

**Scituate Board of Health Meeting
Monday, August 27, 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, Assistant Director, Public Health

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

Mr. Whyte called the meeting to order at 6:07 p.m.

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

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

SCHEDULED ITEMS

Discuss/Vote: Non-Compliance of Failed Septic System, 17 Ocean Ave, Murphy

Ms. Keefe informed the Board she received a septic repair plan in April 2016 for this property with an existing cesspool that had discharged to the ground surface. The owners hired an engineer and submitted the plan in April 2016 after working through a design plan with the engineer. However, the plan was never finalized. Ms. Keefe sent a letter to the owners giving them one year to upgrade in June 27, 2017 and it was signed for in July 2017. The owner came in a couple months ago and asked Ms. Keefe what his options were for getting the system repaired. The owner did not believe his septic system was in failure and Ms. Keefe suggested he reach out to a Title 5 inspector. Ms. Keefe had not heard from the owners, or received a Title 5 report and the one year deadline was approaching. Ms. Keefe sent a letter on July 19, 2018 indicating that the Board would discuss at this meeting if they had not finalize the septic plan. It was unaccepted on August 17, 2018 and returned to the Board of Health.

The Board suggested hand serve a letter to the owners and giving them a second opportunity.

A motion was made and seconded with both in favor to hand serve a letter to the owners of 17 Ocean Ave regarding the failed septic system and notifying them the Board will discuss on September 24, 2018.

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

Mr. Mark Caesar, the owner of 10 Grasshopper Lane attended the meeting. At the last meeting, the Board requested he seek a filter system for his private well to address the sodium levels. Mr. Caesar indicated he did what the Board asked and contacted MassDEP for their advice on filters. He indicated that both professional filtration companies and MassDEP agreed that filtering sodium at a high flow rate is not a practical solution due to the fact of a high reject rate. The high flow (a pump to the well) is not a good solution since there is a rejection rate of 80% and discharged at a higher sodium level. He did get prices which are very expensive and he would need a large storage tank to filter with an underground well and therefore not a practical solution. Mr. Caesar said he gave Joseph Cerutti, from MassDEP, his water samples and asked him to review to determine if it will be harmful to the public health. Mr. Cerutti responded back, and in his opinion, for drinking water the

well would be fine with this level of sodium since most municipal communities have sodium content above the 20 mg parameter. Mr. Caesar also did web searches and looked at the towns of Abington, Hingham, Weymouth, Duxbury and Hanover which range from 50-120 milligrams for sodium. He also submitted reports for Plymouth, Acton, Brockton, Cohasset, Marshfield and MWRA with ranges from 30-120. Mr. Caesar indicated that the 20 mg is dedicated to the small % of population that cannot consume salt. Mr. Caesar feels he has satisfied the variance requirement to prove his variance would have no effect on public health or the environment.

Ms. Keefe reviewed the packet of information provided and was grateful to see Joe Cerutti's input since he was helpful with the Board creating the private well regulation. Mr. Cerutti also kept Ms. Keefe in tune with the state guidelines. Ms. Keefe said that given all of the information provided, she has no concerns for the variance request. The Board asked if there will be any limitations. Ms. Keefe doesn't have any particular limitations and suggests giving the variance for sodium only.

There was a motion made and seconded with both in favor to grant the requested variance from the water quality requirements of the Town of Scituate Private Well Regulation for sodium only. The variance may be revoked or suspended in accordance with the regulation if conditions change.

Discuss/Vote: Non-Compliance of Failed Septic System, 1 Tilden Ave, Power

Ms. Keefe gave an update on 1 Tilden Road. Ms. Keefe said this residence was before the Board a couple of times in the past. This property has a fifty five gallon drum beneath the ground surface acting as a cesspool and has been out of compliance since 2015. The occupant of the home appeared in front of the Board and is one of several family members who had or has ownership. The occupant presented inconsistencies as to whether or not he is the owner or not. The Board at that time asked him to rectify whether he is or isn't an owner of the property. At the March 26, 2018 Board meeting the Board voted to have the owners submit a proposed septic system design plan to the Board of Health for review within 45 days of this hearing. Upon the conclusion of the Board of Health review and issuance of the associated septic system construction permit, the owner is required to have the proposed system installed within 45 days by an installer licensed in the Town of Scituate. The owner had a total of 90 days from the date of that hearing, excluding Board of Health review period, to bring the septic system serving the dwelling at 1 Tilden Avenue into compliance with 310 CMR 15.000, the State Environmental Code, Title 5. If the schedule was not met, the Board of Health may initiate enforcement actions.

Ms. Keefe said the 90 days plus time has passed and to date there has not been any septic plan submitted and no communication with the letters she had sent. Ms. Keefe has sent many letters to the owner and occupant- August, 31, 2015 was signed and picked up, December 11, 2015 was signed and picked up; August 17, 2017 was not signed; hand served a letter to the owner and occupant on December 18, 2017; letter sent January 24, 2018 was signed and picked up; March 27, 2018 was signed and picked up and July 31, 2018 was signed and picked up. Ms. Keefe said they are well aware and her recommendation is to move to a condemnation hearing.

A motion was made and seconded with both in favor to schedule hearing on September 24, 2018 to determine if the dwelling at 1 Tilden Avenue is unfit for human habitation that may result in a condemnation order in accordance with 105 CMR 410.000, the State Sanitary Code, Chapter II.

Ms. Keefe will have the letter hand served to the occupant and owner.

Discuss/Vote: Massachusetts State Sanitary Code, Chapter II violations, 32 Turner Road, Galluzzo

Ms. Keefe informed the Board that she has sent two letters to the home owner in May and one again in July regarding a minor violation of multiple rubbish containers not properly covered and not removed since May 26th when it was brought to the Board of Health's attention. Ms. Keefe has tried to reach out to home owners to

remove the rubbish which can attract pests and affect the other properties around it. They signed for the first letter but not the second letter, and have not done anything about the rubbish.

A motion was made and seconded with both in favor to order the homeowners (or occupant(s)) to remove the existing garbage and rubbish from the property within 24 hours and to properly store garbage and rubbish in secured containers at all times. Ms. Keefe will have the letter hand served.

NEW BUSINESS

Director's Report

Ms. Keefe reported there were six food inspections including two re-inspections between July 22nd and July 24th. The critical violations include food or equipment not maintaining at the proper temperature, dirty ice machines, and dirty meat slicers. Inspections were conducted last week at a large temporary food event for the SS Peer Recovery.

We have three nuisance cases with one more from last meeting including the one discussed tonight on Turner Road.

There are 24 private well applications being reviewed.

The pool and beach season is coming to an end. The last beach sampling will occur tomorrow and the results posted on Wednesday. If the sampling is okay this will be the last testing for the season. If any are elevated, she will resample.

There are three housing cases that are unchanged from the last meeting.

There are two new septic plans since August 1st and one revised plan received on August 20th. There were 10 permits issued today for septic systems.

There is one outstanding operation and maintenance repair which is unchanged from last time meeting. There are two outstanding operation and maintenance contracts with one exceeding the deadline. There is one failed system since the last meeting with a second failed system repaired and installed today.

OLD BUSINESS

Discuss: Septic Betterment Program

The Board reviewed the questions and answers from the State regarding their questions on the States betterment program guidelines.

Mr. McDonough, 41 Utility Road attended the meeting and had nothing to add.

OTHER BUSINESS

Administrative Invoices were reviewed and approved

The meeting Minutes from May 30, 2018, June 11, 2018, and June 25, 2018 were tabled until the next meeting.

Adjournment at 6:44pm

LIST OF DOCUMENTS PRESENTED

Copy of letters to owners, 17 Ocean Ave, June 27, 2017 and July 18, 2018

Copy of letters to owner and occupant, 1 Tilden Ave, August, 31, 2015 December 11, 2015 August 17, 2017 December 18, 2017; January 24, 2018 March 27, 2018 and July 31, 2018

Copy of letters to owner, 32 Turner Road, May 26, 2018 and July 31, 2018.

Copy of documentation submitted by Mr. Caesar for 10 Grasshopper Lane; letter from Mr. Caesar requesting a variance, municipal drinking water quality reports from Plymouth, Acton, Brockton, Cohasset, Marshfield and MWRA, approximate estimate for desalinate and pump, email from Mr. Cerutti, MassDEP, environmental fact sheet for sodium and chloride in drinking water, and water sample labs.

Copy of the septic betterment program summary of questions with state answers and updated application materials.