retail and office space. Mr. Morse said Title 5 also has a regulation for septic systems to have a minimum design flow of 200 gallons per day for an office or retail area. Mr. Morse said they cannot accommodate the 200 gallons per day with the design so he is requesting a waiver.

Mr. Morse said he sent an email to MassDEP to see if the Board of Health could grant the variance. Mr. Morse included the email from Brett Rowe from MassDep who indicated, if it was a repair, he would image the Board of Health would grant a variance to the minimum requirement. Mr. Morse said he has maxed out the size with the design and he is requesting the Board grant the variance. Mr. Morse presented the water calculations from 2010 to present and indicated that the property generates on average 114 gallons per day. He said the system he is designing will accommodate 239 gallons per day which is more than 200 % for water flow. The Board asked if that is with full capacity since the building has been vacant for a while. Mr. Morse said he used the water calculations, when it was full occupancy, from 2010 to 2012 when they used 114 gallons per day. Mr. Morse said there are 1250 square feet of retail space.

Mr. Morse indicated the section of Title 5 regulation 310 CMR15.203 is vague and has different uses. There is a minimum gallon per day for system design. Mr. Morse said an office space is at 75 gallons per day and has a minimum system design of 200 gallons per day. Mr. Morse said he interrupts the system design calculations for mixed use with 200 gallons per day. He said he is designing a system for 239 gallons per day which is above the requirement.

The Board asked Ms. Keefe for her comments. Ms. Keefe indicated that based on her conversations with MassDEP in the past, for full compliance, the calculations would be 420 gallons per day for a mixed use building, adding the bedrooms and office/retail space. She said she agrees with Mr. Morse that he has

maximized the system he can design for the property. Ms. Keefe said she had two concerns. Mr. Morse spoke with MassDEP on August 9<sup>th</sup> and he did not document that he was asking for an already 25% reduction in size from the already reduced design flow. Ms. Keefe said Mr. Morse was not asking for 25% reduction on 420 gallons per day but on the 314 gallons per day. Ms. Keefe's other concern is that section 404 of Title 5 indicates that the approving authority, the Board, cannot give more than 25% reduction and MassDEP would only be the ones to authorize the variance. Mr. Morse said that CMR15.405, the local upgrade approval section is for requests for local upgrade approvals and he is not asking for local upgrade approval on size requirements. He is asking for a variance for the flow. Mr. Morse said he still needs local upgrade approval by the Board for all the others and MassDEP will not look at it until the local Board approves.

Ms. Keefe's recommendation to the Board was to conditionally approve each of the items listed including those in red on the septic system design plan dated 8/13/2018 with the condition Conservation Commission approves the plan and MassDEP approves with the ultimate design flow, CMR15.203.

A motion was made and seconded with both in favor of the following upgrades and variance with conditionally approving the septic system design plan dated 8/13/18 with the condition that the Conservation Commission or its agent approves the plan and MassDEP approves CMR 15. 203 on the plan: 1) Reduction in setback between the SAS and the slab foundation from required 10 feet to 8 feet, 2) Reduction in setback between the septic tank and the slab foundation from required 10 feet to 3.1 feet, 3)The presence of only one deep hole in the proposed SAS instead of the required two. 4)Reduction in the required setback between the SAS and property line from 10 feet to 2 feet, 5)Reduction in the required setback between the septic tank and property line from 10 feet to 5 feet, 6) Reduction in the separation between the bottom of SAS and high groundwater from the required 5 feet to 4 feet. And with the following variances: 1) Reduction in the size of the required 5 foot over dig to a 2 foot over dig

*Discuss/Vote: Private Well-10 Grasshopper Lane, Caesar, homeowner requesting a variance from Town of Scituate Private Well Regulation*

The homeowner, Mr. Mark Caesar of 10 Grasshopper Lane has filed a variance request to the Board. He said this is the last step to receive a certificate of compliance for his private well that he will only be using for irrigation. He is requesting a variance for the sodium levels. Mr. Caesar indicated that everything passed from the water sampling except for sodium which should be 20 mg and was 72 mg. He has installed an irrigation well that will not be used for drinking. Mr. Caesar indicated that the level of 20 mg is for a small population with hypertension and there is 1% of population with hypertension.

The Board reviewed the design plan and asked if the well meets all of the requirements for the well. Mr. Caesar said he meets all the requirements for setbacks.

The Board asked Ms. Keefe if the variance was approved how it gets files if it does not meet the requirements for water standards. Mr. Caesar said he can add it to the deed of his property that the well water does not meet the current sodium water standards. He is a mile away from the town watershed.

The Board asked if Mr. Caesar has reached out to a water quality specialist or well driller to get the sodium level to 20mg. Mr. Caesar gave examples of sodium levels in food and said he doesn't think his sodium level will cause any harm.

Ms. Keefe gave a history of the private well regulation. The Board spent more than two years with many public hearings developing a private well regulation. In part of the process, the Board had a number of experts at more than one of these meetings. They also reached out to other towns Board of Health's and well drillers. The Board was struck by all of the information gathered, which was instrumental in the Board creating the current private well water regulation to treat all wells the same and not make the distinction of use. All private wells need to meet all of the setback requirements and water sampling.

Mr. Caesar said he will reach out to the well driller to see what systems are available for filtering and will also seek a water quality specialist. Mr. Caesar did water sampling twice already and he thinks his well is safe with the sodium results. The Board said the regulations are in place for a reason and they want to be very careful granting variances.

A motion was made and seconded with both in favor of continuing until the August 27, 2018 meeting.

## **NEW BUSINESS**

### *Director's Report*

Ms. Keefe reported there were 34 temporary food permits given for Heritage Days after conducting inspections. This was the largest single day event with the largest number of inspections.

There are two open nuisance cases with one closed.

There are twenty private well applications in review and all are revised plans.

She is continuing to conduct swimming pool inspections.

There was one beach closing at Lighthouse Beach and was reopened on Friday. The beaches are sampled every Tuesday.

There are three active housing cases which is three less since the last meeting.

There was a grant submitted last week to Mass housing to provide hoarding resources.

There is one new septic plan since August 1<sup>st</sup>, one revised plan and following up on outstanding certificate of compliance.

There is one outstanding operation and maintenance repair and two outstanding contracts which have not changed since the last meeting.

There is one failed septic system brought into compliance since the last meeting.

There are five environmental releases she is tracking.

The Board asked about pool sampling. Ms. Keefe said that every other month a sample is sent to the lab for analysis and the lab can send the report directly to the Board of Health.

## **OLD BUSINESS**

### *Discuss: Septic Betterment Program*

Ms. Keefe presented the Board with the septic betterment program flow chart diagram and a simple first draft of the loan application form to be completed and submitted by the homeowner with the blind evaluation criteria and the points for prioritizing. The other forms included were Assessors and Treasurer Collector forms. Included was a draft checklist for a complete application package and all of the questions were put together on a spread sheet.

The Board asked to add the soil evaluation and it must be owner of record and cannot use anything prior to 1995 per State regulations. Anything 1995 to the present must be witnessed by a Board of Health agent or designee.

Ms. Keefe asked the Board to give any other additions, changes, or exclusions after their review.

## **OTHER BUSINESS**

The Administrative Invoice were reviewed and approved.

## **ADJOURNMENT**

Adjournment at 6:52pm.

## **LIST OF DOCUMENTS PRESENTED**

*Sodium (Salt) in Drinking Water Fact Sheet- MA Department of Public Health/ Bureau of Environmental Health.*

*10 Grasshopper Lane Well Water Lab Report- June 27, 2018*

*10 Grasshopper Lane Well Water Gross Alpha Lab Report- May 18, 2018*

*10 Grasshopper Lane Abutter Letter*

*10 Grasshopper Lane As-Built Review*

*Scituate Private Well Regulation*

*Draft of Betterment Program Questions*

*Draft of Town of Scituate Betterment Application*

*Draft of Town of Scituate Betterment Application Cover Sheet*

*Draft of Town of Scituate Evaluation Criteria Betterment Program*

*Draft of Town of Scituate Treasurer/Collector Form for Betterment Program*

*Draft of Town of Scituate Assessors Form for Betterment Program*

*Draft of Town of Scituate Flow Diagram for Betterment Program*

*Draft of Town of Scituate Homeowner Checklist for Betterment Program*